TRANSMITTAL TO CITY COUNCIL

Case No.(s)	Planning Staff Name(s)	Contact No.	C.D. No.
CPC-2007-3888-CU-ZV-SPR	FRANK QUON	818-374-5036	6

Items Appealable to Council:	Last Day to Appeal:	Appealed:
CU-ZV-SPR	MAR 16 2010	Yes ☑ No ☐

Location of Project (Include project titles, if any.)

9227 N. TUJUNGA AVENUE

Name(s), Applicant / Representative, Address, and Phone Number.

WASTE MANAGEMENT RECYCLING
& DISPOSAL SERVICES OF CALIFORNIA, INC.
DOUG CORCORAN
9227 TUJUNGA AVENUE
SUN VALLEY, CA 91352
818-252-3147

ARMBRUSTER, GOLDSMITH & DELVAC, LLP
DALE GOLDSMITH
10940 WILSHIRE BLVD. SUITE 2100
LOS ANGELES, CA 90024
310-209-8800

Name(s), Appellant / Representative, Address, and Phone Number.

WILLIAM BLINKY RODRIGUEZ
8743 BURNET AVE.
NORTH HILLS, CA 91343
818-768-2014

APPELLANT #5

Final Project Description (Description is for consideration by Committee/Council, and for use on agendas and official public notices. If a General Plan Amendment and/or Zone Change case, include the prior land use designation and zone, as well as the proposed land use designation and zone change (i.e. "from Very Low Density Residential land use designation to Low Density land use designation and concurrent zone change from RA-1-K to (T)(Q)R1-1-K). In addition, for all cases appealed in the Council, please include in the description only those items which are appealable to Council.)

Bradley West Transfer Station/Materials Recycling Facility: Construction and operation of a new enclosed Transfer Station/Materials Recycling Facility, that will receive, sort, consolidate and prepare municipal solid waste and commercial/ residential recyclable materials for transport to other regional landfills and recycled materials processing facilities. A Transfer Station building of 104,960 square-feet and a 2-story office building of 3,600 square-feet, approximately 26.2 feet in height, are proposed. The Transfer Facility will accept up to 4,000 tons per day and the Materials Recycling Facility will accept 1,000 tons per day. The facility will utilize the existing scale facility and existing driveway from Tujunga Avenue that previously served the closed landfill. The project encompasses approximately 11.86 acres, with an additional 2.14 acres for entrance road and scale facilities, for a project total of 14 acres within a parcel of land totaling 99.36 acres.

Bradley East Green and Wood Waste Processing Station: Operation of an unenclosed green and wood waste processing station (variance expired April 14, 2007) to include an increase from 1,260 tons per day to 2,500 tons per day. The facility will utilize the existing scale facility and existing driveway from Tujunga Avenue that previously served the closed landfill. The project encompasses approximately 13.25 acres, with an additional 1.25 acres for the entrance road, for a project total of 14.5 acres within a parcel of land totaling 148.36 acres.

Fiscal Impact Statement *Determination states administrative costs are recovered through fees.	Environmental No.	Commission Vote:
Yes ☑ No ☐	ENV-2001-3267-EIR	5-0

JAMES WILLIAMS, Commission Executive Assistant I

Date: MAR 18 2010

MASTER APPEAL FORM

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: CPC-2007-3888-CU-ZV-SPR, ENV-2001-3267-EIR

PROJECT ADDRESS: 9227 N. Tujunga Avenue, Sun Valley, CA 91352

FINAL DATE TO APPEAL: March 16, 2010

TYPE OF APPEAL:

1. ☐ Appeal by Applicant
2. ☑ Appeal by a person, other than the applicant, claiming to be aggrieved
3. ☐ Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: William "Blinky" Rodriguez

- Are you filing for yourself or on behalf of another party, organization or company?

☑ Self ☐ Other: _____

Address: 8743 Burnet Avenue

North Hills, CA Zip: 913443

Telephone: (818) 891-9399 E-mail: brodriguez@cisgla.org

- Are you filing to support the original applicant's position?

☑ Yes ☐ No

REPRESENTATIVE INFORMATION

Name: N/A

Address: _____

Zip: _____

Telephone: _____ E-mail: _____

This application is to be used for any appeals authorized by the Los Angeles Municipal Code for discretionary actions administered by the Department of City Planning.

CPC 2007 3888

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

☑ Entire ☐ Part

Your justification/reason must state:

- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
  - Master Appeal Form
  - Justification/Reason for Appealing document
  - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
--CA Public Resources Code § 21151 (c)

I certify that the statements contained in this application are complete and true:

Appellant Signature: William Blinky Dr Lugus Date: March 16, 2010

Planning Staff Use Only

Amount $ 89.00	Reviewed and Accepted by James E. Comer	Date 03-16-10
Receipt No. 279195	Deemed Complete by Rick Torres	Date 3-16-10

☐ Determination Authority Notified ☐ Original Receipt and BTC Receipt (if original applicant)

William "Blinky" Rodriguez

Justification for Appeal

CPC 2007-3888-CU-ZV-SPR
ENV-2001-3267-EIR

Reason for Appeal: I disagree strongly with the Planning Commission's decision to deny Waste Management's land use entitlement requests.

Specific points at issue: The CPC is wrong in concluding that this project would not benefit our community. Just the jobs that would be preserved is reason enough to make this project workable in Sun Valley. I do not believe for a second that all the environmental issues raised cannot be mitigated. And Waste Management is willing to invest the money into mitigating those issues. So why shouldn't this project be built as long as the mitigations are addressed as they have been in the EIR?

How I am aggrieved by the decision: I am aggrieved to watch a good recycling center project be denied. If a project that has gone through as much scrutiny as this one is disapproved, how do we convince other good corporations to come to Los Angeles and invest here?

The decision makers erred: The decision makers focused way too much on only the negative impacts in their deliberations. I believe that equal time should have been used to discuss the positive benefits of having a state-of-the-art recycling facility in the San Fernando Valley that will provide good decent jobs for our community.

CPC 2007 3888
CPC 2007 3888
CPC 2007 3888

Los Angeles CITY PLANNING COMMISSION

200 N. Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.lacity.org/PLN/index.htm

Determination Mailing Date: FEB 2 4 2010

CITY COUNCIL
Room 395, City Hall

CASE NO. CPC 2007-3888-CU-ZV-SPR
Location: 9227 N. Tujunga Avenue
Council District: No. 6
Plan Area: Sun Valley-La Tuna Canyon
Request(s): Conditional Use, Variance, Site Plan Review

Applicant: Doug Corcoran, Waste Management Recycling & Disposal Services of California, Inc.
Representative: Dale Goldsmith, Armbruster, Goldsmith and Delvac

At its meeting on December 17, 2009, the following action was taken by the City Planning Commission:

1. **Disapproved** the **Conditional Use** to permit a Recycling Materials Sorting Facility in the M and MR Zones when the facility is not in compliance with the following conditions set forth in Section 12.21 A 18 (e):
   a. Locate a recycling materials sorting facility within 1,000 feet of a more restrictive zone;
   b. Operate a recycling materials sorting facility beyond the hours of 7 A.M. to 8 P.M.;
2. **Disapproved** the **Variance** to permit the operation of a solid waste transfer station in the M Zone within 500 feet of a more restrictive zone;
3. **Disapproved** the **Variance** to permit the operation of a wood/green material chipping and grinding facility in an unenclosed facility within the M Zone;
4. **Disapproved** the **Site Plan Review** for a project having more than 50,000 square feet of non-residential floor area;
5. **Disapproved** Environmental Impact Report No. ENV-2001-3267-EIR and **Disapproved** of the proposed Mitigation Monitoring Program, Statement of Overriding Considerations, and the required findings for the adoption of the EIR, for the above referenced project involving the construction and operation of a new enclosed Transfer Station/Materials Recycling Facility, that will receive, sort, consolidate and prepare municipal solid waste and commercial/ residential recyclable materials for transport to other regional landfills and recycled materials processing facilities that will accept up to 4,000 tons per day and 1,000 tons per day, respectively and the expansion of an unenclosed green and wood waste processing station to include an increase from 1,260 tons per day to 2,500 tons per day;
6. **Adopted** the attached Findings; and
7. **Advised** the applicant that, pursuant to California State Public Resources Code Section 21081.6, the City shall monitor or require evidence that mitigation conditions are implemented and maintained throughout the life of the project and the City may require any necessary fees to cover the cost of such monitoring.

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

This action was taken by the following vote:

Moved	Seconded	City Planning Commission	Yes	No	Absent
☐	X	William Roschen, President	☐	☐	☐
X	☐	Regina M. Freer, Vice President	☐	☐	☐
☐	☐	Diego Cardoso, Commissioner	X	☐	☐
☐	☐	Sean O. Burton, Commissioner	X	☐	☐
☐	☐	Robin R. Hughes, Commissioner	☐	☐	X
☐	☐	Barbara Romero, Commissioner	☐	☐	X
☐	☐	Fr. Spencer T. Kezios, Commissioner	X	☐	☐
☐	☐	Yolanda Orozco, Commissioner	☐	☐	X
☐	☐	Michael K. Woo, Commissioner	☐	☐	X

Vote: 5 - 0

James K. Williams, Commission Executive Assistant
City Planning Commission

Appeals: **If the Commission has disapproved the *(e.g., zone change)* request, in whole or in part, the applicant may appeal that disapproval to the Council within 20 days after the mailing date of this determination. Any appeal not filed within the 20-day period shall not be considered by the Council. All appeals shall be filed on forms provided at the Planning Department's Public Counters at 201 N. Figueroa Street, Fourth Floor, Los Angeles, or at 6262 Van Nuys Boulevard, Suite 251, Van Nuys.**

MAR 16 2010
Final Appeal Date

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedure Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

Attachments: Findings
Frank Quon, Hearing Officer

FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the area covered by the Sun Valley-La Tuna Canyon Community Plan, updated and adopted by the City Council on August 13, 1999. The existing Plan designates the subject property as Light Industrial and Heavy Industrial with corresponding zones of MR2 and M2, and M3, respectively. The existing M2-1-G, [T][Q]M2-1-G, [T][Q]M2-1, M3-1-G, and [T][Q]M3-1-G zones are consistent with the existing land use designations. The proposed use with the requested entitlements is not in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted community plan.

2. **General Plan Text.** The Sun Valley-La Tuna Canyon Community Plan text identifies that, *"Exhausted mining operations include CalMat's Trout/Schweitzer Pond and Peoria Street Site, Los Angeles By-Products Company's Strathern Street Site and the Bradley Landfill. Both the Peoria Street Site and the Strathern Street Site are being filled with inert landfill material. It is projected that the Bradley Landfill will be filled by the year 2003. Once filled, the site will be converted into a state-of-the-art recycling center - the "Sun Valley Recycling Park of Los Angeles".* Further the text includes the following relevant land use goals, objectives, policies and programs:

Goal 6 SUFFICIENT LAND FOR A VARIETY OF INDUSTRIAL USES WITH MAXIMUM EMPLOYMENT OPPORTUNITIES FOR THE COMMUNITY'S WORK FORCE FOR THE ENVIRONMENT AND WHICH HAVE MINIMAL ADVERSE IMPACT ON ADJACENT USES.

Objective 3-1 *To provide for the retention of existing industrial uses and promote future industrial development which contributes to job opportunities and minimizes environmental and visual impacts.*

Policy 3-1.1 *The City should utilize land use, zoning, and financial incentives to preserve the economic viability of the Plan's existing industries.*
Program: *The Community Plan provides for the retention of existing industrial development.*
Program: *A portion of Sun Valley-La Tuna Canyon is included within the federal empowerment zone. Businesses within the zone are eligible for a $3,000 per employee tax credit.*
Program: *The City has prepared a Preliminary Plan for the proposed Northeast San Fernando Valley Project Redevelopment Plan. The proposed project boundaries include Glenoaks Boulevard, San Fernando Road, Laurel Canyon Boulevard, Lankershim Boulevard, and Tuxford Street.*

Policy 3-1.2: *Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses in accordance with design standards.*
Program: *The Plan includes an Urban Design component which establishes Design Standards for industrial development to implement this policy.*

Policy 3-1.3: *Adequate mitigation should be achieved through design treatments and compliance with environmental protection standards, for industrial uses where they adjoin residential neighborhoods and commercial uses.*
Program: *The Plan establishes design standards for industrial development, including industrial/residential interface areas. The decision-maker for specific projects should condition any approval within these guidelines. Environmental*

protection standards and health and safety requirements are enforced by other public agencies.

Objective 3-2 *To encourage the conservation and strengthening of viable industrial development throughout the plan area.*

Policy 3-2.1: *Industrially planned parcels located in predominantly industrial areas should be protected from development by other uses which do not support the industrial economic base of the City and the community.*
Program: *The Community Plan and City's Planning and Zoning Code administered by the Department of City Planning and the Department of Building and Safety contain provisions to maintain industrially designated areas for industrial uses.*

Objective 3-3 *To assure mitigation of potential negative impacts generated by industrial uses when they are located in proximity to residential neighborhoods, the Plan proposes design guidelines for new industrial uses when so located.*

Policy 3-3.1: *Encourage new industrial uses adjacent to residential neighborhoods to mitigate their impact on the residential neighborhoods to the extent feasible.*
Program: *New development of industrial uses located adjacent to residential neighborhoods shall comply with the Industrial/ Residential design guidelines found in the Urban Design Chapter (Chapter V, Section I. B. 1) of this Plan.*

The project will meet the above policies and programs of the Sun Valley-La Tuna Canyon Community Plan by providing direction for the subject property, Bradley Landfill to transition into a state of the art recycling facility for which is requested by the applicant. The opportunity for implementing the community plan will become realized with the subject application.

The proposed project is located adjacent to other heavy industrial uses that perform waste management services. The project furthers the general plan policies of retaining the existing business and transitioning the site to a recycling facility. Commerce in the Sun Valley neighborhood is salvaged with the implementation of the project. Program incentives for industrial uses offered by the Los Angeles State Enterprise Zone is available for the subject proposal. The latest city records indicate no currently active redevelopment overlay zone for the subject property.

The project also is consistent with industrial uses that dominant the area and the land use plan of the Sun Valley – La Tuna Canyon Community Plan. Retention of the land use designation provides preservation of the industrial nature of the immediate area as intended by the plan. Implementation of as much of the design guidelines for new industry will be achieved by required conditions of approval.

3. **Housing Element**

Phase I and II would not conflict with any applicable policies of the City of Los Angeles Housing Element and would implement a number of those policies. A new landfill would not be created as a result of the Project. The uses immediately surrounding the landfill are other industrial and commercial uses. While two residences are located within 500 feet of the landfill expansion operations, they are considered legal non-conforming uses. A residential zone is however, located approximately 350 feet from the boundary of the property line and 1,400 feet from the expansion operations. The placement of the new TS/MRF approximately 700 feet from the nearest residential use provides an adequate health-based buffer zone. (Policy 2.3.5)

Section 5.4 of the EIR discusses potential adverse impacts to groups of individuals based on their race and/or income level. In general, the preparation of the EIR has been completed in a manner that attempts to disclose all the potentially significant impacts of the Project and thereby treats all residents fairly. Individuals living within three miles of the Bradley Landfill were notified by mail of the Project and a Community Advisory Group was formed to provide input to Waste Management regarding the concerns and opinions of the community. The Notice of Availability of the Draft EIR to the public for comment was provided in accordance with Section 15087 of the State CEQA Guidelines. (Policy 3.1.7)

4. **Noise Element**

Phase I would not conflict with any applicable policies of the City of Los Angeles Noise Element. Noise monitoring is performed at the gas plant and recycling facilities.[1] Phase I activities would include constructing the new TS/MRF and expansion of the existing MRF and green and wood waste operations. Phase I would also include the continued conversion of the trash trucks to low emission alternatives. Increased noise levels may be generated during construction activities; however, due to compliance with the City Noise Ordinance and the distance between the location of the construction activities and the nearest sensitive receptors, any potential noise increase would be less than significant (see Section 4.5, Noise). Conversion of the trash trucks to a low emission alternative would not generate additional noise impacts.

Under Phase II of the Project, noise impacts would be generated by the trash trucks entering/exiting the Project site, the operation of the flares, generators, and any construction equipment required to establish the final contours of the landfill. Mitigation measures have been identified in Section 4.5, Noise, for any noise impacts which may be potentially significant. (Policy 2.2)

5. **Air Quality Element**

Phase I and II of the Project would not conflict with any applicable policies of the City of Los Angeles Air Quality Element. During activities associated with the construction of the TS/MRF, particulate emissions may be generated (e.g., dust from grading). Construction-type activities associated with the closure of the existing landfill, including installation of final cover; planting of vegetation on all slopes; and constructing surface water control features, would also have the potential to generate particulate emissions. During these operations, mitigation measures would be implemented and Tier III engines will be used by the contractor to reduce the amount of particulate emissions generated. These measures are listed in Section 4.4, Air Quality, under the Mitigation Measures headings. (Policy 1.3.1)

Fugitive dust would be generated by trucks driving on the landfill and on the streets surrounding the landfill. Measures to control particulate emissions from these activities (e.g., watering truck routes on the landfill and street sweeping) are in place and will be continued under the Project. These procedures would not change and no new particulate emission impacts are anticipated. See Section 4.4, Air Quality, for a detailed discussion of air quality impacts associated with Phase I of the Project. (Policy 1.3.2)

Waste Management has been using ultra low sulfur diesel fuel in all of the collection and transfer trucks since November 2005. As part of Phase I the current refuse collection trucks will continue to either be converted to or replaced by a low emission alternative. This would reduce the amount of energy consumed and would shift the type of fuel consumed to a less

1/ Waste Management, Bradley Landfill & Recycling Center's Report of Disposal Site Information, August 2002.

polluting and renewable energy source. The Sun Valley Hauling fleet collection and transfer trucks will also utilize B5 biodiesel (or an equivalent CARB-approved low emission alternative fuel). The use of biodiesel reduces petroleum dependence. (Policy 5.1.2)

During Phase I, construction of a new TS/MRF and expansion of the existing green waste facility would occur. These facilities would be utilized upon completion of existing landfill operations (2007) and would allow for increased amounts of recycling and reuse to occur. (Policy 5.1.4) Under Phase II of the Project, the new MRF and the expanded greenwaste facility would be fully operational and the landfill would be closed. All loads entering the new MRF would be sorted and the residual trash sent to other area landfills. The new MRF would accept up to 1,000 tpd and the green and wood waste area would accept 2,500 tons tpd. (Policy 5.1.4)

Waste Management has been using ultra low sulfur diesel fuel in all of the collection and transfer trucks since November 2005. During Phase II of the Project, the current refuse collection trucks would continue to be converted to or replaced by low emission alternatives and/or would be modified with devices such as diesel PM_{10} traps to reduce the amount of emissions generated (see Mitigation Measure 4.4-7 in Section 4.4, Air Quality). The Sun Valley Hauling fleet collection and transfer trucks will also utilize B5 biodiesel (or an equivalent CARB-approved low emission alternative fuel). The use of B5 biodiesel will further reduce the amount of air emissions (e.g., particulate matter and CO_2) generated under the Project. Therefore, emissions generated by the operation of the trash trucks would be reduced during Phase II. (Policy 5.2.1)

6. **Transportation Element**

Phase I of the Project would not conflict with any applicable policies of the City of Los Angeles Transportation Element. While telecommuting and teleconferencing are not viable options for a majority of employees at the Bradley Landfill due to the nature of the work, employees do work a variety of shifts in order to satisfy the needs of the BLRC. This allows the employee trips to be spread out over the course of the day instead of lumped into one or two time periods. No change in the existing procedures regarding work hours is anticipated as a result of construction activities associated with the new TS/MRF, or the expansion of the existing MRF, and green and wood waste operations. (Policy 2.7) During Phase II of the Project, some activities would be occurring 24 hours, six days a week. Since activities would be occurring throughout a 24-hour time period, employee arrival and departures would be staggered throughout the day reducing the number of employee trips during peak traffic hours. (Policy 2.7)

A traffic analysis was completed in order to address potential impacts associated with implementation of Phase I of the Project. The recommendations of the traffic analysis have been included in the EIR as mitigation measures in order to reduce potentially significant traffic impacts. Further discussion of traffic impacts can be found in Section 4.3, Transportation/Circulation. A copy of the traffic report can be found in Appendix E. (Policies 2.8 and 3.1)

As identified in the traffic report, the Applicant would be required to contribute towards funding the City of Los Angeles' expanded signal system improvement where traffic signals are interconnected and known as the Automated Traffic Surveillance and Control (ATSAC)/Automated Traffic Control System (ATCS) at San Fernando Road and Sheldon street. This contribution would help the City actively support intelligent traffic systems. Funding of this system would reduce the potential traffic impacts associated with Phase II of the Project to the maximum extent feasible. (Policy 2.35)

Waste Management has been using ultra low sulfur diesel fuel in all of the collection and transfer trucks since November 2005. As part of the Phase I operations and continued into Phase II the fleet of refuse collection trucks owned by Waste Management will continue to either be converted to a low emission alternative and/or modified with devices such as diesel PM10 traps to reduce the amount of emissions generated. The Sun Valley Hauling fleet collection and transfer trucks will also utilize B5 biodiesel (or an equivalent CARB-approved low emission alternative fuel). The use of B5 biodiesel will further reduce the amount of air emissions (e.g., particulate matter and CO2) generated under the Project. (Policies 2.36 and 2.37)

The criteria for significance used in the EIR are the standard ones utilized by the City of Los Angeles to determine traffic impacts. While traffic impacts associated with Phase I and II of the Project were identified, none of these direct impacts would remain significant with incorporation of the identified mitigation measures. In order to determine the future traffic levels for 2007, 2008, and 2012 (Project phases), traffic from known related projects was added. In order to account for general increases in traffic, a 2% growth factor per year was included. Therefore, the discussion of traffic impacts includes cumulative traffic impacts. With the implementation of the Project-specific traffic mitigation measures, cumulative traffic impacts would also be less than significant. Additionally, none of the impacted intersections are located within residential neighborhoods. (Policy 3.2)

The Project's consistency with the Congestion Management Plan (CMP) was analyzed as part of the traffic analysis. The Project's impacts on the freeway segments utilized by the BLRC's trucks were analyzed and it was determined that the Project would not significantly impact any CMP facilities. A detailed description of the CMP analysis performed for Phase I and II of the Project can be found in Section 4.3. (Policy 3.3)

Mitigation measures were identified which reduce significant traffic impacts at the three specified intersections. In some instances, the resulting conditions at these intersections, after implementation of the mitigation measures, would be better because of the Project. (Policy 3.11)

Section 5.4 of the EIR discusses the potential for disproportionate adverse impacts to groups of individuals based on their race and/or income level. Individuals living within three miles of the Bradley Landfill were notified by mail of the Project and a community advisory group was formed to provide input to Waste Management regarding the concerns and opinions of the community. The Notice of Availability of the Draft EIR to the public for comment was provided in accordance with Section 15087 of the State CEQA Guidelines. (Policy 7.3)

7. **Conservation Element**

Phase I and II of the Project would not conflict with any applicable policies of the City of Los Angeles Conservation Element and would implement a number of those policies as discussed in the EIR. (See DEIR, p. 4.2-25.)

8. **Safety Element**

Phase I and II of the Project would not conflict with any applicable policies of the City of Los Angeles Safety Element. The Bradley Landfill is a Class III landfill and does not accept hazardous materials. The landfill has procedures in place which ensure that hazardous materials are not disposed of at the landfill. These procedures would remain the same. During construction of the new TS/MRF, all applicable federal, State, and local laws and

regulations would be adhered to with respect to the use and disposal of hazardous materials and wastes (e.g., paints, solvents, etc). (Policy 1.1.4)

9. **Framework Element Findings**:

Land Use

GOAL 3J - INDUSTRIAL GROWTH THAT PROVIDES JOB OPPORTUNITIES FOR THE CITY'S RESIDENTS AND MAINTAINS THE CITY'S FISCAL VIABILITY.

Objective 3.14 *Provide land and supporting services for the retention of existing and attraction of new industries.*

Policy 3.14.8 *Encourage the development in areas designated as "Industrial-Heavy" of critical public facilities that are necessary to support the needs of residents and businesses but normally are incompatible with residential neighborhoods and commercial districts, such as corporate yards.*

Policy 3.14.9 *Initiate programs for lot consolidation and implement improvements to assist in the retention/expansion of existing and attraction of new industrial uses, where feasible.*

Approval of the BLRC project will retain employment in the region once held by the same employer prior to expiration of the previous Landfill entitlement. Growth of a cleaner, high tech waste and materials sorting and processing facility is within the community plan policies and consistent with retention of the subject project. The TS/MRF and GWWWRF will be consistent with the heavy industrial use that is critical of the public needs, yet are controversial in terms of its use within a distance of residential uses. This is a typical reaction from the public where a waste handling facility is proposed. The BLRC has undergone extensive scrutiny within the public process. Programs offered to the industrial and commerce via the Community Development Department who oversees the State Enterprise Zone/ Employment and Economic Incentive Program Area. Such overlay Zone will provide programs for consolidation and retention of these uses.

Wastewater

GOAL 9A - ADEQUATE WASTEWATER COLLECTION AND TREATMENT CAPACITY FOR THE CITY AND IN BASINS TRIBUTARY TO CITY-OWNED WASTEWATER TREATMENT FACILITIES.

Objective 9.2 *Maintain the wastewater collection and treatment system, upgrade it to mitigate current deficiencies, and improve it to keep pace with growth as measured by the City's monitoring and forecasting efforts.*

Policy 9.2.1 *Collect and treat wastewater as required by law and Federal, State, and regional regulatory agencies.*

Wastewater generated by BLRC and stormwater runoff from the Project site are collected and treated as required by local, State, and federal agencies. Under Phase II of the Project, wastewater from the closed landfill would continue to be collected and treated as prescribed in the Industrial

Wastewater Permit. Stormwater and irrigation runoff would be retained on site.

Objective 9.3 *Increase the utilization of Demand Side Management (DSM) strategies to reduce system demand and increase recycling and reclamation.*

Policy 9.3.1 *Reduce the amount of hazardous substances and the total amount of flow entering the wastewater system.*

BLRC does not accept hazardous wastes for disposal. Trucks entering the landfill are screened to ensure the loads do not contain hazards materials/waste. Water runoff from irrigation and/or storm events is primarily contained on-site and handled in accordance with all applicable laws and regulations. Wastewater (leachate) and landfill gas condensate generated by the landfill is collected and treated as necessary prior to disposal into the sewer system.

Objective 9.9 *Manage and expand the City's water resources, storage facilities, and water lines to accommodate projected population increases and new or expanded industries and businesses.*

Policy 9.9.7 *Incorporate water conservation practices in the design of new projects so as not to impede the City's ability to supply water to its other users or overdraft its groundwater basins.*

BLRC utilizes water conservation principles in its day-to-day operations. These principles and practices would not change with implementation. The vegetative cover that is installed is drought resistant and requires less water than other plant species. During construction of the new TS/MRF, any watering of dirt exposed during grading would be accomplished as required by the mitigation measures. Water conservation is employed in these activities to the maximum extent feasible.

POWER

GOAL 9M - A SUPPLY OF ELECTRICITY THAT IS ADEQUATE TO MEET THE NEEDS OF LOS ANGELES DEPARTMENT OF WATER AND POWER ELECTRIC CUSTOMERS LOCATED WITHIN LOS ANGELES.

Objective 9.29 *Provide electricity in a manner that demonstrates a commitment to environmental principals, ensures maximum customer value, and is consistent with industry standards.*

Policy 9.29.2 *Promote the responsible use of natural resources, consistent with City environmental policies.*

Byproducts produced from the decomposition of landfilled refuse primarily include carbon dioxide (CO2) and methane (CH4) gas which is either flared through controlled combustion or used to generate electricity. Waste Management has been using ultra low sulfur diesel fuel in all of the collection and transfer trucks since November 2005. As part of Phase I activities, the current refuse collection trucks will continue to be converted to or replaced by low emission alternatives. The Sun Valley Hauling fleet collection and transfer trucks will also utilize B5 biodiesel (or an equivalent CARB-approved

low emission alternative fuel). The use of biodiesel reduces petroleum dependence.

Policy 9.29.3 *Promote conservation and energy efficiency to the maximum extent that is cost effective and practical, including potential retrofitting when considering significant expansion of existing structures.*

The current refuse collection trucks will continue to be converted to or replaced by low emission alternatives. This would conserve existing energy sources (fossil fuels) and utilize a fuel that is renewable and more easily obtained than other fossil fuels.

Policy 9.29.7 *Encourage additional markets for electrical energy, such as environmentally friendly alternative fuel for transportation in electric buses and light-duty vehicles.*

Although Phase I would not utilize buses or light duty vehicles, it would utilize refuse collection trucks. Waste Management has been using ultra low sulfur diesel fuel in all of the collection and transfer trucks. During Phase I, the current refuse collection trucks will continue to be converted to or replaced by low emission alternatives. The Sun Valley Hauling fleet collection and transfer trucks will also utilize B5 biodiesel (or an equivalent CARB-approved low emission alternative fuel). The use of biodiesel reduces petroleum dependence and will further reduce the amount of air emissions (e.g., particulate matter and CO2) generated under the Project.

The Project would include the construction of a new TS/MRF and the expansion of the existing green waste operation that would allow continued solid waste processing services to the City of Los Angeles, thereby helping the City attain its recycling and diversion goals. This facility would also allow for solid waste to be consolidated in one location before being shipped to other landfills outside of the Sun Valley area. This would allow for the BLRC to continue providing solid waste processing services, at a slightly reduced daily tonnage capacity, without operating an active landfill on the Project site.

10. **Charter Findings:** Pursuant to Section 556 of the city Charter, the subject Conditional Use is in substantial conformance with the purposes, intent and provisions of the General Plan. The Los Angeles Municipal Code permits the filing, review, and determination of conditional use applications as outlined in Section 12.24. Provided findings of fact are made herein for the subject case action, the decision maker may act appropriately.

B. Conditional Use Findings

1. *The location of the project will not be desirable to the public convenience or welfare.*

Despite the following recitals, the Commission disapproved the requested entitlements and found that the conditional use will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the Conditional use and that the recommended conditions would address those impacts.

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, which cannot be regulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their compliance with

the California Air Quality Board (CARB) standards for waste collection trucks. These air quality impacts will affect neighboring residential population of Sun Valley. Therefore, without proper mitigation, there will not be developed in a location desirable to the public convenience and welfare.

The project will provide a public service to handle municipal solid waste generated from the city's residents. Closure of the landfill has spawned a new direction in the refuse industry that the applicant has elected to pursue. Provision of these services includes the transference of municipal solid waste after sorting activities occur. Both refuse and recyclable materials that have been sorted will be shipped to remote landfills or recycling centers for processing. Such service will provide the latest solution in MSW handling in the most efficient and recent technology to service the community. Providing this opportunity for a much needed service within the City, Waste Management can help relieve waste handling in the City of Los Angeles. Other venues in the vicinity of the north San Fernando Valley to the project site provide similar services that are converting or upgrading to similar MSW handling techniques.

The new TS/MRF will replace and be located adjacent to the closed Bradley Landfill in a heavily industrialized zone. Because of this, future users of the new facility area already familiar with the site as a destination for disposal and recycling of solid waste, making continuation of these services very convenience for local residents and businesses. The TS/MRF will be a fully enclosed state of the art facility. The building, site, and landscaping design will be aesthetically pleasing and an improvement over current aesthetic features of the area. It will also move material recycling activity that has been outside and potentially dusty to an indoor location. Additionally, the applicant has a solid waste collection facility adjacent to the new facility which will minimize collection vehicle travel distances and associated impacts on public streets. Air quality and noise. Therefore, the location of the new facility will be desirable to the public welfare.

Extended hours of operation will be equally desirable to the public convenience. Intake of materials will begin at 6:00 am and end at 8:00 pm while being respectful to neighboring sensitive uses to the south. These uses are over 300 feet from the proposed project activities. Other hours of operation and activities will extend into the evening and close all day on Sundays. The subject TS/MRF is proposed to have general operating hours from 5:30 a.m. to midnight Monday through Saturday, including preparing to accept waste for the day (which begins at 6 a.m. and ends at 8 p.m. Monday through Saturday), conducting cleaning, and performing maintenance (e.g. on the MRF equipment, the transfer station building, scales, front loaders, lift trucks, etc.). Waste sorting at the MRF, as well as outbound waste and recyclables, are proposed for 24 hours per day Monday through Saturday, and closing on Sunday. Design of the facility will lessen the noise and dust impacts. No earthmoving for landfill closure will be performed during late night or early morning hours and no intake of refuse or recyclables will be accepted as well during these hours.

2. *The proposed project will not be proper in relation to adjacent uses or the development of the community.*

The subject property is an irregular shaped parcel and has 148.36 acres. The site is occupied with a landfill (in process of closure), an inactive materials recycling facility with appurtenant equipment, and a green and wood waste recycling facility. Accessory activities on the property include environmental monitoring to meet Local, State and Federal operating requirements. Landfill gases are also collected and sold, utilized for electrical generation or combusted with flaring equipment. The property is zoned M2-1-G, [T][Q]M2-1-G, [T][Q]M2-1, M3-1-G, and [T][Q]M3-1-G, and is designated Light Manufacturing and Heavy

Manufacturing by the Community Plan. A "Refuse Collection Yard" symbol and boundary denotes the property. Further, the property is within a Los Angeles State Enterprise Zone and an Environmental Justice Improvement Area. These two designations identify that there is potentially economic incentive programs available or discretionary policy to consider.

"The first known economic use of the subject property consisted of excavation and mining activities for sand and gravel production. Landfill operations at the subject property began in, and have been ongoing since 1959. Case No. ZA 92-0002(ZV), and modifications thereof contained in Case No. ZA 94-0792(ZV), permit the development and use of the property as a non-hazardous solid waste landfill. These approvals authorized 184 of the 209 acres contained within the ownership for use as a landfill, with an average grade of 10% for the slopes and a maximum elevation of 1,010 feet. Under Case No. ZA 94-0792(ZV)(PAD), dated May 30, 1997, a review of operations was conducted and an updated, comprehensive list of applicable conditions from the two previous Zoning Administrator determinations was established. The variance applications were filed to obtain authorization for landfill operations in the M2 Zone portion of the site. These terms and conditions as well as the landfill authorization terminate April 14, 2007."[2]

Adjacent to the northwest is a City of Los Angeles Department of Water and Power transmission line right-of-way (zoned PF-1XL, designated Public Facilities), with Manufacturing uses beyond. Across Glenoaks Boulevard to the northeast is a landfill use zoned A1-1XL-G, designated by the Plan as Open Space with a Surface Mining icon. Across Tujunga Avenue, Peoria Street and Bradley Avenue on the east is an automobile wrecking yard and a recycled rock materials business, zoned M3-1-G and designated Heavy Manufacturing. To the south is a concrete manufacturing facility zoned M3-1-G, and the Southern Pacific Railroad/Metrolink rail line on the west zoned PF-1XL and designated Public Facilities. San Fernando Road with various commercial uses are established beyond. On the west, single family homes and a trucking company are situated on properties zoned [T][Q]M2-1 and designated Heavy Manufacturing.

The TS/MRF will be 57 feet tall at its highest measurement; however, its predominant height is 41 feet throughout the majority of the building. An office portion will be 2 stories and 26 feet high. The loading dock at the north and west elevations show the full height of this building. The building will be approximately 53 feet by 220 feet, with appendages that house the administration/employee facilities and extended warehouse on its south and north elevations, respectively.

Vehicles arriving from to the TS/MRF facility will be directed into an access road loop around the proposed facility. The facility will provide 2 parking lots with a total of 63 passenger vehicle parking spaces adjacent to the building's southwest side. Trucks delivering waste will enter the building on the west side and unload refuse in the unloading area (tipping floor). Waste will be sorted for export to disposal sites from recyclable materials. Incoming recyclables will be sorted and readied for export as well. All loading and unloading and processing activities will be within the building. Once materials are sorted, recyclables and refuse will be packed and loaded onto trucks waiting at a loading dock to the east for transference to appropriate destinations. Exiting trucks will leave the building on the east side. As processing occurs, the interior of the building is maintained with a negative air pressure to contain and treat odors prior to air cleaning and release into the atmosphere. Up to 6 times the volume of air within the building is treated during each hour. The application notes that the air cleaning process includes filtration and deodorization within the misting system to be employed on the rooftop.

2 Reference: Case No. ZA 94-0792(ZV)(PA1), Determination Letter June 2, 1998, Discussion, page 8.

The proposed capacity of the new WT/MRF facility will be 4,000 tons per day for the Waste Transfer Station and 1,000 tons per day for the Materials Recycling Facility. This is substantially reduced to one half from the previous allowed volume of up to 10,000 tons per day under the Variance previously granted.

The subject TS/MRF is proposed to have general operating hours from 5:30 a.m. to midnight Monday through Saturday, including preparing to accept waste for the day (which begins at 6 a.m. and ends at 8 p.m. Monday through Saturday), conducting cleaning, and performing maintenance (e.g. on the MRF equipment, the transfer station building, scales, front loaders, lift trucks, etc.). Waste sorting at the MRF, as well as outbound waste and recyclables, are proposed for 24 hours per day Monday through Saturday, and closing on Sunday. Because the general operations are enclosed within the building, little impacts would occur. Outbound waste and recyclables will be transported 24 hours a day except for Sunday. Loading of outbound materials occur using a hopper system that drops materials into the waiting trucks one level below the tipping floor level. This activity would also occur 24 hours each day and will contribute noise during evenings. There is noise buffering from the proposed TS/MRF building and earthberms. Loading of refuse, operation of this equipment, and idling of waiting trucks will likely produce noise. The same EIR also noted that during late hours when lower ambient noise levels exist, minor increases in noise levels are noticeable.

With the expansive land surrounding the site intended for the proposed transfer facility and adjacent masonry materials processing plant, it is appropriate to position the use at this location. Adequate area surrounding the proposed building will permit additional landscape and screening to adjacent areas – especially residential zones to the south. Additionally, there is an existing berm created by the adjacent railroad right-of-way that is approximately 8-10 feet high as measured from the adjacent grade. The building and facilities will be well-buffered from the adjacent neighborhood.

The requested conditional use for a Recycling Materials Sorting Facility in the M Zone when the facility is not in compliance with two requirements: 1). Locating a recycling materials sorting facility within 1,000 feet of a more restrictive zone; and 2). Operating a recycling materials sorting facility beyond the hours of 7 A.M. to 8 P.M.

The new TS/MRF is located in an M3 zone and is consistent with the predominantly M2 and M3 zoning classification of the adjacent areas. The land uses surrounding the new TS/MRF consist primarily of industrial activities including the following:

- Both active and closed landfills
- Auto salvage yards
- Manufacturing and assembly activities
- Warehouses and distribution facilities
- Inactive sand and gravel pits
- Aggregate processing plants

The nearest area zoned for residential use is located approximately 300 feet to the southwest of the transfer station and recycling building, with commercial development, San Fernando Road and the rail right of way in between. (Approximately four existing non-conforming residential uses on property zoned [T][Q]M2-1 are within 30 feet of the subject site; however, these uses will be more than 70 feet of the proposed TS/MRF building.[3]) The TS/MRF building will be partially below grade from a line of site perspective looking from the southwest which reduces potential environmental impacts to the commercial and residential

3 Radius Map, CPC-2007-3888-CU-ZV-SPR, dated August 18, 2008.

uses in that area. A draft environmental report has been prepared which addressed all potential impacts to surrounding land uses.

The property is within 250 feet of an RA-1 zone and must be reviewed under the Conditional use procedure. The applicant wishes to also extend the duration of their hours of operation to 24 hours each day from Monday thru Sunday, beyond the hours permitted by right under the L.A.M.C. The analysis of the hours indicates that the substantial expansion of hours is needed to operate at a capacity that continues to move refuse and recyclables so that minimal time for storage of these materials is permitted. Overnight storage of refuse and recyclables is needed for non-delivery on Sundays when the facility will be closed.

The Commission disapproved the requested entitlements and found that the conditional use will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the Conditional use and that the recommended conditions would address those impacts.

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, unregulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their compliance with the California Air Quality Board (CARB) standards for waste collection trucks. These air quality impacts will affect neighboring residential population of Sun Valley. Therefore, without proper mitigation, there will not be proper in relation to adjacent uses or the development of the community.

3. *The proposed project will be materially detrimental to the character of development in the immediate neighborhood and will be in harmony with the various elements and objectives of the General Plan.*

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, unregulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their compliance with the California Air Quality Board (CARB) standards for waste collection trucks. These air quality impacts will affect neighboring residential population of Sun Valley. Therefore, without proper mitigation, the project would be materially detrimental to the character of the development in the immediate community.

As described above, the new TS/MRF is located in an M3 zone and is adjacent to predominantly M2 and M3 zoning classifications. Therefore any future development in those zones would inherently be industrial in nature and would be compatible with the proposed TS/MRF. Section 4.2 of the DEIR mentioned above comprehensively addresses compatibility of the proposed TS/MRF with the various elements and objectives of the City of Los Angeles, General Plan. In general, it concludes that the closure of the Bradley Landfill and construction and operation of the TS/MRF would not conflict with any applicable policies of the various elements and would work to implement a number of these policies as discussed in the EIR. In particular, the Sun Valley – La Tuna Canyon Community Plan specifically states the following: "It is projected that the Bradley Landfill will be filled by the year 2003. Once filled, the site will be converted into a state-of-the-art recycling center – the "Sun Valley Recycling Park of Los Angeles". The project is the conversion of that the General Plan describes.

The Sun Valley - La Tuna Canyon Community Plan identifies the transition of use on the subject Bradley Landfill site to a "state-of-the-art" recycling center. The waste

transfer/materials recycling use proposed will realize the vision of the community plan. The propose design of the latest technology and the proposed project will be in harmony with the various elements and objectives of the general plan.

C. <u>Variance L.A.M.C. Sec. 12.27:</u> Findings for 1). The operation of a solid waste transfer station within 500 feet of a more restrictive zone, and 2). The operation of a wood/green material chipping and grinding facility in an unenclosed facility within the M zone.

1. *The strict application of the provisions of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.*

   Practical difficulties occur due to the subject property's slope and location of the landfill which limits the placement of the proposed Transfer Station/Materials Recycling building. Moreover, the building cannot be placed on top of an existing municipal solid waste landfill due to the differential of regular subsidence and lack of stability. The landfill will settle over time, as much as 3 feet each year with compaction of gravity and static weight of earth and buried refuse. The landfill also contains inert fill in the area between the proposed location and the existing MSW landfill to the north which has been identified as having insufficient strength to support the proposed building foundation which precludes the TS/MRF from being placed closer to the existing landfill. These factors represent practical difficulties that prevent location of the TS/MRF further away from the more restrictive commercial and residential zones across from San Fernando Road.

   The Bradley East Green and Wood Waste Processing Station (GWWPS) is an existing operation located on tip of a municipal solid waste (MSW) landfill. The underlying landfill undergoes continuous differential settlement due to the decomposition of the waste in the landfill. This makes it virtually impossible from a practical perspective to design and construct a building that will meet building code requirements for safety and stability. The subject variance request is no longer necessary due to the latest interpretation of the City Council records. This is due to a recently discovered interpretation letter by the Chief Zoning Administrator to the City Council during the adoption of a code amendment in 1994. The letter and attached documents provides research which indicates that the 1994 code amendment requiring the enclosure of green waste facilities had been intended for the M2 zone only. Other such uses that were already in operation at the time are not subject to this requirement and can continue based on non-conforming rights. Further, green waste facilities within the M3 zones are not intended to be subject to the enclosure requirement. Because there were already 6 such uses in operation (with the subject property/use as one of the uses) the Bradley green waste facility is not required to be enclosed as the report to council (dated August 24, 1994) indicates. The letter brings compelling clarity to the code amendment and provides staff with a better understanding of its original intent.

2. *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.*

   As noted in the above finding, practical difficulties create special circumstances to the subject property in terms of the available subsurface conditions and topography. The existing landfill that has created a non-buildable slope over the subject property will place a limitation as to locating the floorplate of the TS/MRF building. Such a space is between 300 feet and 700 feet along the southwest portion of the site, adjacent to San Fernando Road.

   The special circumstance applicable to this site is that it consists primarily of land fill which prohibits the development of any structures over this portion of the subject property as noted

in the above finding. Enclosing the use of the green waste facility is prohibitive due to the subsurface conditions. The subject variance request is no longer necessary due to the latest interpretation of the City Council records as noted in the finding above.

3. *The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied to the property in question.*

Special circumstances and practical difficulties exist with the noted topographical and subsurface characteristics of the property. These existing conditions prevent the property from enjoying substantial property rights of other neighboring sites with the same zoning regulations having no landfill characteristics and flat topographies. Other conventional sites allow latitude for access, fire lanes, and space for floorplates to be consolidated over the property without physical restrictions of the subject property's topography or subsurface conditions.

The applicant has requested a variance from Section 12.20 A 37 (i) in order to operate a solid waste transfer station in the M Zone within 500 feet of a more restrictive zone – RA-1 Zone 250 feet to the south, across the railroad right-of-way and San Fernando Road. The actual distance from the property line of the overall site to the closest residential zone is 250 feet, as measured per the Municipal Code. Other nonconforming residential units are closer . The EIR notes that there are, "Additional sensitive receptors located in the immediate vicinity of the Bradley Landfill include the residences located south of San Fernando Road to the southwest of the landfill (approximately 350 feet from the site boundary) , an apartment complex on Sheldon Street south of San Fernando Road (approximately 1,500 feet from the site boundary), Fernangeles Elementary School (approximately 1,800 feet), and the residences adjacent to the Stonehurst Recreation Center (approximately 1,750 feet from the site boundary)."

The transfer station building will be sited in a location where the building will be a distance of 415 feet to the closest residential zone. Staff notes that the perimeter of the proposed transfer station will be set back 115 feet from the southern property line. The intent of the Municipal Code is to protect sensitive uses from impacts of sold waste transfer stations. To mitigate any associated impacts, the proposal includes an enclosed building that will house all the transference and sorting activities of the use. Further, a variable 8 to 10 high existing earth berm and a proposed landscape buffer will shield the transfer station from residents. With a substantial amount of mature landscaping, earthberm, enclosed building and an empirical distance of 415 feet, Staff feels that the proposed project will be sufficiently buffered. Functionally speaking, noise, dust, and visual impacts would be screened from residents. Moreover, the planned facility is situated on a portion of land owned by the property owner that is not formerly landfill refuse. This would provide sufficient ground stability for a conventional industrial building. Practical difficulties exists because this portion of site is a limited level plot with the toe of the landfill slope directly adjacent to the north, the applicant is restricted to developing the building here. Other portions of the site where landfill refuse are settling provide limited development because of the unstable subsurface conditions.

Operation of a green and wood waste processing station is a by-right use in this zone (M3) as long as it is fully enclosed but it is not feasible to be enclosed and therefore needs a Zone Variance for reasons stated in #1 above.

A variance from Section 12.19 A 15 to operate a wood/green material chipping and grinding facility in an unenclosed facility within the M Zone is requested. The applicant asserts that it

is not possible to construct a building to enclose the facility due to the underlying landfill that continues to settle and provides no ground stability to lay a building foundation for such a building. Therefore, enclosing the facility with a building would not be possible to approve through the standards of the Department of Building and Safety. A building would unsafe for its occupants. As such, the applicant has requested a variance to conduct an open/unenclosed recycling facility that is in conflict with the LAMC. There are obvious limitations to the development of a conventional industrial structure for the enclosure of this facility. Soil stability is not possible over a closed landfill with continued subsidence occurring as subsurface refuse decomposes and compresses. Fundamentally, it is a special circumstance to develop a code compliant structure over a landfill that is continually settling. Further, with the weight and vibration of heavy equipment utilized in the operation of the facility, highly reinforced concrete and steel will be required in the construction.

According an inquiry with Department of Building and Safety officials, excavation (down to stable soil) and recompaction of the soil would likely be required to achieve a suitable foundation in order to construct a building. Due to the extensive grading needed, feasibility of constructing a conventional building is questionable. Therefore, an enclosed building for the Green Waste recycling activity would present an unnecessary hardship for the applicant. Consideration of other alternative locations on the site for the green waste recycling was taken; however, these portions are occupied by equipment or easements. A majority of this site is utilized by landfill with the exception of the existing administrative offices and the proposed area for construction of the TS/MRF (See Exhibit A-4). Moreover, the present location is a significant 3,000 feet from any residential zone surrounding the property – making the present site the optimal location for such use, in terms of distance from sensitive uses.

The operation of green waste primarily creates objectionable odors and dust along with equipment emissions. Odors and dust have been adequately mitigated with the implementation of the court ordered improvements and will be mitigated via similar means for the expansion. Conditions were included requiring plans for modification/expansion of the existing odor mitigation and dust control misting system. Further, annual monitoring reports be submitted to the Planning Department to ensure that adequate effectiveness of the conditions is maintained. Should there be a need to enhance the existing dust/odor control measures; the Plan Approval monitoring process will afford an opportunity to require additional conditions to address such issues.

As such, the variance is necessary for the preservation and enjoyment of substantial property rights of other properties in the same zone and vicinity. The subject variance request is no longer necessary due to the latest interpretation of the City Council records as noted in the finding above.

4. *The granting of the variance will be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.*

The City Planning Commission disapproved the requested entitlements and found that the variance will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the variance and that the recommended conditions would address those impacts.

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, unregulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their compliance with the California Air Quality

Board (CARB) standards for waste collection trucks. Such air quality impacts will impacts will affect neighboring residential population of Sun Valley. Therefore, without proper mitigation, granting the variance will be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The existing GWWPS has earthen berms, fencing, screening, and odor neutralizing misting systems in order to adequately control potential environmental impacts to the surrounding community. In addition, the site is large enough in size to provide a buffer zone of approximately 370 feet between the GWWPS and the closest adjacent property on the other side of Peoria Street which is an auto parts salvage yard. It is approximately 1,850 feet to the closest commercial areas along Sheldon Street to the northwest over 2100 feet to the closest residence to the north and 2,700 feet to the closest residence to the southwest. These buffer zones provide additional protection to the surrounding properties from potential environmental impacts.

In addition to the above, a complete host of existing project features and proposed enhancements for the GWWPS are found in the final environmental impact report (FEIR) which has been prepared to address all potential impacts to the project's surroundings.

5. *The granting of the variance will not adversely affect any element of the General Plan.*

The variance will not adversely affect any element of the General Plan. The request is within the spirit and intent of the Municipal Code in that there are exceptional circumstances present that make this portion of the property cumbersome to develop. Moreover, relocation of the facility is not feasible due to subsurface and topographic characteristics. Such variance will not adversely affect any element of the General Plan or the policies of the Sun Valley – La Tuna Canyon Community Plan.

The both the TS/MRF and GWWPS are located in an M3 zone and is adjacent to predominantly M2 and M3 zoning classifications. Therefore any future development in those zones would inherently be industrial in nature and would be compatible with the GWWPS. Section 4.2 of the DEIR comprehensively addresses compatibility of the project with the various elements and objectives of the city of Los Angeles General Plan. In general, it concludes that the implementation of the transition master plan, of which the GWWPS is a part, would not conflict with any applicable policies of the various elements and would work to implement a number of those policies as discussion in the EIR. In particular, the Sun Valley – La Tuna Canyon Community Plan specifically states the following: "It is projected that the Bradley Landfill will be filled by the year 2003. Once filled, the site will be converted into a state-of-the-art recycling center – the "Sun Valley Recycling Park of Los Angeles". The overall project that the TS/MRF and GWWPS is a part of is the conversion of that the General Plan describes. The TS/MRF and GWWPS will continue to be available to serve the surrounding community and provide increased capabilities for the procession of recyclable materials. The subject variance request is no longer necessary due to the latest interpretation of the City Council records as noted in the finding above.

D. Site Plan Review L.A.M.C. Sec. 16.05:

1. *The subject development as proposed by the applicant complies with all applicable provisions of the Los Angeles Municipal Code and with any applicable Specific Plan, except as permitted herein.*

The project will not comply with the municipal code provisions due to the denial of the above conditional use and variance entitlements that are necessary to the establishment and operation of the proposed project.

The Planning Commission disapproved the requested entitlements and found that the conditional use and variance will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the Conditional use and the variance and that the recommended conditions would address those impacts.

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, unregulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their compliance with the California Air Quality Board (CARB) standards for waste collection trucks. Such air quality impacts will impacts will affect neighboring residential population of Sun Valley. Therefore, full compliance with the municipal code is not achieved without approval of appurtenant entitlements.

The Transfer Station/Materials Recycling Facility and the Green Waste and Wood Waste Facility will comply with the Los Angeles Municipal Code. Both sites will be adequately set back from their closest respective property lines.

Heights and floor area comply with the prescribed limitations of the L.A.M.C. in that the proposed floor area of 108,290 square feet is within the 1.5:1 FAR permitted. Further the height of the building is 57 feet that is permitted by t he unlimited height limit of the Height District No. 1.

The applicant proposes a total of 63 spaces based upon the industrial and office uses. The floor area of industrial warehouse is 104,960 square feet which will require 39 spaces in accordance with the warehouse parking standard. Combined with the floor area for the office area of 3,600 square feet to be calculated at a minimum of 1 space per 500 square foot standard, 7 spaces will be required for a total of 46 parking spaces. According to the applicant's calculations, 63 parking spaces will be adequate to meet the requirement of the Municipal Code for the combination of uses. The Department of Building and Safety will confirm this during the time of plan check. Moreover, a condition of approval has been crafted to require the LAMC standards for parking, with a minimum of 63 spaces. Landscaping and other municipal code requirements will be confirmed during the plan check process.

2. *The subject development, as requested by the applicant, is consistent with the adopted General Plan.*

As described above, the new TS/MRF isolated in an M3 zone and is adjacent to predominantly M2 and M3 zoning classifications. The instant zone is consistent with the Heavy Manufacturing designation of the Sun Valley – La Tuna Canyon Community Plan. Section 4.2 of the DEIR mentioned above comprehensively addresses compatibility of the proposed TS/MRF with the various elements and objectives of the City of Los Angeles, General Plan. In general, it concludes that the closure of the Bradley Landfill and construction and operation of the TS/MRF would not conflict with any applicable policies of the various elements and would work to implement a number of these policies as discussed in the EIR. In particular, the Sun Valley – La Tuna Canyon Community Plan specifically states the following: "It is projected that the Bradley Landfill will be filled by the year 2003. Once filled, the site will be converted into a state-of-the-art recycling center – the "Sun Valley

Recycling Park of Los Angeles". The project is the conversion of that the General Plan describes.

3. *The subject development is not within the boundaries of a Redevelopment Plan.*

   The property is not located within the boundaries of a Redevelopment Plan Area.

4. *The subject development consist of an arrangement of buildings and structures, including height, bulk and setbacks, off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements which are compatible with existing and/or future development on neighboring properties.*

   The Transfer station/Materials Recycling building will be approximately 115 feet from the southwester property line which is adjacent to the railroad right of way with San Fernando Road beyond. The height of the proposed waste transfer station building will be 57 feet high. This will comply with the LAMC height regulation of unlimited height for Height District No. 1. This is within the parameters of equipment height on the adjacent parcel of land owned and operated by Vulcan Industries. Because the adjacent grade is lower than the grade at San Fernando Road, the building will appear 8 to 10 feet lower. Moreover, the landscape plans indicate a buffering row of trees that will further screen the building from view along the southerly property line.

   In the case of the Wood and Green Waste Recycling Facility, the existing perimeter fencing is already screened from view by an existing landscape buffer fence along Peoria Street. The facility is approximately 17 feet tall to the top of the existing fence and misting system. The facility is not in conflict with the height or scale of other adjacent structures or equipment in the immediate neighborhood.

   The project is in general compliance with the "Walkability Checklist". The Commission's policies generally address a building that is adjacent or within visual contact of the public street. This involves interface with the pedestrians requires building, parking, and landscaping treatment. The existing administration building is the only building that is close enough to the entrance of the site to be considered to be oriented to the public street. Because the site is well over 200 acres and the proposed development project is not within the proximity of the public right-of-way, many of these policies would not apply to a property of this size. The buildings or facilities are and will be substantially setback from property lines and required to be screened from view. These are requirements generated from former entitlements of multiple agencies and a lawsuit settlement. The TS/MRF is sited over 115 feet north of San Fernando Road, to be screened from vision with an earthberm and a tree-lined landscape buffer. Further, the green and wood recycling area is already screened from view from Tujunga Avenue. However, some of the Walkability criteria that may be applied included the following:

   - To reduce massiveness and scale, the building should have a variety of facades by employing plane variation, varied roof/parapet line or height, windows, color, different textures or construction material or other architectural elements.

   - Off-Street Parking and Driveways - All surface parking adjoining the street should be screened by a durable barrier (i.e., a solid wall, fence, berm, hedge) and landscaping that is tall enough to at least screen car headlights.

   - Easily identifiable pedestrian walkways should be provided from the parking to the sidewalk and to the entrance of the building. Techniques, such as landscaped lightwells and surface treatments, could be used.

- All parking areas and integrated pedestrian walkways should be illuminated with adequate, uniform and glare-free lighting such that there is even light distribution and there are no harsh shadows.

- Other Pedestrian scale criteria (i.e. Building Signage, walkways etc.) generally do not apply in this case due to the truck transportation aspect of the use activity. At best, the entrance may be upgrade to reflect an attractively landscaped driveway with identification and directional signs to the appropriate transfer station/recycling venues.

- Utilities should be placed underground.

Identification Signage was not described for the subject application and will be subject to Plan Approval Review by the Planning Department as identified by the conditions of approval.

No trees will be removed on the site as a result of the proposal. Development of the project will require a landscape buffer in strategic locations with approximately 203 trees to be installed per the landscape condition recommended. A variety of shrubs and ground cover are also proposed to compliment the buffer around the TS/MRF. Most of the installation will occur on the landscape buffer with some landscape treatment within and around the proposed parking lots and the building's periphery. The number of trees proposed around the parking area will meet the minimum code requirement of 1 tree for every 4 parking stalls.

5. *The subject development incorporates feasible mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would substantially lessen the significant environmental effects of the project, and/or additional findings as may be required by CEQA*

   See below CEQA Findings.

6. *That the project containing residential uses does provide its residents with appropriate type and placement of recreational facilities and services in order to improve habitability for the resident and minimize impacts on neighboring properties where appropriate*

   The project is not applicable to residential use requirements of the Municipal Code.

E. CEQA Findings

A Final Environmental Impact Report No. ENV-2001-3267-EIR has been completed on July 24, 2008 for the Bradley West Transfer Station/Materials Recycling Facility and Bradley East Green and Wood Waste Processing Station. The City of Los Angeles, Department of City Planning is the Lead Agency for the project. This EIR has been prepared at the direction and under the supervision of the City of Los Angeles Department of Planning in accordance with CEQA and the CEQA Guidelines, as amended. An Environmental Assessment Form and Initial Study were prepared by the Lead Agency, which made the determination that an EIR would be required. The NOP requesting comments to be considered in a Draft EIR was circulated from November 27, 2002 to December 31, 2002. A public informational meeting was held on December 12, 2002. Subsequently, a Public Scoping Meeting was held on April 24, 2003 and public testimony was taken on the environmental impacts of the proposed Project. The timeframe for providing written comments on the NOP was extended to May 23, 2003. At the request of the City Council members for District 6 and District 7, notice of the scoping meeting was translated into Spanish and mailed, in both English and Spanish, to all owners and occupants located within an approximately 3-mile radius of BLRC. The mailing for the scoping meeting included more than

30,000 addresses. On January 5, 2006, the City released the Draft EIR for review and comment by the public and all responsible and trustee agencies. The 90-day comment period ended on April 5, 2006, and was twice as long, than the 45-day minimum comment period required under CEQA. The Draft EIR evaluated in detail the potential effects of the proposed Project. It also analyzed the effects of a reasonable range of four alternatives to the proposed Project, including potential effects of a "No Project" alternative. A fifth alternative was added during the preparation of the Final EIR with the expiration of existing entitlements and discovery of further reduction of environmental impacts to the modified project alternative. The Draft EIR for the Project (State Clearinghouse No. 2002121027) was prepared pursuant to CEQA and State, Agency, and City of Los Angeles (City) CEQA guidelines.

Pursuant to Section 15088 of the CEQA Guidelines, the City of Los Angeles, as lead agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in the Final EIR. The Final EIR also reflects further refinements to the Project proposal made in response to public comments and community concerns, including the omission of the vertical landfill expansion of alternative D2, and the addition of Green House Gas analysis, including Corrections and Additions of the Final EIR.

1. **Significant Irreversible Environmental Effects**

The State CEQA Guidelines mandate that an EIR address any significant irreversible environmental changes which would be involved if the Project is implemented. An impact would fall into this category if:

- The Project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a Project would generally commit future generations to similar uses (e.g. a highway provides access to a previously remote area);
- The Project involves uses in which irreversible damage could result from any potential environmental accidents associated with the Project; or
- The phasing of the proposed consumption of resources is not justified (e.g., the Project involves a wasteful use of energy).

Although irreversible environmental changes may occur, as discussed below, with implementation of the Project, or Alternative D2, it is important to consider the nature of the TS/MRF project. Specifically, if Alternative D2 is not approved, long-term traffic and air quality impacts could be greater as a result of the ongoing need for disposal and recycling, and the need to transport waste to outlying landfills without the value of a TS/MRF service.

The Project would consume limited, slowly renewable, and non-renewable resources. During the Project the following types of resources would be consumed: aggregate materials used in concrete and asphalt including sand, gravel, and stone, metals such as steel; petrochemical construction materials such as plastics; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment and operation of trash and transfer trucks. However, this consumption would not be excessive or out of line with other industrial activities in the City of Los Angeles or Southern California. Neither the expanded green and wood waste operation nor construction of the new TS/MRF represents a large commitment of such resources. (DEIR, p. 5-3.)

Subsequent use and maintenance of the Project site (Phase II) would also require the use of nonrenewable resources such as electricity, water, and petroleum based fuel. The Project would add traffic to local roads. However, the operation of the new TS/MRF does not involve consumption or resources beyond those normally associated with industrial activities nor would it represent a large commitment of such resources. Moreover, the proposed new MRF facility would facilitate reuse and recycling of materials, such as aluminum and metals that would otherwise need to produce from nonrenewable resources. (DEIR, p. 5-3.)

Potential irreversible damage from environmental accidents associated with the Project are unlikely and would be avoided by compliance with existing conditions on the landfill, mitigation measures proposed in the EIR, and existing City, County, State, and federal safety regulations. (DEIR, p. 5-3.) The Project would not commit the site to permanent use as a TS/MRF and green and wood waste processing facility. Future use of the landfilled portion of the site would be restricted in use because construction of buildings is not permitted over landfilled areas. However, this commitment was made at the time the site was first used as a landfill nearly 50 years ago and does not result from the proposed Project. (DEIR, p. 5-3.)

2. **Impacts Found Not To Be Significant Prior To Mitigation** The City of Los Angeles Planning Department prepared an Initial Study/NOPs for the Project, that determined that the proposed Project **would not** have the potential to cause significant impacts in the following areas: Agricultural Resources, Biological Resources, Cultural Resources, Mineral Resources, Population and Housing, Public Services, Recreation, Utilities/Water, Solid Waste, and Land Use. These impacted categories are summarized in the following:

   a. Agricultural Resources

   The project site has been used for landfill operations since 1958 and does not include any State-designated agricultural lands. According to the Los Angeles County Important Farmland Map, the project site is not included in the Important Farmland category. The project site is not zoned for agricultural use, nor is it subject to a Williamson Act Contract.

   b. Biological Resources

   The project site is already disturbed and has been used for landfill operations since 1958. No removal or modification of habitat would occur as a result of activities associated with either Phase I or Phase II of the Proposed Project. No sensitive species are located on the project site. No riparian habitat, wetlands, or other sensitive habitat areas are located on the project site. The project site does not possess any characteristics of wetlands as defined in Section 404 of the Clean Water Act. The project site does not serve as a wildlife corridor and is not directly linked to areas with undisturbed habitat.

   All trees presently located on the project site have been planted as part of the site landscaping. No trees would be removed as part of the Proposed Project and no trees subject to the provisions of the Oak Tree Preservation Ordinance would be affected by the Proposed Project. No approved local, regional, or state habitat conservation plans are applicable to the project site.

   c. Cultural Resources

   A records search was conducted for the project site by the South Central Coastal Information Center (SCCIC) on March 6, 2002. According to this records search, there are no properties listed in the National Register of Historic Places, the California State Historic Resource Inventory, the California Historical Landmarks or the California Points of Historic Interest on the project site.

   All movement of soils required in order to bury refuse would occur in already disturbed areas within the existing landfill cap, which is located above the surrounding natural grade of the area. All soil used for cover operations is imported. No new subsurface excavations would be required in undisturbed areas under either Phase I or Phase II. As

such, the potential for recovering any unique paleontological resources is extremely limited. A records search was conducted for the project site by the SCCIC on March 6, 2002. According to the records search, no prehistoric or historic archaeological sites or isolates have been identified within one-half mile of the project site. The Proposed Project would not have the potential to encounter human remains.

d. Mineral Resources

The project site is located in a Mineral Resource Zone 2 Area (MRZ-2) and a Surface Mining District (G). No oil extraction activities have historically occurred or are presently conducted on the project site. Mineral extraction activities that are presently ongoing in the area of the landfill would not be affected by activities under Phase I or Phase II of the Proposed Project. Activities associated with the Proposed Project would not represent conversion of existing or potential mineral extraction uses to another use.

e. Population and Housing

Neither Phase I nor Phase II of the Proposed Project includes any residential units and therefore would not result in a direct increase in permanent population growth in Los Angeles. Neither phase involves demolishing existing housing. Under Phase II of the Proposed Project, on-site employment would increase by approximately 28 permanent, non-construction jobs in 2007 and 115 jobs by 2012. SCAG projections for the approximate three (3) mile radius from the project site estimate job growth of 11,401 between 2005 and 2010 and 9,350 jobs between 2010 and 2015 in this area. The projected job growth at the BLRC would be within this forecast. Moreover, the BLRC site is adjacent to the City of Los Angeles Northeast Valley Enterprise Zone. Although not within the Enterprise Zone, the projected job growth at the BLRC would enhance economic activity in the area and would be consistent with the intent of the Enterprise Zone. This employment growth would not induce substantial housing growth in the area.

f. Public Services

The Los Angeles Fire Department (LAFD) services to the project area. The nearest fire station is located at 8943 Glenoaks Boulevard (approximately 1.5 miles north of the project site). Under Phase I of the Proposed Project, existing landfill operations would continue and no increase in demand for fire protection services would occur. Under Phase II of the Proposed Project, the existing landfill operation would be converted to a TS/MRF operation and demand for LAFD's services would be similar to the existing demand. Therefore, impacts related to fire protection services would be less than significant.

The City of Los Angeles Police Department (LAPD) provides police protection services in the project area. The project site has fences, walls, and gates to control unauthorized access to the site. A camera monitors and records gate and scale transactions 24 hours per day. Under Phase I of the Proposed Project, existing landfill operations would continue. No new demand for LAPD services would be associated with Phase I of the Proposed Project. Under Phase II of the Proposed Project, the existing landfill operations would be converted to a TS/MRF operation, which would not generate new demand of LAPD services. Therefore, impacts related to police protection services would be less than significant.

Neither Phase I nor Phase II of the Proposed Project would generate permanent population growth in Los Angeles. Further, the project would not generate substantial new employment on the site. The Proposed Project would not generate any additional

demand for school facilities, parks or other public facilities such as libraries and therefore, no impact on school services.

g. Recreation

Neither Phase I nor Phase II of the Proposed Project would result in substantial new employment or population growth. Thus the Proposed Project would not create any additional demand for public park facilities. No construction or expansion of park facilities would occur as a result of the Proposed Project. Therefore, no impact to recreational facilities would occur.

h. Utilities/Water
Under Phase I of the Proposed Project, existing landfill operations would continue and construction of the TS/MRF would occur. The amount of water required for the operation of the landfill would not change. Some water may be required for wetting down of grading surfaces during the construction of the TS/MRF, but this amount would be minimal. Under Phase II of the Proposed Project, overall water consumption would decrease because of reduced water usage for wetting down areas undergoing movement of soils. Therefore, impacts on water consumption would be less than significant.

i. Solid Waste
The project site is an existing and operational landfill. Under Phase I of the Proposed Project, existing landfill operations would continue and the landfill would remain available to serve the need for regional disposal capacity. Under Phase II of the Proposed Project, the facility would remain available to serve regional disposal needs by providing for the efficient transfer of solid waste as well as providing increased capabilities for the processing of recyclable materials. Solid waste would be transferred from the proposed TS to other Waste Management-owned landfills that have already been permitted, including Lancaster, Antelope Valley and El Sobrante.

j. Land Use: NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.

The Bradley Landfill is surrounded primarily by industrial uses (e.g., other landfills/gravel mines/industrial uses, and LADWP) and commercial uses. The nearest area zoned for residential uses is located approximately 350 feet away from the property boundary. The two closest residences to the property boundary are approximately 75 and 225 feet away in an area that is zoned for Industrial. The increase in the maximum height of the landfill would not change the operations and procedures of the existing landfill. Since no changes would occur in the procedures governing the operation of the landfill, the landfill would continue to be compatible with the immediately surrounding land uses.

The green/wood waste operation and the existing MRF operation would be expanded to accommodate additional quantities of material. The expansion of these operations would occur in the existing locations; however, no changes would occur in the way that they are operated. Therefore, no land use compatibility impacts are anticipated as a result of proposed activities on Bradley East under Phase I.

3. Impacts Found Not To Be Significant Prior To Mitigation, Where Mitigation Nonetheless Provided To Further Reduce Impacts

a. Hydrology And Water Quality

i. **Description of Environmental Effects:** (NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.)

Impact 4.8-1: The proposed vertical landfill expansion (no longer proposed) would maintain the current amount of pervious surfaces subject to runoff and would not increase the amount of impervious surface area or the volume of surface water runoff or degrade surface water quality. (Less Than Significant) Current landfilling operations take place only on the top deck of the fill area and this is the only portion of the landfill where relatively pervious daily cover surfaces exist. The side slopes all have somewhat less pervious intermediate cover. The vertical expansion would continue this method of filling and the relative ratio of daily to intermediate cover would not change.

Impact 4.8-2: The defunct proposed vertical expansion of the landfill could impact groundwater quality if the Leachate Collection and Recovery System (LCRS) would be unable to handle increased leachate generation or if the increased weight of landfilled material would affect the landfill liner, LCRS, or landfill gas collection and control systems. (Less Than Significant) Under the proposed transitional vertical expansion, no change in existing operations would occur. The project will continue to be designed and operated in compliance with LARWQCB's WDR Order #94-059 dated June 13, 1994 (or revised WDR issued by the LARWQCB); MRP #6434 dated November 1, 1996 (or revised MRP); Corrective Action Program dated June 1, 1994 as amended by LARWQCB letter dated July 12, 1994; and Title 27 Code of California Regulations (CCR) regulations for water quality protection related to disposal to land.

Groundwater quality could be impacted by the proposed transitional height increase in the landfill in four possible ways: (1) if the additional waste that would be disposed at the landfill if the vertical expansion was approved would generate leachate volume that would exceed the capacity of the LCRS; (2) if the increased weight of the additional waste would undermine the integrity of the landfill liner system; (3) if the increased weight of the additional waste would undermine the integrity of the LCRS; or (4) if the increased weight of additional waste would affect the integrity or operation of the landfill gas collection and recovery system.

Based on the HELP analysis, it was concluded that the proposed vertical expansion would not increase the leachate production rate for the facility. Since the leachate generation rate is not expected to increase due to the vertical expansion and therefore would not exceed the capacity of the existing LCRS, the project will not increase the risk of groundwater quality degradation from this source.

The results of the static and seismic stability evaluations indicate that the proposed vertical expansion of the BLRC to an elevation of 1,053 feet above MSL will meet the regulatory mandated stability criteria. Therefore, the increased weight of solid waste that would be permitted under the proposed transitional vertical expansion would not undermine the integrity of the landfill liner systems.

The LCRS is constructed of schedule 80 PVC pipe with an outside diameter of four inches. Pipe wall buckling and pipe wall crushing calculations were performed for the loading conditions that would result from the proposed transitional landfill height increase. The analysis concluded that the existing LCRS system can withstand the effect of the overburden pressure imposed by the proposed vertical expansion to an elevation of 1,053 feet above MSL. Therefore, the proposed transitional vertical expansion would not undermine the integrity of the LCRS.

SCS Engineers prepared an analysis addressing the potential for the increased weight of the additional waste under the Proposed Project. This analysis concludes that "the additional depth of refuse contemplated by the (proposed transitional vertical expansion) will not impact the ability of the gas collection and control system to prevent the migration of landfill gas". The landfill gas management system is continuously monitored and maintained and upgraded to meet gas control needs. Continued operation of this system through the active life of the landfill and through the post-closure period will assure that groundwater quality is protected from impacts by landfill gas migration.

There are no drinking water production wells within one mile of the project site. The nearest water production well, located approximately 1,000 feet south of the landfill, is that used by Calmat for processing mined sand and gravel. In summary, because leachate production will not increase, the landfill liner and LCRS will not be compromised by the increased waste mass, the landfill gas collection system will be able to collect and control the increased landfill gas produced, and groundwater will continue to be monitored, the Proposed Project would not have a significant impact on groundwater quality and would not create pollution, contamination or nuisance. The Proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality. Therefore, impacts to groundwater quality from the proposed transitional vertical expansion would be less than significant. Nevertheless, mitigation measures are recommended.

Impact 4.8-3: The proposed vertical expansion of the existing landfill would not expose people to significant impacts related to flooding. (Less Than Significant) Under the proposed transitional expansion, no change in existing landfill operations would occur. The proposed transitional height increase would increase only the vertical height of the project site and would not increase the amount of impervious surface subject to precipitation, resulting in no increase in the volume of surface water runoff. As noted above, drainage facilities are more than sufficient to handle runoff from the 50-year, 96-hour storm. All runoff from the landfill is retained on-site in the storm water basin. Therefore, this component of the Proposed Project would not result in or expose people to significant impacts related to flooding and impacts related to flooding at the project site would be less than significant.

Impact 4.8-4: Construction of the TS/MRF could impact the ability of the facility to handle surface water flows. (Less Than Significant) The construction of the new TS/MRF would increase the amount of paved impervious surfaces at the TS/MRF site. The proposed construction comprises approximately 9.0 acres (4.3%) of the project site. Although the volume of runoff would increase as a result of constructing the new TS/MRF, design of the proposed TS/MRF would include provisions for handling increased runoff in conjunction with the existing drainage facilities located within the BLRC site and implementation of BMPs. The drainage from the TS/MRF would continue to be directed to the adjacent on-site retention basin which has sufficient capacity to accommodate all flows from the 50-year return frequency, 96-hour duration storm, including the additional flows that would result from construction of the new TS/MRF.

Construction of the new TS/MRF would not have a significant impact on the ability of the facility to handle surface water flows or cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit. The construction of the new TS/MRF would not create or contribute to runoff water which would exceed

the capacity of existing or planned stormwater drainage systems. Additionally, the construction of the new TS/MRF would not contribute to flooding in the area because all stormwater is contained on-site. Therefore, impacts on surface water drainage from the construction of the TS/MRF would be less than significant.

Impact 4.8-5: Construction of the TS/MRF could impact surface and groundwater quality. (Less Than Significant) Three general sources of short-term construction-related storm water pollution associated with the construction of the TS/MRF are 1) the handling, storage, and disposal of construction materials containing pollutants; 2) earth moving activities which, when not controlled, may generate soil erosion and transportation via storm runoff or mechanical equipment; and 3) the maintenance and operation of construction equipment.

The project construction site will contain a variety of construction materials that are potential sources of storm water pollution. Generally, routine safety precautions for handling and storing toxic and hazardous materials may effectively mitigate the potential pollution of storm water by these materials. These same types of common sense, "good housekeeping" procedures can be extended to non-hazardous storm water pollutants such as sawdust and other solid wastes. Poorly maintained vehicles and heavy equipment that leak fuel, oil, antifreeze or other fluids on the construction site are also common sources of storm water pollution and soil contamination. With the implementation of the identified BMPs, short-term water quality impacts would be less than significant.

Since the construction of the TS/MRF each involves clearing, grading, and excavation of one or more acres, a General Construction Activity Storm Water Permit must be obtained for each project from the SWRCB prior to the start of construction. Alternatively, a consolidated permit may be obtained to cover both construction projects. The NPDES requires a Notice of Intent to be filed with the SWRCB. By filing an NOI, the developer agrees to the conditions outlined in the General Permit. The SWPPP identifies which structural and nonstructural BMPs will be implemented. With the implementation of the BMPs, short-term surface water quality impacts would be less than significant. The BMPs would also work to limit the infiltrations of contaminants to groundwater as a result of construction of the proposed TS/MRF. Furthermore, groundwater quality would continue to be monitored at the project site. Therefore, impacts to water quality would be less than significant.

Impact 4.8-6: Construction of the TS/MRF would not expose people to significant impacts related to flooding. (Less Than Significant) The construction of the new TS/MRF would increase the amount of impervious surfaces and the amount of surface runoff area. Although the volume of runoff would increase, the capacity of the site drainage courses are sufficient to accommodate twice the volume of flows from the 50-year return frequency, 96-hour duration storm. The drainage from the TS/MRF construction would be directed to the adjacent on-site retention basin which shall accommodate flows from the 50-year return frequency, 96-hour duration storm. Therefore, the construction of the new TS/MRF would not result in or expose people to significant impacts related to flooding and impacts related to flooding at the project site would be less than significant.

Impact 4.8-7: Expansion of operations at the green/wood waste facility and existing materials recovery facility could increase the amount of impervious surfaces and impact the ability of the facility to handle surface water flows or introduce new sources of surface/groundwater contamination. (Less Than Significant) Additional

paved or covered areas associated with the expanded operations will be approximately 40,000 square feet (less than one acre). The same dry commercial loads and recyclable materials would continue to be handled so that no new sources of surface or groundwater contamination would be introduced to the area.

Although the volume of runoff would increase due to the combined increase in impervious areas, design of the green waste and existing MRF expansion would include provisions for handling increased runoff in conjunction with the existing drainage facilities located within the BLRC. The drainage from these areas would continue to be directed to the temporary retention pond and pumped to the on-site retention basin which is more than sufficient to accommodate flows from the 50-year return frequency, 96-hour duration storm. Therefore, impacts of these components of the Proposed Project related to surface water runoff would be less than significant.

Impact 4.8-8: Landfill final closure and post-closure activities would not create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems. (Less Than Significant) Landfill final closure activities would be designed to meet the requirements of CCR Title 27 and would be subject to a Final Closure Plan approved by the City of Los Angeles Environmental Affairs Department Solid Waste Management Program (the LEA), Regional Water Quality Control Board and California Integrated Waste Management Board. The Proposed Project would not create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage and retention systems or provide substantial additional sources of polluted runoff. Therefore, impacts related to surface water and drainage would be less than significant.

Impact 4.8-9: Landfill closure and post-closure activities would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality (Less Than Significant). During Phase II landfill closure and post-closure activities, surface runoff quality would be protected by applicable erosion control practices and retention of all storm water in the on-site basin. Ongoing maintenance and operational adjustments to the landfill gas collection and control system would continue to be implemented to preclude groundwater impacts from gas migration. Leachate which reaches the bottom of the landfill would continue to be collected in the sumps and pumped out and disposed of properly. The treated leachate from BLRC would continue to be tested on a quarterly basis to ensure compliance with Bureau of Sanitation sewer discharge requirements pursuant to the Waste Water Discharge Permit. The groundwater monitoring would continue to be measured to ensure that there is adequate separation between the landfill base and the groundwater table. If levels rise to within 25 feet of the landfill, the results are communicated to appropriate agencies and the groundwater spreading operations at the Hansen spreading grounds upgradient of the landfill are halted temporarily until levels fall below 25 feet.

The closure and post-closure maintenance of the landfill would not have a significant impact on surface water quality and would not create pollution, contamination, or nuisance. The Phase II closure and post-closure of the landfill would not expand the area affected by contaminants; result in an increased level of groundwater contamination; or cause regulatory water quality standards at an existing production well to be violated. The Phase II closure and post-closure of the landfill would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality. Therefore, impacts to surface and groundwater quality would be less than significant.

Impact 4.8-10: Landfill closure and post-closure activities associated with the Proposed Project would not expose people or property to flooding impacts. (Less Than Significant) Although the project site is located within a 100-year floodplain, the Phase II closure and post-closure of the landfill would not result in or expose people to significant impacts related to flooding because it would include on-site drainage facilities capable of handling runoff from the 50-year storm event. The Phase II closure and post-closure of the landfill would also not cause flooding during the projected 50-year developed storm event due to retention of stormwater in the on-site drainage basin. Therefore, this component of Phase II would not cause any significant impacts related to flooding at the project site.

Impact 4.8-11: Operation of the new TS/MRF could create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems. (Less Than Significant) Runoff generated during operation of the proposed TS/MRF would be handled by the modifications to the storm drainage system that would be constructed when the TS/MRF is constructed in Phase I. No additional runoff beyond that associated with the construction of the TS/MRF would result from operation of the TS/MRF. The operation of the proposed TS/MRF would not create or contribute to runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts of this component of Phase II would be less than significant.

Impact 4.8-12: Operation of the TS/MRF would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality (Less Than Significant). Operation of the proposed TS/MRF would be incorporated into the existing Stormwater Pollution Prevention Plan (SWPPP) for the landfill and will identify which structural and nonstructural BMPs will be implemented. The TS/MRF will be located in an entirely enclosed structure designed to provide odor, dust, and litter control. Items pulled from the wastestream a result of loads checks would be stored in a hazardous materials locker located inside the building with appropriate secondary containment until properly disposed. Since the operation will be enclosed and under roof, no storm water will contact materials being stored or sorted inside. On occasion, baled recyclables awaiting shipment to market may have to be temporarily stored outside. However, the BMPs are designed to minimize storm water contact. Storm water running off the building and surrounding paved area of the TS/MRF will be directed to the on-site retention basin. Operation inside the building combined with BMPs for the facility will result in less than significant impacts to surface water quality. Because the TS/MRF does not involve deposition of waste below ground, no impacts to groundwater quality will occur.

The TS/MRF portion of the Proposed Project would not have significant impact on groundwater or surface water quality and would not create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC) or that cause regulatory standards to be violated, as defined in the applicable NPDES stormwater permit. The Proposed Project would not expand the area affected by contaminants; result in an increased level of groundwater contamination; or cause regulatory water quality standards at an existing production well to be violated. The Proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade the water quality. Therefore, impacts to water quality would be less than significant.

Impact 4.8-13: Operation of the TS/MRF would not expose people or property to flooding impacts (Less Than Significant). During the design of the proposed TS/MRF, drainage facility modifications would be included to accommodate runoff from the 50-year, 96-hour storm. The operation of the TS/MRF would also not cause flooding during the project 50-year developed storm event. Impacts related to flooding would be less than significant.

ii. Mitigation Measures

4.8-3 The Applicant will re-calculate drainage flows based on additional impervious surfaces to ensure drainage facilities can continue to accommodate the 50-year, 96-hour storm. The Applicant shall document the results of the calculations for the City of Los Angeles Department of Public Works, Bureau of Engineering and the LARWQCB, City of Los Angeles Department of Public Works Bureau of Sanitation, and the County of Los Angeles Department of Public Works. (FEIR, p. 3-1245.)

iii. Findings

The above mitigation measure shall be implemented in order to ensure that increased runoff is properly directed to the existing on-site drainage facilities and that adequate capacity remains available in the existing system to handle all flows generated on-site. No additional mitigation measures are necessary to render the effects less than significant. The project will avoid the significant environmental effect as identified in the Final EIR.

iv. Rationale for Findings

The proposed change to the green/wood waste operation would be an increase in the permitted operation to 2,500 tpd. This increase would provide additional capacity to process green and wood waste materials that are currently processed elsewhere. The proposed change to the green and wood waste processing operation would add another green waste enclosure and increase impervious surface area by approximately 60,000 square feet. Operating procedures will not change, will continue to comply with applicable regulatory requirements, and no new sources of surface or groundwater contamination will be introduced. The proposed change to the existing MRF operation would increase processing of recyclable materials to a maximum of 99 tpd Until the new TS/MRF is operational. The existing MRF would close at that time and its operations would be subsumed by the new TS/MRF. Additional paved or covered areas associated with the expanded operations will be approximately 40,000 square feet (less than one acre). The same dry commercial loads and recyclable materials would continue to be handled so that no new sources of surface or groundwater contamination would be introduced to the area.

Although the volume of runoff would increase due to the combined increase in impervious areas, design of the green waste and existing MRF expansion would include provisions for handling increased runoff in conjunction with the existing drainage facilities located within the BLRC. The drainage from these areas would continue to be directed to the temporary retention pond and pumped to the on-site retention basin which is more than sufficient to accommodate flows from the 50-year return frequency, 96-hour duration storm. Therefore, impacts of these components of Alternative D2 related to surface water runoff would be less than significant with mitigation. (DEIR, pp. 4.8-31 to 4.8-32.)

4. **Environmental Impacts Found To Be Less Than Significant After Mitigation.**

a. **Transportation/Circulation:**

i. **Description of Environmental Effects**

The Proposed Project would generate additional traffic which could affect the existing traffic load and the capacity of the street system serving the project area (Potentially Significant Unless Mitigated). The Phase I component of the Proposed Project is anticipated to generate 3,435 daily trips with 312 during the a.m. peak hour and 364 during the p.m. peak hour. This is expected to result in significant impacts at three study intersections. In addition to the increase in operations proposed under Phase I, construction of the proposed TS/MRF would occur during Phase I. Total import of soil required to construct the building pad for the TS/MRF is expected to be approximately 163,500 cubic yards. Site preparation for construction, including excavation and grading, will take about 83 days. With truckloads of about 16 cy per load, this will equate to approximately 120 truck loads, or 240 trips, of soil import per day.

During the remainder of the construction period, lower traffic impacts would be expected to result from construction of the TS/MRF. An average of 30 to 35 truck deliveries per day would be expected (although 100 truck deliveries could occur on days when concrete is being poured). Following framing, a total of 30 to 50 construction workers would be at the project site. Trip generation associated with construction workers would be approximately 20-35 automobile trips during each of the a.m. and p.m. peak hours. The traffic volumes generated by the construction of this component of the Proposed Project would be temporary and short-term. Impacts would not exceed those that would result during the import of dirt.

The Phase II construction is anticipated to generate approximately 4,399 daily trips with 406 during the a.m. peak hour and 405 during the p.m. peak hour. This is anticipated to result in significant impacts at four study intersections. At Project Completion it is anticipated that the project would generate approximately 3,960 daily trips with 365 during the a.m. peak hour and 367 during the p.m. peak hour. This is anticipated to result in significant impacts at three study intersections.

ii. **Mitigation Measures**

4.3-1 Bradley Avenue and Tuxford Street –Post signs prohibiting parking on the north side of Tuxford Street east of Bradley Avenue and on the south side of Tuxford Street west of Bradley Avenue to convert existing east and westbound lane configurations from left turn lane, through lane and shared through/right to a dedicated left turn lane, two through lanes, and dedicated right turn lane. Applicant shall pay its fair share toward funding the Automated Traffic Surveillance and Control (ATSAC)/Adaptive Traffic Control System (ATCS) signal system improvements for this intersection and any fees paid by the applicant pursuant to the ATSAC/ATCS program shall be used by the City solely for the improvements needed at this intersection.

4.3-2 I-5 Southbound On/Off Ramps and Penrose Street – Design and install a new traffic signal at this currently unsignalized location through the Golden State Corridor ATSAC/ATCS program. The fee under the ATSAC/ATCS is currently $143,000 per intersection. The applicant shall contact the LADOT prior to payment to determine the actual cost at the time of payment.

4.3-3 Bradley Avenue and Penrose Street – Applicant shall pay its fair share toward funding a new traffic signal at this currently unsignalized location through the Golden State Corridor ATSAC/ATCS program and any fees paid by the applicant pursuant to the ATSAC/ATCS program shall be used by the City solely for the improvements needed at this intersection. The fee under the ATSAC/ATCS is currently $143,000 per intersection, The applicant shall contact the LADOT prior to payment to determine the actual cost at the time of payment.

4.3-4 San Fernando Road and Sheldon Street – Applicant shall pay its fair share toward funding the City of Los Angeles expanded signal system improvement for this intersection through the ATSAC/ ATCS and any fees paid by the applicant pursuant to the program shall be used by the City solely for the improvements needed at this intersection. This improvement will provide for increased capacity at the intersection. The ATSAC/ATCS provides signal synchronization through monitoring upstream and downstream traffic volumes and delay. The synchronization is enhanced through computer enhancement and manual monitoring by a centralized control system.

4.3-5 Glenoaks Boulevard and Tuxford Street – Applicant shall pay its fair share toward funding the ATSAC/ATCS signal system improvements and any fees paid by the applicant pursuant to the program shall be used by the City solely for the improvements needed at this intersection.

4.3-6 San Fernando Road and Tuxford Street – Participate in the contribution towards funding for the ATSAC/ATCS expanded signal system improvements.

iii. Findings

This impact can be minimized through Mitigation Measures 4.3-1 thru 4.3-5. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the DEIR. No additional mitigation measures are necessary to render the effects less than significant. The Commission hereby directs that this mitigation measure be adopted. The Commission, therefore, finds that changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect as identified in the Final EIR.

iv. Rationale for Findings

The Phase I component of Alternative D2 is anticipated to generate 3,435 daily trips with 312 during the a.m. peak hour and 364 during the p.m. peak hour. This is expected to result in significant impacts at three study intersections. In addition to the increase in operations proposed under Phase I, construction of the proposed TS/MRF would occur during Phase I. Total import of soil required to construct the building pad for the TS/MRF is expected to be approximately 163,500 cubic yards. Site preparation for construction, including excavation and grading, will take about 83 days. With truckloads of about 16 cy per load, this will equate to approximately 120 truck loads, or 240 trips, of soil import per day.

During the remainder of the construction period, lower traffic impacts would be expected to result from construction of the TS/MRF. An average of 30 to 35 truck deliveries per day would be expected (although 100 truck deliveries could occur on days when concrete is being poured). Following framing, a total of 30 to 50

construction workers would be at the project site. Trip generation associated with construction workers would be approximately 20-35 automobile trips during each of the a.m. and p.m. peak hours. The traffic volumes generated by the construction of this component of Alternative D2 would be temporary and short-term. Impacts would not exceed those that would result during the import of dirt.

The Phase II construction is anticipated to generate approximately 4,399 daily trips with 406 during the a.m. peak hour and 405 during the p.m. peak hour. This is anticipated to result in significant impacts at four study intersections. At Project Completion it is anticipated that the project would generate approximately 3,960 daily trips with 365 during the a.m. peak hour and 367 during the p.m. peak hour. This is anticipated to result in significant impacts at three study intersections. (FEIR, pp. 2-22 thru 2-23.)

b. **Aesthetics/View:**

i. **Description of Environmental Effects:** (NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.)

Impact 4.6-1: The increase in height of the landfill by 43 feet during Phase I would not significantly impact the view of the project site from the surrounding area (Less Than Significant). Implementation of Phase I of the Proposed Project would raise the maximum height of the landfill by 43 feet to 1,053 feet above msl. The appearance of the landfill would be similar to its present condition; only higher. The look of the landfill would not change with the implementation of Phase I of the Proposed Project. More of the mound of dirt would be visible above the fencing and vegetation. The landfill would still be fenced, the finished slopes would be landscaped, and the landfill would continue to implement the required measures in the approved Zone Variance. Eliminating the vertical expansion would eliminate this impact entirely. Visual impacts would be less than significant.

The areas where the TS/MRF, and expanded green/wood waste and MRF area are located would not be visible from the area immediately outside of the project site. These areas are visible from Shadow Hills, but would have a visual appearance similar to the existing site.

Impact 4.6-3: No new sources of light would occur as a result of the increased height of the landfill or the construction of the new TS/MRF or the expansion of the existing greenwaste area. New sources of glare may be introduced from the construction of the TS/MRF, but the facility would be hidden from view. (Less Than Significant) No substantial increase in on-site lighting is anticipated with implementation of Phase I of the Proposed Project. With the vertical expansion of the landfill and the expansion of the existing greenwaste area, the practice of portable light fixtures is anticipated to continue. As needed, portable lighting fixtures would be placed in areas where active work was ongoing. This lighting would continue to be shielded and directed on-site and would not increase the lighting levels experienced by off-site receptors. Additionally, no permanent lighting fixtures would be placed by the administrative office or parking lots. Construction of the TS/MRF would occur during the daylight hours and would not require the placement of any temporary/portable lighting fixtures. The area of the landfill where the TS/MRF would be placed is not visible from most of the surrounding area but may be visible from San Fernando Road. Since no additional lighting sources would be utilized during construction activities, no lighting impacts would occur.

No additional sources of glare would be introduced with the increase in the height of the existing landfill. Some glare may be experienced from the trash trucks driving to the working face of the landfill as well as equipment operating at the working face. However, this would be the same as the glare currently experienced from existing operations. Construction of the TS/MRF may introduce new sources of glare, including the metal siding of the facility. However, this facility would be hidden from view from the surrounding land uses and would not represent a new source of glare that would adversely affect day or nighttime views in the area. Therefore, impacts from glare would be less than significant.

Impact 4.6-4: Complete closure of the landfill at the increased height would significantly impact the views available of the surrounding area. (Significant) (NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.)

The maximum height of the landfill upon complete closure would be at 1,053 feet msl. This height is identical to the maximum height of the landfill under the expansion in Phase I. The available views of the landfill and the surrounding area would be the same as those impacts discussed under Phase I. Upon closure of the landfill, the landfill would be vegetated with shrubs and plant cover according to the conditions outlined in the zoning variance discussed above. This would add some visual relief to the views of the large mound of dirt. Subsequent to landfill closure, natural settlement would occur which would reduce the elevation of the landfill cap. However, the closed landfill would still block views of the surrounding mountains from the area located south of San Fernando Road. Therefore, impacts to views of and through the project site would continue to be significant though Phase II of the Master Plan.

Impact 4.6-5: Lighting from the operation of the transfer station could be visible from the surrounding area and may increase the overall lighting conditions in the area. (Potentially Significant Unless Mitigated) No substantial increase in on-site lighting is anticipated with implementation of Phase II of the Proposed Project. Currently, the parking lots and other areas around the administrative office are equipped with pole or wall mounted lighting for safety and security purposes. These light sources would remain in place as the administrative offices would continue to be utilized with the operation of the TS/MRF. The TS/MRF would have either permanent lighting or portable lighting fixtures to facilitate operations after daylight hours. The lighting would primarily be outdoor security lighting aimed at the employee parking area and around the facility. This lighting may be visible from San Fernando Road and could increase the lighting conditions in the general area. Lighting impacts of the TS/MRF would be potentially significant.

No additional sources of glare would be introduced with the increase in the height of the existing landfill. Some glare may be experienced from the trash trucks driving to the TS/MRF. However, this would be no more than the amount of glare currently experienced from existing operations. Therefore, Phase II activities would not result in new sources of substantial glare that could adversely affect day or nighttime views of the area and impacts from glare would be less than significant.

ii. **Mitigation Measures**

4.6-1 New lighting sources shall be shielded to direct light downward and onto the Project site and not toward the sky to minimize atmospheric light pollution. (DEIR, p. 4.6-31.)

iii. Findings

This impact can be minimized through Mitigation Measure 4.6-1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the DEIR. No additional mitigation measures are necessary to render the effects less than significant. Changes or alterations have been required in, or incorporated into, the project that avoid the significant environmental effect.

iv. Rationale for Findings

No substantial increase in on-site lighting is anticipated with implementation of Phase II of Alternative D2. Currently, the parking lots and other areas around the administrative office are equipped with pole or wall-mounted lighting for safety and security purposes. These light sources would remain in place as the administrative offices would continue to be utilized with the operation of the new TS/MRF. The new TS/MRF would have either permanent lighting or portable lighting fixtures to facilitate operations after daylight hours. The lighting would primarily be outdoor security lighting aimed at the employee parking area and around the facility. This lighting may be visible from San Fernando Road and could increase the lighting conditions in the general area. Lighting impacts of the new TS/MRF would be potentially significant. (DEIR, p. 4.6-30.)

No additional sources of glare would be introduced with the increase in the height of the existing landfill. Some glare may be experienced from the trash trucks driving to the new TS/MRF. However, this would be no more than the same amount of glare as currently experienced from existing operations. Therefore, Phase II activities would not result in new sources of substantial glare that could adversely affect day or nighttime views of the area and impacts from glare would be less than significant. (DEIR, p. 4.6-30.)

Furthermore, an earthen berm including a fence and vegetative plantings would extend the length of the TS/MRF site parallel to San Fernando Road and would completely screen the roadways into and out of the TS/MRF and the parking area from San Fernando Road. The roadway used by waste transfer and recyclables trucks on the north side of the TS/MRF building would be located below the floor elevation of the TS/MRF building, further screening these trucks from San Fernando Road. The berm and vegetated area would also partially screen the lower levels of TS/MRF building, although the upper levels of the building would be visible from San Fernando Road. This design modification would further reduce visual impacts related to the TS/MRF compared to Alternative D2

As discussed in Section 2.0 of the DEIR, Related Projects, 28 related Projects have been identified in the vicinity of the Project site. The uses associated with these Projects include industrial, recreational, residential, retail, and school uses. Implementation of Alternative D2 in conjunction with the related Projects could result in cumulative changes to the visual environment in the areas surrounding the Project site. Additionally, development of the related Projects would be consistent with the height and mass of existing urban development in this area. Cumulative impacts with regard to the aesthetic and urban design appearance would be consistent with the urban character of the area and would not be cumulatively considerable.

Implementation of Alternative D2, in conjunction with the related Projects, could increase ambient lighting and glare levels in the vicinity of the Project site. These light sources, primarily for safety and security, would be focused on their respective sites and could contribute to small increases in the ambient glow of the area. Additionally, these related Projects could slightly increase the amount of glare in the area from building materials and increased vehicle activity. However, because ambient lighting levels in this area are already high, the impacts of Alternative D2, in conjunction with the related Projects, would not be cumulatively considerable. (DEIR, p. 4.6-31)

c. **Geology/Soils:**

i. **Description of Environmental Effects:** (NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.)

Impact 4.7-1: The proposed vertical expansion of the landfill could increase the potential for soil erosion to occur (Significant). Washout of cover materials/waste could result from inadequate drainage, particularly uncontrolled high-velocity flows. Earthwork associated with landfilling activities exposes areas of bare earth and loose soil to wind and water erosion. These, in turn, could result in an incremental increase in debris loading and siltation of downstream drainage conveyances.

Because the landfill footprint is not changing and there are no proposed excavation areas or changes to operational landfilling procedures, no new drainage control measures are needed. Construction and extension of existing landfill slopes upward will be accommodated by additional benching and extension of existing down drains. Existing drainage and erosion control measures will continue to be implemented to mitigate the erosion and siltation potential at the project site. Use of such existing drainage and erosion control measures would ensure that any water-borne erosion impacts would be less than significant.

In addition, activities associated with the movement of soil in conjunction with continuing landfill operations as part of the transitional vertical expansion could expose soils to potential wind-borne erosion. Therefore, the potential for wind-borne erosion associated with the proposed transitional vertical expansion would be significant.

Impact 4.7-2: The proposed transitional vertical expansion of the landfill could cause increased slope instability (Less Than Significant). Grading operations at the existing landfill are required to conform to requirements of the City's Building Code related to assuring the stability of engineered slopes. In addition, slope construction is required to be conducted in accordance with the requirements of the Final Grading Plan which will be submitted along with a slope stability analysis as part of the Joint Technical Document (JTD) for the SWFP revision. These requirements would continue to apply to operations on the landfill under the proposed increase in maximum permitted height. Therefore, these activities would not occur on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in collapse. Impacts related to slope stability resulting from the proposed transitional vertical expansion of the landfill would be less than significant.

Impact 4.7-3: Construction activities associated with the TS/MRF could expose soils to potential erosion. (Significant) Activities associated with the movement of soil required to construct the proposed TS/MRF could expose soils to potential wind- and water-borne erosion. Therefore, the potential for wind-borne erosion during

construction of the proposed TS/MRF would be significant. There is also potential for erosion to occur during the grading process during periods of heavy precipitation. Construction of the proposed TS/MRF would result in potentially significant impacts related to water-borne erosion. These impacts would be addressed through adherence to the requirements of the General Construction Activity Storm Water Permit that applies to all construction projects involving sites of one acre or greater.

Impact 4.7-4: Construction activities associated with the TS/MRF could result in slope instability on the project site (Less Than Significant). The TS/MRF facility would be located within the facility boundaries of the existing BLRC, on the west side of the existing landfill in a reclaimed sand and gravel mine. Approximately 163,500 cubic yards of fill dirt would be imported to fill the sand and gravel pit and provide an engineered base for the concrete slab foundation. All grading activities would be required to occur under a grading permit issued by the City of Los Angeles Department of Building and Safety, in the process of fulfilling its ministerial responsibilities under the City of Los Angeles Municipal Code, and would conform to the requirements of the City's Building Code. As part of the final design for the TS/MRF, a stability analysis will be performed and submitted to the City along with the Grading Plan, as required by the City's Building Code. As such, proposed construction of the TS/MRF facility would not be permitted on a geologic unit or soil that is unstable or would become unstable as a result of the project, and potentially result in collapse.

Impact 4.7-6: Landfill closure/post-closure activities could increase the potential for soil erosion to occur (Less Than Significant). Landfill closure activities would have the potential to exposure large areas to the potential effects of soil erosion due to earth movement activities associated with installing the four-foot soil cap over the landfill. The Final Closure Plan for the BLRC will be submitted for review and approval by the LARWQCB, the LEA, and the CIWMB for compliance with, among other things, Title 27 erosion control requirements. The permanent drainage conveyance structures will be designed to accommodate a 50-year, 96-hour storm event. In addition, drainage and erosion control measures will continue to be implemented during closure activities and post-closure maintenance as applicable to mitigate erosion and siltation potential. Use of such existing and proposed drainage and erosion control measures would ensure that any erosion impacts would be less than significant during the closure and post-closure period of the Proposed Project.

In addition, activities associated with the movement of soil in conjunction with landfill closure and cap installation could expose soils to potential wind-borne erosion. Therefore, the potential for wind-borne erosion associated with landfill closure activities would be significant.

Impact 4.7-7: Landfill closure and post-closure maintenance activities could result in slope instability (Less Than Significant). A slope stability analysis will be submitted as part of the JTD. In addition, prior to Final Closure, a Final Closure Plan for the BLRC will be submitted for review and approval by the agencies. This review and approval process ensures that adequate engineering measures will be taken to provide an adequate safety margin for slope stability. Therefore, impacts resulting from the Phase II Closure construction activities or post-closure maintenance component of the proposed Master Plan would be less than significant.

ii. **Mitigation Measures**

4.7-1 All soil disturbance and travel on unpaved surfaces shall be suspended if winds exceed 25 miles per hour.

4.7-2 Mitigation measures defined in Section 4.4, Air Quality, of this EIR related to site watering and watering of unpaved roads would also address impacts related to wind-borne erosion.

4.7-3 Mitigation measures 4.7-1 and 4.7-2 shall be implemented during construction of the TS/MRF to reduce potentially significant wind-borne erosion impacts.

4.7-4 In order to ensure adherence to the requirements of the City Building Code with respect to site preparation and grading, the following measures shall be incorporated as a Condition of Approval.

4.7-3 All grading activities shall be performed in accordance with the provisions of Chapter IX, Division 70, of the City of Los Angeles Building Regulations Code, Title 14 of the California Code of Regulations and with the rules and regulations established by the City Department of Building and Safety.

4.7-6 Mitigation measures 4.7-1 and 4.7-2 shall be implemented during landfill closure operations to reduce potentially significant wind-borne erosion impacts.

iii. **Findings**

Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effect as identified in the DEIR. No additional mitigation measures are necessary to render the effects less than significant. This impact can be minimized through Mitigation Measure 4.6-1, 4.6-3, 4.7-1 and 4.7-2.

iv. **Rationale for Findings**

Activities associated with the grading and movement of soil required to construct the proposed TS/MRF could expose soils to potential wind- and water-borne erosion. Therefore, the potential for wind-borne erosion during construction of the proposed TS/MRF would be significant. (DEIR, p. 4.7-9.)

There is also potential for erosion to occur during the grading process during periods of heavy precipitation. Construction of the proposed TS/MRF would result in potentially significant impacts related to water-borne erosion. These impacts would be addressed through adherence to the requirements of the General Construction Activity Storm Water Permit that applies to all construction Projects involving sites of one acre or greater. Wind-borne erosion impacts would be less than significant with implementation of the mitigation measures. (DEIR, p. 4.7-9.)

The new TS/MRF facility would be located within the facility boundaries of the existing BLRC, on the west side of the existing landfill in a reclaimed sand and gravel mine. Approximately 163,500 cy of fill dirt would be imported to fill the sand and gravel pit and provide an engineered base for the concrete slab foundation. All grading activities would be required to occur under a grading permit issued by the City of Los Angeles Department of Building and Safety, in the process of fulfilling its ministerial responsibilities under the City of Los Angeles Municipal Code, and would conform to the requirements of the City's Building Code. In order to obtain the necessary permits, a slope stability report and a geotechnical subsurface investigation report are required. As part of the final design for the TS/MRF, a stability analysis will be performed and submitted to the City along with the Grading Plan, as required by the City's Building Code. As such, proposed construction of the

TS/MRF facility would not be permitted on a geologic unit or soil that is unstable or would become unstable as a result of the Project, and potentially result in collapse. Impacts of this component of Alternative D2 would be less than significant. (DEIR, p. 4.7-9.)

Landfill closure activities would have the potential to exposure large areas to the potential effects of soil erosion due to earth movement activities associated with installing the four-foot soil cap over the landfill. The Final Closure Plan for the BLRC is submitted for review and approval by the LARWQCB, the LEA, and the CIWMB for compliance with, among other things, Title 27 erosion control requirements. The permanent drainage conveyance structures will be designed to accommodate a 50-year, 96-hour storm event. In addition, drainage and erosion control measures will continue to be implemented during closure activities and post-closure maintenance as applicable to mitigate erosion and siltation potential. Use of such existing and proposed drainage and erosion control measures would ensure that any erosion impacts would be less than significant during the closure and post-closure period of Alternative D2. In addition, activities associated with the movement of soil in conjunction with landfill closure and cap installation could expose soils to potential wind-borne erosion. Therefore, the potential for wind-borne erosion associated with landfill closure activities would be significant. Mitigation measures 4.7-1 and 4.7-2 shall be implemented during landfill closure operations to reduce potentially significant wind-borne erosion impacts. (DEIR, p. 4.7-12.)

d. Hazardous Materials

i. **Description of Environmental Effects:** NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.

Impact 4.9-1: The proposed transitional vertical expansion would not change hazardous materials/waste handling procedures. (Less Than Significant) Phase I of the proposed Master Plan would not alter or in any way affect the types of waste currently accepted for disposal at the Bradley Landfill. The Hazardous Waste Load Check Program, Special Waste Program, and Radioactive Waste Exclusion Program would continue to be implemented under the Proposed Project as a means of detecting and isolating potentially hazardous wastes. These programs would continue to ensure that potentially hazardous materials do not enter the landfill. Therefore, the potential for the proposed continuation of landfill operations, in conjunction with the transitional vertical expansion to result in hazardous impacts would be less than significant.

Impact 4.9-3: Construction of the new TS/MRF would not involve the transport, use or disposal of hazardous materials/waste. (Less Than Significant) Construction of the proposed TS/MRF adjacent to the existing landfill would include the importation of dirt for the foundation, associated grading activities, installation of paving and curbing, and erection of the pre-engineered metal building. No demolition would be required as part of this phase. Construction activities would not involve the transport, use, or disposal of hazardous materials. Therefore, the potential for the proposed construction of the TS/MRF to result in hazardous impacts would be less than significant.

Impact 4.9-4: The increase in existing green and wood waste and MRF operations on Bradley East could increase the potential for hazardous materials to be sent to the site, however, the Project Applicant will continue utilizing existing procedures to eliminate hazardous materials. (Less Than Significant) The proposed change to the

green/wood waste operation would be an increase in the permitted operation to 2,500 tpd. This increase would provide additional capacity to process green and wood waste materials that are currently processed elsewhere. Odor and dust control measures would continue to be implemented. The increase in permitted intake at Bradley East's green/wood waste operation would not alter or in any way affect the types of waste currently accepted at the operation. As only green and wood wastes are accepted, no hazardous materials would enter Bradley East. Therefore, the potential for the proposed increase in permitted intake at Bradley East's green/wood waste operation to result in hazardous impacts would be less than significant.

The proposed change to the MRF operation would increase processing of recyclable materials to a maximum of 99 tpd from the existing maximum level of 92 tpd. The increase in permitted levels of recyclables processing would not alter or in any way affect the types of waste currently accepted at the operation such that hazardous and potentially hazardous materials are prohibited at the site. The programs currently utilized for the detection of potentially hazardous waste would continue to ensure that hazardous materials do not enter the landfill. Therefore, the potential for the proposed increase in permitted intake at the MRF to result in hazardous impacts would be less than significant.

Impact 4.9-5: Landfill closure activities would eliminate MSW from entering the project site for disposal. (Less Than Significant) When the existing landfill reaches its maximum capacity or the permits expire on April 14, 2007 (whichever comes sooner), the landfill would be closed and no additional MSW would be accepted for burial. Landfill closure activities would include the impact of dirt and inert waste to provide a four foot soil cap and installation of landscaping features. Therefore, no impacts related to hazardous materials in the landfill would occur.

Impact 4.9-6: Existing procedures would continue to be utilized at the proposed TS/MRF to ensure that hazardous materials are not accepted for processing. (Less Than Significant) If the Proposed Project is approved and the landfill approaches a final height of 1,053 ft msl, landfill operations will transition into a TS/MRF operation. MSW would be received, consolidated and transported to other regional landfills. The procedures currently in place at Bradley Landfill for detecting, removing, and processing unexpected hazardous materials would continue to be utilized at the transfer station. Commercial/residential recyclable materials would be received, sorted, and consolidated at the MRF. From the MRF, these materials would be transported to other regional recycled materials processing facilities. All materials would be adequately screened for potential hazards and handled in accordance with existing procedures. Impacts would be less than significant.

ii. Mitigation Measures

4.9-1 At all entry points for incoming materials, a radiation detection system shall be installed, maintained, and periodically calibrated as approved by the LEA and CIWMB. Testing of such devices shall be conducted yearly.

iii. Findings

Although impacts related to hazardous materials would be less than significant, the following measure is proposed to ensure that hazardous materials are not accepted for processing.

iv. Rationale for Findings

Under CEQA, no mitigation measures are required for impacts that are less than significant.

5. **Environmental Impacts Found To Be Significant And Unavoidable.**

a. **Air Quality:**

i. **Description of Environmental Effects**

Impact 4.4-1: Phase I Construction activities would generate emissions from the use of construction equipment as part of the construction of the proposed TS/MRF facility. (Significant) Phase I construction emissions are expected from the following equipment and processes: construction equipment (dump trucks, backhoes, graders, etc.), equipment delivery/on-site travel, heavy diesel trucks (importing fill material), construction worker trips, and fugitive dust associated with site construction activities. Daily construction emissions were calculated for the peak construction day activities in Phase I Construction. Peak day emissions are the sum of the highest daily emissions from employee vehicles, fugitive dust sources, construction equipment and transport activities for the construction period of the TS/MRF. The peak emissions were determined to be: 18 lbs/day VOC, 107 lbs/day CO, 137 lbs/day NOx, 0.9 lbs/day SOx, and 392 lbs/day PM10. The emissions of NOx and PM10 would exceed the SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-2: Phase I Operational activities would generate additional criteria pollutant emissions from operational activities associated with the proposed transitional vertical expansion and increase in green and wood waste processing capacity and expanded MRF operations on Bradley East. (Significant) The total additional operational emissions from the Phase I project are as follows: 120 lbs/day VOC, 500 lbs/day CO, 1,555 lbs/day NOx, 7 lbs/day SOx, and 466 lbs/day PM10. Most of the emissions are associated with additional trips to the facility due to the additional landfill capacity. Other emissions are associated with the additional equipment associated with the expanded green/wood waste operations (including an additional electric grinder) and MRF. The emissions of VOC, NOx, and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-3: During Phase I Construction, construction activities and operational activities occurring concurrently would generate additional criteria pollutant emissions. (Significant) During Phase I Construction, when construction of the TS/MRF is taking place, concurrent emissions from construction and operational activity would occur. The maximum emission levels projected to occur during Phase I Construction, when all activities are taking place simultaneously are as follows: 138 lbs/day of VOC, 607 lbs/day of CO, 1,792 lbs/day of NOx, 7.9 lbs/day of SOx, and 858 lbs/day of PM10. The maximum Phase I Construction emissions of VOC, NOx, and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-4: As a result of no additional waste disposal during Phase I Operations, additional landfill gas would not be generated which would need to be accommodated by the landfill gas collection and control system presently operated at

the landfill (Less Than Significant). The landfill is equipped with a LFG collection and control system that is constructed and operated in compliance with all applicable California Code of Regulations. The LFG system consists of a network of wells and collection piping and appurtenances. The LFG destruction/utilization system consists of three flares, five on-site engine generator sets and a gas compression plant, used to pump collected LFG off-site for use at the Penrose Gas Conversion, LLC power plant.

A LFG recovery projection was prepared using USEPA's LandGEM model, which predicts gas generation based on characteristics of the landfill calibrated to the actual and historical results of the operation of the current system. The analysis demonstrates that the total destruction capacity of the existing LFG system (excluding the gas compressor plant) is 12,222 standard cubic feet per minute (scfm). Even under the proposed transitional vertical expansion, the projected peak most likely recovery rate for LFG is 8,263 scfm in 2007 compared to 7,985 scfm in 2002 under the current permitted capacity, a modest 3.5% increase in gas generation. Even more conservative estimates have concluded that the highest likely recovery rate would be 9,641 scfm in 2007, which is also within the total destruction capacity of the system. Therefore, impacts related to the generation of LFG would be well within the capacity of the existing LFG collection and control system and impacts would be less than significant.

Impact 4.4-5: As a result of no additional waste disposal during Phase I Operations, additional landfill gas would not be generated that could impact the ability of the LFG collection and control system to control surface gas emissions. (Less Than Significant) Impacts related to surface gas emissions would be less than significant.

Impact 4.4-6: Phase I Operation activities would generate additional traffic, which would have the potential to increase localized CO concentrations at intersections near the project site. (Less Than Significant)

Project related traffic during Phase I could cause increased CO concentrations at area intersections as a result of increased traffic congestion. CO concentrations at the six study intersections analyzed range from 3.7 to 8.2 ppm. None of the intersections would experience CO concentrations that exceed the State standard or exceed the incremental additions for non-attainment areas. Impacts related to local CO concentrations would be less than significant.

Impact 4.4-7: Phase I Operation would include an in increase in green and wood waste processing which would have the potential to generate odors. (Less Than Significant)The proposed increase green and wood waste processing that would occur under Phase I Operation would not be expected to generate any additional odors at the facility. The Proposed Project would result in no additional waste disposed of at the landfill site until April 14, 2007, which may result in additional odor compared to what is currently being done under existing conditions; however, the landfill will be undergoing closure activities during phase II and taking on final caps of earth. In addition, the odor Best Management Practices for the green and wood waste operation would continue to be implemented in conjunction with the increased green and wood waste processing capacity. The proposed increase in green and wood waste operation has the potential to increase odors. The Project Applicant is responsible for abiding with an SCAQMD settlement agreement which includes odor mitigation measures and BMPs; the measures included in the agreement are over and above any measures implemented at the site in the past, and would therefore result in a coinciding decrease of odors with the proposed increase in tonnage at the

green and wood waste facility. Because of these factors, the Proposed Project would not substantially increase the likelihood that odors would be generated that would cause a nuisance affecting a considerable number of persons or the public and impacts of the proposed increase in green and wood waste processing with respect to odors would be less than significant.

Impact 4.4-8: Phase II Construction activities would generate emissions from the use of construction equipment to complete final closure of the landfill. (Significant) Landfill closure activities are included in Phase II Construction and would include the installation of a final cover using construction equipment. Upon completion of the final dirt cover, vegetation will be planted on all slopes as well as landfill cap; surface water control structures will be built as well as the final transition of the landfill to an end use. Emissions from construction activities would be temporary in nature, occurring only during time frames when landfill closure activities are actively taking place. Peak day construction emissions associated with landfill closure activities that would occur under Phase II Construction of the Proposed Project are anticipated to be as follows: 15 lbs/day of VOC, 74 lbs/day of CO, 182 lbs/day of NOx, 0 lbs/day of SOx, and 115 lbs/day of PM10. Emissions of NOx would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-9: During Phase II Complete, additional criteria pollutant emissions would be generated from operational activities, including continuing the expanded green and wood waste operation and operating the new TS/MRF. (Significant) The bulk of operational emissions at the facility result from increased truck travel. The CARB established a law in 2004 that targeted emissions from refuse-carrying trucks. The CARB regulation requires trucks to be retrofitted based on make and model year. Mandated reductions are either 25% or 80% for PM10 depending upon the model year of the engine. As such, emissions will continue to decline from this source category as these fleets are turned over and replaced with newer, cleaner models.

Emissions would be associated with the additional equipment as well as the associated trips after April 2007, when the landfill would close. The total additional operations emissions projected to result from Phase II Complete are anticipated to be 40 lbs/day VOC, 210 lbs/day CO, 813 lbs/day NOx, 6 lbs/day SOx, and 149 lbs/day PM10. Emissions of NOx would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-10: During Phase II Construction, landfill closure activities and operational activities occurring concurrently would generate additional criteria pollutant emissions. (Significant) During Phase II Construction (April 2007 through April 2008), when construction activity associated with landfill closure is taking place, concurrent emissions from construction activity and operational activity would occur. The maximum emission levels projected to occur during this time frame are as follows: 131 lbs/day of VOC, 526 lbs/day of CO, 1,884 lbs/day of NOx, 10 lbs/day of SOx, and 344 lbs/day of PM10. The maximum Phase II Construction emissions of VOC, NOx, and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant.

Impact 4.4-11: Phase II activities would have the potential to generate toxic air contaminants from the operation of diesel trucks and other equipment. (Less Than

Significant) A Health Risk Assessment (HRA) was prepared to identify potential air toxic impacts to the community from operation of diesel-fueled solid waste collection vehicles (SWCV) at the proposed Bradley TS/MRF. This HRA follows the South Coast Air Quality Management District (SCAQMD) guidance Risk Assessment Procedures for Rules 1401 and 212 (Version 7.0, July 1, 2005). Health hazards were evaluated based on the California Office of Environmental Health Hazard Assessment (OEHHA) Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (August 2003). Modeling was performed using the Industrial Source Complex – Short Term (ISCST-3) air dispersion model as required by SCAQMD. To calculate air concentrations for the HRA analyses, air dispersion modeling was completed using one year of SCAQMD pre-processed meteorological data from the Burbank Station and the ISCST3 model.

In accordance with the OEHHA Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, cancer risks were calculated using an inhalation cancer potency factor for DPM of 1.1 (mg/kg-day)-1 and chronic non-cancer risks were calculated using a Reference Exposure Level (REL) for DPM of 5 µg/m3. These health factors for DPM were developed based on whole diesel exhaust (both gas and particulate matter) so that DPM is a surrogate for all the speciated compounds within DPM. In accordance with Appendix D of the OEHHA guidance, acute non-cancer risk of speciated compounds is not required since the potential cancer risk from inhalation exposure to DPM will outweigh the potential non-cancer health impacts.

Annual average air concentrations were calculated for each receptor using the DPM emission rates. The resulting concentrations at the maximum exposed offsite worker and maximum exposed residential receptor were then used to calculate the health risks following SCAQMD's Rule 1401 methodology.

The maximum exposed individual worker (at Art Street and Sutter Avenue) is predicted to be exposed to a MICR from DPM of 9.56 in one million. The maximum exposed individual resident (on Ralston Avenue) is predicted to be exposed to a MICR from DPM of 8.36 in one million.

Since MICR of 9.56 in one million at the maximum exposed individual worker and MICR of 8.36 in one million at the maximum exposed individual resident are both less than 10 in one million, incremental cancer risk for the project is not a significant impact.

Non-Cancer Risk Results
The State of California provides an REL for use as an indicator of potential adverse non-cancer health effects. An REL is a concentration level (µg/m3) or dose (mg/kg-day) at which no adverse health effects are anticipated. For DPM, the REL for chronic impacts is 5.0 ug/m3 and there is no REL for acute impacts.

The ratio of the calculated exposure to the REL is the non-carcinogenic hazard index (HI). The chronic HI is based upon annual average emissions. A chronic HI of 1 (i.e., the concentrations/dosage of TACs exceed the concentration/dosage at which no adverse health effects are anticipated) at any target organ is considered a significance threshold. Chemical concentrations, determined from modeling, are evaluated relative to their respective RELs for each organ and compared to a HI of 1. The target organ for DPM is the respiratory system.

Based on the analysis of DPM emissions, the maximum HI for the maximum exposed individual worker is 0.0154, and the maximum HI for the maximum exposed individual resident is 0.0052, both of which are below the significance threshold of 1.0. As such, impacts related to non-cancer risks resulting from the proposed project would be less than significant.

Impact 4.4-12: Phase II Construction and Phase II Complete activities would generate additional traffic, which would have the potential to increase localized CO concentrations at intersections near the project site. (Less Than Significant) Project-related traffic during Phase II Construction and Phase II Complete could also cause increased CO concentrations at area intersections as a result of increased traffic congestion. An analysis of CO concentrations was conducted at six study intersections expected to experience the highest levels of traffic congestion, including project traffic. The analysis was based on the total volume of peak hour traffic, including existing, related projects, regional growth and proposed project traffic. None of the intersections would experience CO concentrations that exceed the State 1-hour CO standard or Federal and State 8-hour CO standard. Impacts related to local CO concentrations in Phase II Construction and Phase II Complete would be less than significant.

Impact 4.4-13: Phase II Complete would include handling of solid waste in the TS/MRF which would have the potential to generate odors. (Less Than Significant) The proposed TS/MRF is not expected to generate any additional odors because transfer activities which could generate potential odors would take place within an enclosed building designed to mitigate odors. The MRF is expected to handle curbside recyclables such as paper, glass, and aluminum. The general characteristics of these materials do not lend themselves to generation of odors. The TS/MRF building will be equipped with exhaust fans to provide six air exchanges every hour. The air leaving the building at the roof exhaust fans will be treated by an odor neutralizing misting system to mitigate odors. Negative pressure will be maintained at the building entrance so no untreated air will leave the building. An odor neutralizer may be mixed with dust control water in the ceiling mounted misting systems for extra odor mitigation as needed. As such, because of the design of the facility, no substantial increase in the likelihood that odors would be generated that would cause a nuisance affecting a considerable number of persons or the public would occur and impacts of the proposed TS/MRF with respect to odors would be less than significant.

Impact 4.4-14: Phase II Complete would have the potential to generate greenhouse gasses (GHGs). (Less Than Significant) After the closure of the landfill at the BLRC, MSW no longer transported to the BLRC must be disposed of at other municipal and private landfill sites throughout Southern California. As a result of the closure of the BLRC landfill in April 2007, there is a great need for waste disposal options for the Los Angeles region, and particularly, the City, in order to process and dispose of the large volumes of wastes that have historically been disposed of at the BLRC each day.

BLRC controls methane (CH4) and carbon dioxide (CO2), the GHGs produced by the decomposition of landfilled refuse, through the existing landfill gas to energy project, which is largely consistent with CARB's proposed early action measures to reduce GHG emissions, The BLRC gas recovery plant currently is estimated to capture approximately 77 percent LFG, which is processed and piped to the Penrose Landfill Gas Conversion, LLC landfill gas-to-energy plant. The BLRC LFG collection and disposal systems will continue to process the LFG from the closed landfill into

electricity during the operation of the Project's TS/MRF. Because the MRF materials will be sorted and recycled off-site, no additional methane will result from the TS/MRF operation.

The TS/MRF project ensures that there will be less than significant impacts from GHG emissions as a result of the construction and operation of the TS/MRF project. The TS/MRF will reduce the number of regional vehicle miles traveled to dispose of waste and separate recyclable materials from the City of Los Angeles waste stream, and will comply with ARB and SCAQMD regulations and the adoption of all feasible mitigation measures into the TS/MRF project. By nature of being a TS/MRF, the project would not result in a significant contribution of GHG emissions relative to existing conditions and the continuing need to dispose of MSW and recover recyclable materials from the waste stream.

ii. **Mitigation Measures:** The following feasible mitigation measures have been identified to avoid or reduce emissions associated with construction activities: These measures would also reduce PM2.5.

4.4-1 Prior to beginning Phase I construction activities, the Project Applicant shall develop a Construction Emission Management Plan for the Proposed Project. The Plan shall include measures to minimize emissions from vehicles including, but not limited to:

- Moisten soil not more than 15 minutes prior to moving soil and conduct necessary watering to prevent visible dust emissions from exceeding 100 feet in any direction.
- Apply non-toxic chemical stabilizers according to manufacturers' specifications or apply non-toxic dust suppressants or vegetation sufficient to maintain a stabilized surface to disturbed surface areas (completed grading areas) that are to be left inactive for five working days or more.
- Exposed pits (i.e., gravel, soil, dirt), if any, with 5% or greater silt content shall be watered twice daily, enclosed, covered or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- Water excavated soil and debris piles hourly or cover them with tarp, plastic sheets or other coverings.
- Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered prior to leaving the construction site or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the material and the top of the truck). Mud-covered tires and under-carriages of trucks shall be washed before leaving construction sites.
- Continue sweeping adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing the project site.
- Securely cover loads with a tight fitting tarp or similar covering device on all trucks leaving the construction site.
- Cease excavating and grading during periods when winds exceed 25 miles per hour.

- Cease excavating and grading during second stage smog alerts.
- Low VOC-emission paints shall be utilized in accordance with SCAQMD Rule 1113.
- Truck deliveries shall be scheduled outside peak traffic hours and consolidated to the maximum extent feasible.

4.4-2 Use electricity or alternative fuel for on-site equipment to the extent feasible; for all other equipment use CARB-approved diesel fuel. Contractor and Applicant shall maintain invoices on-site for inspection for diesel fuel purchases.

4.4-3 Maintain construction equipment tuned up and with two to four degree retard diesel engine timing. This measure is obsolete based on new CARB rules requiring more stringent standards, as outlined in Mitigation Measures 4.4-6 and 4.4-8.

4.4-4 Use on-site electricity rather than temporary power generators in portions of the landfill where electricity is available.

4.4-5 Use CARB-approved diesel (as defined in SCAQMD Rule 431.2), which shall be identified in the Construction Emission Management Plan prepared by the Applicant and Contractor.

4.4-6 Use construction equipment that meets EPA Tier I, II, or III emissions requirements; the specific equipment to be utilized shall be identified in the Construction Emission Management Plan prepared by the Applicant and Contractor (Mitigation Measure 4.4-1).

4.4-7 When diesel particulate filters (DPF) are required, use CARB-verified particulate filter traps.

4.4-8 Any new off-road equipment purchased shall meet a minimum of EPA Tier III standards and/or apply diesel particulate filters (DPF) meeting CARB-verified Level 3 standards for off-road engines; the specific equipment to be utilized shall be identified in the Construction Emission Management Plan prepared by the Applicant and Contractor (Mitigation Measure 4.4-1).

4.4-9 Prohibit material delivery heavy-duty truck idling in excess of five minutes.

4.4-10 Configure construction parking to minimize traffic interference.

4.4-11 Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.

4.4-12 Schedule construction activities that affect traffic flow on the arterial system to off-peak hour to the extent practicable.

4.4-13 Reroute construction trucks away from congested streets or sensitive receptor areas.

4.4-14 Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

4.4-15 Give preferential consideration to qualified contractors who use clean fuel construction equipment; emulsified diesel fuels, construction equipment that uses ultra low sulfur CARB diesel and is equipped with oxidation catalysts, or other retrofit technologies. Justification shall be included in the Construction Emission Management Plan.

4.4-16 Pursuant to SCAQMD Rule 403, a Fugitive Dust Control Plan will be developed and implemented for the Proposed Project, and shall include, but not be limited to:

- Moisten soil not more than 15 minutes prior to moving soil and conduct necessary watering to prevent visible dust emissions from exceeding 100 feet in any direction.
- Apply non-toxic chemical stabilizers according to manufacturers' specifications or apply non-toxic dust suppressants or vegetation sufficient to maintain a stabilized surface to disturbed surface areas

(completed grading areas) that are to be left inactive for five working days or more.

- Exposed pits (i.e., gravel, soil, dirt), if any, with 5% or greater silt content shall be watered twice daily, enclosed, covered or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- Water excavated soil and debris piles hourly or cover them with tarp, plastic sheets or other coverings.
- Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- All trucks hauling dirt, sand, soil or other loose materials off-site shall be covered prior to leaving the construction site or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the material and the top of the truck). Mud-covered tires and under-carriages of trucks shall be washed before leaving the construction sites.
- Continue sweeping adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing project site.
- Securely cover loads with a tight fitting tarp or similar covering device on all trucks leaving the construction site.
- Cease excavating and grading during periods when winds exceed 25 miles per hour.
- Cease excavating and grading during second stage smog alerts.
- Low VOC-emission paints shall be utilized in accordance with SCAQMD Rule 1113.
- Truck deliveries shall be scheduled outside peak traffic hours and consolidated to the maximum extent feasible.
- Replace ground cover in disturbed areas inactive for ten days or more.
- All streets shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers or roadway washing trucks or whenever visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).
- To reduce dust caused by track-out from vehicles exiting the site, an extra wide rumble strip (minimum ten feet) should be used at all exits.
- Street cleaning on all access roads to reduce dust in streets shall be mandatory at least twice daily.

4.4-17 Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation. Identification of the construction relation officer shall be posted at the entry gate to the project site, including name and contact phone number.

4.4-18 A weather station indicating temperature, wind speed and direction should be constructed and maintained on-site. Weather information should be recorded and available for LEA use for at least 30 days.

4.4-19 If complaints are received by the LEA, limited and reasonable monitoring for dust will be conducted by qualified firms or individuals, under the LEA's direction if determined to be necessary by the LEA. Reports and/or results will be provided to the LEA by the facility operator at the operator's expense.

If project dust levels are found to be unacceptable, the LEA may require the operator to implement appropriate and reasonable dust control measures.

4.4-20 The Project Applicant shall obtain Leadership in Energy and Environmental Design (LEED) certification for the TS/MRF at the Basic level, at a minimum.

4.4-21 Investigate the technological feasibility of using a diesel oxidation catalyst or PM filter trap on an off-road device (i.e., construction equipment). Although there are a few Level III devices that are CARB-verified for off-road applications, the Applicant will conduct a technological feasibility analysis on one piece of equipment. If successful, the applicant will consider extending the program beyond 2008. In addition, the Applicant will comply with recently-adopted state regulations to reduce emissions from off-road vehicles and equipment.

4.4-22 Conduct a pilot study using a CARB-verified Diesel Particulate Filter that is also verified to reduce NOx emissions on one refuse hauling truck. If successful, the Applicant will consider extending the program to 2008. Applicant will also participate in the SCAQMD SOON program to accelerate NOx reductions from off-road equipment, as required.

4.4-23 Maintain construction equipment tuned up and with two to four degree retard diesel engine timing during landfill operation and closure activities. This measure is now obsolete, see Mitigation Measure 4.4-3.

4.4-24 Purchase and use an electric wood grinder in lieu of a traditional diesel grinder.

4.4-25 Applicant shall establish a preference or fee reduction for all solid waste collection vehicles (SWCVs) and other on-road heavy-duty vehicles visiting the landfill, TS/MRF or green/wood waste facilities, that are alternative fueled or model year (MY) 2009 or newer diesel vehicles equipped with CARB-verified DPFs. This program shall be posted at the scale house by the Applicant.

4.4-26 Conduct pilot test on CARB-verified DPF and Lean NOx Catalyst (e.g., Cleaire Flash and Catch and Longview devices); determine feasibility; develop incentive program (e.g., reduced tipping fees) for use of such emission control devices in on-road heavy-duty vehicles visiting the landfill, TS/MRF or green/wood waste facilities. [25% NOx control and 85% PM control] The test and program shall be reviewed and approved by CARB.

4.4-27 Only loading of bailed or contained recyclables shall be loaded outdoors.

4.4-28 The applicant will maintain a 24-hour call-in number for residents in the event of nighttime odor complaints. Assigned personnel will respond to any calls to determine whether or not the source of odor is coming from BLRC. In the event that BLRC is the source of odors, appropriate measures will be implemented to mitigate such odors.

iii. Findings

The Planning Commission disapproved the requested entitlements and found that the conditional use and variance will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the variance and that the recommended conditions would address those impacts.

That there are environmental impacts that include the impact of emissions from non controlled vender trucks that will frequent the facility, unregulated by entitlement conditions to the extent of the clean air status. Such air quality impacts from the creation of this facility cannot be controlled by these conditions as to their

compliance with the California Air Quality Board (CARB) standards for waste collection trucks. Such air quality impacts will impacts will affect neighboring residential population of Sun Valley.

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effects associated with air quality. With respect to NOx and PM10, no mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable. The project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.

During Phase I, when construction of the TS/MRF is taking place, concurrent emissions from construction activity and operational activity would occur. The maximum emission levels projected to occur during Phase I, when all activities (construction and operational) are taking place simultaneously are as follows: 138 lbs/day of VOC, 607 lbs/day of CO, 1,792 lbs/day of NOx, 7.9 lbs/day of SOx, and 858 lbs/day of PM10. The maximum Phase I emissions of VOC, NOx and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. However, even with implementation of mitigation measures, emissions related to VOC, NOx, and PM10 would remain significant and unavoidable. (DEIR, p. 1.19.)

iv. **Rationale for Findings**

Phase I construction emissions are expected from the following equipment and processes: construction equipment (dump trucks, backhoes, graders, etc.), equipment delivery/on-site travel, heavy diesel trucks (importing fill material), construction worker trips, and fugitive dust associated with site construction activities. Daily construction emissions were calculated for the peak construction day activities in Phase I Construction. Peak day emissions are the sum of the highest daily emissions from employee vehicles, fugitive dust sources, construction equipment and transport activities for the construction period of the TS/MRF. The peak emissions were determined to be: 18 lbs/day VOC, 107 lbs/day CO, 137 lbs/day NOx, 0.9 lbs/day SOx, and 392 lbs/day PM10. The emissions of NOx and PM10 would exceed the SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. However, even with implementation of mitigation measures, impacts from NOx and PM10 would remain significant and unavoidable. (DEIR, p. 1-18.)

The total additional operational emissions projected to result from the Phase I project are as follows: 120 lbs/day VOC, 500 lbs/day CO, 1,555 lbs/day NOx, 7 lbs/day SOx, and 466 lbs/day PM10 identified in Table 4.4-7. Most of the emissions are associated with additional trips to the facility are due to the additional landfill capacity. With the elimination of the vertical expansion from Alternative D2, the actual emissions would be less than projected. Other emissions are associated with the additional equipment associated with the expanded green and wood waste operations (including an additional electric grinder) and MRF. As shown in Table 4.4-7, emissions of VOC, NOx and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. (FEIR, p. 3-87.) As shown in Table 4.4-7, the modifications and refinements to the calculation of regional operational emissions during Phase I did not change any of the conclusions with respect to exceedance of SCAQMD significance thresholds. With the refinements included, emissions of VOC, NOx and PM10 would exceed SCAQMD thresholds and

would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. No new significant impacts would occur as a result of the modifications and refinements applied to the previous calculations. However, even with implementation of mitigation measures, impacts from VOC, NOx and PM10 would remain significant and unavoidable. (FEIR, p. 3-87.)

During Phase I, when construction of the TS/MRF is taking place, concurrent emissions from construction activity and operational activity would occur. The maximum emission levels projected to occur during Phase I, when all activities (construction and operational) are taking place simultaneously are as follows: 138 lbs/day of VOC, 607 lbs/day of CO, 1,792 lbs/day of NOx, 7.9 lbs/day of SOx, and 858 lbs/day of PM10. The maximum Phase I emissions of VOC, NOx and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. However, even with implementation of mitigation measures, emissions related to VOC, NOx, and PM10 would remain significant and unavoidable. (DEIR, p. 1.19.)

Although landfill closure activities will likely occur, if at all, during Phase I, the analysis of the impacts from landfill closure activities are included in Phase II. These would include the installation of a final cover using construction equipment. Upon completion of the final dirt cover, vegetation will be planted on all slopes as well as landfill cap; surface water control structures will be built, as well as the final transition of the landfill to an end use. Peak day construction emissions associated with landfill closure activities that would occur under Phase II Construction of Alternative D2 are anticipated to be as follows: 15 lbs/day of VOC, 74 lbs/day of CO, 182 lbs/day of NOx, 0 lbs/day of SOx, and 115 lbs/day of PM10. emissions of NOx resulting from this activity would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. Emissions from construction activities would be temporary in nature, occurring only during time frames when landfill closure activities are actively taking place (Phase II). (FEIR, p. 3-93.)

As shown in Table 4.4-10, the modifications and refinements to the calculation of regional operational emissions during Phase II did not change any of the conclusions with respect to exceedance of SCAQMD significance thresholds. With the refinements included, emissions of NOx would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. No new significant impacts would occur as a result of the modifications and refinements applied to the previous calculations. (FEIR, p. 3-93.) As noted above, landfill closure activities are likely to occur prior to and possibly during Phase I, since the landfill ceased accepting waste on April 14, 2007. If this occurs, the air quality impacts associated with Phase I analyzes maximum Phase I emissions, and include the emissions associated with the vertical expansion which will no longer occur. The regardless of whether landfill closure activities occur in Phase I or Phase II, the analysis contained within the EIR sufficiently analyzes all of the potentially significant adverse impacts that could result from the occurrence of landfill closure activities. With implementation of the mitigation measures, emissions from NOx would remain significant and unavoidable. (DEIR, p. 1-22.)

The bulk of operational emissions at the facility result from increased truck travel. The California Air Resources Board (CARB) established a law in 2004 that targeted

emissions from refuse-carrying trucks. The CARB regulation requires trucks to be retrofitted based on make and model year. Mandated reductions are either 25% or 80% for PM10 depending upon the model year of the engine. As such, emissions will continue to decline from this source category as these fleets are turned over and replaced with newer, cleaner models. (DEIR, p. 4.4-31.)
Emissions would be associated with the additional equipment as well as the associated trips after April 2007, when the landfill would close. The total additional operations emissions projected to result from Phase II Complete are anticipated to be 40 lbs/day VOC, 210 lbs/day CO, 813 lbs/day NOx, 6 lbs/day SOx, and 149 lbs/day PM10. Emissions of NOx would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. (FEIR, p. 3-95.) However, even with implementation of the mitigation measures, NOx emissions would remain significant and unavoidable. (DEIR, p. 1-23.)

Landfill closure activities are likely to occur prior to and possibly during Phase I, since the landfill ceased accepting waste on April 14, 2007. The air quality impacts associated with Phase I analyzed in the Draft EIR constitute maximum Phase I emissions, and include the emissions associated with the vertical expansion, which will no longer occur. The analysis of impacts from landfill closure activities under Phase II indicates that these impacts are less than the projected impacts for the vertical expansion. Thus regardless of whether landfill closure activities occur in Phase I or Phase II, the analysis contained within the EIR sufficiently analyzes all of the potentially significant adverse impacts that could result from the occurrence of landfill closure activities. If any construction activity associated with landfill closure takes place in Phase II, concurrent emissions from construction activity and operational activity would occur. The maximum emission levels projected to occur during Phase II, when all activities (construction and operational) are taking place simultaneously are as follows: 131 lbs/day of VOC, 526 lbs/day of CO, 1,884 lbs/day of NOx, 10 lbs/day of SOx, and 344 lbs/day of PM10. The maximum Phase II emissions of VOC, NOx and PM10 would exceed SCAQMD thresholds and would be significant. Emissions of all other criteria pollutants would be below SCAQMD thresholds and would be less than significant. These peak emission levels would occur only during the time frame when landfill closure activities are taking place (Phase II,). After landfill closure is complete, emissions would be within the levels shown in Table 4.4-11. (FEIR, pp. 3-95 thru 3-96.) However, even with implementation of the mitigation measures the emissions from VOC, NOx, and PM10 would remain significant and unavoidable. (DEIR, p. 1-24.)

Cumulative air quality and health risk impacts would occur to the extent that criteria and toxic pollutant emissions generated by Alternative D2 combine with emissions from other new and/or ongoing sources in the vicinity. A total of 29 related Projects are included in the EIR (see Section II, Table 2-4). As discussed in Section 4.4 of the EIR, the SCAB is presently designated non-attainment of state and Federal standards for CO, ozone and PM10. Total daily air emissions from activities occurring on the Project site during Phase I and Phase II of Alternative D2 would exceed SCAQMD thresholds for VOCs, NOx and PM10 and would be significant. The 29 related Projects would also contribute VOC, NOx and PM10 emissions into the SCAB. Therefore, Alternative D2 and the related Projects would contribute to significant cumulative air quality impacts. (DEIR, p. 4.4-41.)

While individual Project emissions exceed the SCAQMD thresholds on a localized level, overall the Project has the potential to reduce emissions across the SCAB. Materials no longer transported to Bradley, must be disposed of at other municipal

and private landfill sites throughout Southern California. Potential disposal sites are as much as 120 miles away from Bradley therefore, contributing to emissions across the Basin. As such, the additional disposal capacity that would be provided under Phase I of Alternative D2 would result in reduced regional emissions by offering the potential to reduce these trip lengths. In addition, the additional transfer capacity that would be provided in Phase II of Alternative D2 would potentially reduce trip lengths by allowing loads to be consolidated for transfer to outlying landfills. Finally, continued compliance with CARB regulations requiring reduction in emissions from trash vehicles and the Applicant's programs to convert its fleet to low emissions fuels and alternative fuels (e.g., natural gas) would result in long-range benefits to regional air quality over the course of Alternative D2. (DEIR, p. 4.4-41.)

The analysis of local CO concentration impacts associated with implementation of Alternative D2 considers the effects of growth in traffic associated with Alternative D2 and the related Projects listed in Section 2.0. Consequently, impacts of cumulative growth are already incorporated into the projections utilized to model the future CO concentrations shown in the tables. As indicated, impacts of Alternative D2, in conjunction with related Project and other regional growth with respect to CO concentrations would not exceed state or federal standards and would therefore be less than significant. (DEIR, p. 4.4-41.)

Additionally, given the significant adverse environmental effects linked to GCC induced by GHGs, the emission of GHGs is considered a significant cumulative global impact. The challenge in assessing the significance of an individual project's contribution to global GHG emissions and associated global climate change impacts, however, is to determine whether an individual project's GHG emissions - which, it can be argued, are at a micro scale relative to global emissions - result in a cumulatively considerable incremental contribution to a significant cumulative impact.

As explained above, because of the inherent nature of TS/MRF projects, the BLRC project would likely reduce overall GHG emissions by enabling MSW loads from smaller collection trucks to be consolidated into larger transfer trucks for transfer to outlying landfills. Because MSW will continue to be generated within the City, net regional air emissions, including GHGs, would continue to be generated within the basin with or without the Project. Thus, at worst, the Project would merely shift GHG emissions from one area of the air basin to another. It is more likely, however, that the TS/MRF project would improve overall air quality emissions, including GHG emissions by consolidating loads and recovering more recyclable materials. Quantification of the precise amount of air quality/GHG emissions from the construction and operation of the TS/MRF in conjunction with other past, present and reasonably foreseeable related projects, however, is infeasible at this time.

Because the effects of GHGs are both local and global, a project such as the TS/MRF that would reduce or, at worst, shift the location of the GHG-emitting activities, would result in no net increase in global GHG emissions levels, much less a cumulatively considerable increase. Construction and operation of the TS/MRF Project, therefore, will result in less than significant cumulative impacts to global climate change from GHG emissions. (FEIR, p. 3-119.)

With implementation of the above-listed mitigation measures, emissions of the following pollutants will remain significant and unavoidable for at least one of the Project's phases:

- Phase I: VOC, NOx, PM10
- Phase II: VOC, NOx, PM10

Cumulative impacts related to landfill gas generation, local carbon monoxide concentrations, surface emissions of landfill gas, toxic air contaminants, and greenhouse gases would be less than significant. (FEIR, pp. 3-119 thru 3-120.)

b. Noise

i. **Description of Environmental Effects**: (NOTE: References to the Transitional Vertical Expansion are no longer applicable, as discussed above.)

Impact 4.5-1: The proposed transitional vertical expansion would result in the operation of additional equipment that would generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) Under the proposed transitional vertical expansion, the same equipment would be utilized as under the existing operation, with the addition of one bulldozer and one compactor. Maximum noise levels that would be generated by the simultaneous operation of all equipment during Phase I landfill operations would be approximately 92.3 dBA. The increase in the maximum noise level of all equipment operating simultaneously would be 2.0 dBA. This increase in noise level would be reduced by attenuation at nearby sensitive receptors. Moreover, equipment use would occur to the center of the transitional vertical expansion area, which would increase the distance from the equipment to the nearby sensitive receptors. There would be no potential for audible increase (i.e., 3 dBA) at sensitive receptors from the proposed vertical expansion.

Impact 4.5-2: Construction of the proposed TS/MRF would result in the operation of construction equipment that would generate noise that could be perceived at nearby sensitive receptors. (Significant) Construction of the proposed TS/MRF would involve the use of construction equipment. The highest noise levels from construction equipment are generated during the grading/excavation phase (86 dBA at 50 feet). In addition, construction of the proposed TS/MRF would involve importation of approximately 163,500 cy of fill dirt, involving approximately 120 trucks per day for 83 working days. When the noise impacts of these trucks are added to the noise levels generated by construction equipment, a source level of approximately 89 dBA at 50 feet would be generated. Based on the conservative assessment of sound attenuation, the noise level experienced at the nearest residential area would be approximately 67 dBA. This level would represent an increase of 14 dBA over the existing ambient level at this location. As such, the noise associated with the proposed construction of the TS/MRF would be significant.

Impact 4.5-3: The proposed green and wood waste expansion would result in the operation of additional equipment that would generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) The proposed expansion of existing wood and green waste operations in Phase I would result in an increase in equipment utilization of one conveyor sort line, one grinder, one trammel screen, and two loaders. The maximum noise level generated by the simultaneous operation of all equipment was calculated and would increase noise levels by 2.9 dBA. This increase in noise level would be further reduced by attenuation at nearby sensitive receptors. As such, there would be no potential for an audible increase at sensitive receptors to result from the proposed green and would waste processing facility expansion and impacts would be less than significant.

Impact 4.5-4: The proposed Phase I MRF operation would result in the operation of additional equipment that would generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) The proposed expansion of the existing MRF would involve the use of one additional conveyor sort line. The maximum noise

level generated by the simultaneous operation of all equipment was calculated and the maximum increase in noise levels would be approximately 0.5 dBA. This increase in noise level would be further reduced by attenuation at nearby sensitive receptors. As such, these receptors would experience an increase of less than 0.5 dBA as a result of expanded MRF operations. There would be no potential for an audible increase in noise levels at sensitive receptors as a result of the proposed expansion of the existing MRF. Impacts would be less than significant.

Impact 4.5-5: Simultaneous operation of all equipment during Phase I would generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) During Phase I, all activities could operate simultaneously with maximum utilization of all equipment. The maximum noise level generated by the simultaneous operation of all additional equipment that could potentially be utilized during Phase I could increase noise levels approximately 1.8 dBA. This increase in noise level would be further reduced by attenuation at nearby sensitive receptors. As such, these receptors would experience an increase of less than 1.8 dBA as a result of all Phase I operations. There would be no potential for an audible increase in noise levels as perceived at sensitive receptors to result from all activities that could occur under Phase I and impacts would be less than significant.

Impact 4.5-6: Proposed Phase I activities would generate additional traffic that could change the noise environment at nearby sensitive receptors. (Less Than Significant) Three roadway segments were selected for analysis of traffic noise. The roadway segments were selected based upon locations of residential communities in the vicinity of the project site. The CNEL predictions were based upon the p.m. peak hour traffic volumes, which were determined to be of greater volume. The maximum project-related noise increase would be below the 3 dBA threshold of audibility identified in the L.A. CEQA Thresholds Guide and the Proposed Project would not cause the ambient noise level to increase to the "normally unacceptable" category for residential land uses. Impacts related to traffic noise in Phase I would be less than significant.

Impact 4.5-7: Operation of the proposed TS/MRF could generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) Operation of the proposed TS/MRF would involve different equipment than is utilized for the landfill operation. When the landfill closes and the TS/MRF opens, the use of earth moving equipment on the landfill for solid waste processing would cease and would be replaced by equipment required to handle solid waste and recyclables, which would include up to four wheeled loaders, two forklifts, and two balers. In addition, the existing/expanded MRF would close and operations would transfer to the new TS/MRF. This would result in a net increase of one conveyor sort line. The average noise level generated by the simultaneous operation of all equipment would be approximately 91.7 dBA. However, this equipment would be operated within the proposed TS/MRF structure, which would be completely enclosed and would reduce the noise levels experienced outside the structure by at least 20 dBA, to 71.7 dBA. This noise level would be reduced by attenuation to approximately 49 dBA at the nearest residential use (i.e., the conforming residential area located to the southwest of the project site, Sensitive Receptor #3). As such, the operation of the projected mix of equipment within the new TS/MRF building would not be audible at the nearest residential area to the project site and impacts would be less than significant.

Impact 4.5-8: Final landfill closure activities would involve operation of additional equipment that would generate noise that could be perceived at nearby sensitive receptors. (Less Than Significant) During operations associated with landfill

closure, equipment utilization would consist of one bulldozer, three compactors, four scrapers, two motor graders and two water trucks; landfill closure activities would last 9 to 10 months. The average noise level generated by the simultaneous operation of all equipment would be approximately 91.7 dBA. This noise level would be reduced by attenuation to approximately 82 dBA at the nearest non-conforming residential unit. This noise level would be approximately 17 dBA higher than the measured ambient noise level of 65 dBA. The noise level associated with landfill closure would be reduced by attenuation to 70 dBA at the nearest conforming residential use, which would be 17 dBA above the ambient noise level for this area. These increases would be above the City's threshold of significance for construction activity (increase of 5 dBA). As such, the noise associated with landfill closure activities would be significant.

Impact 4.5-9: Proposed Phase II activities would generate additional traffic that could change the noise environment at nearby sensitive receptors. (Less Than Significant) During landfill closure activities the maximum project related noise increase would be below the 3 dBA threshold of audibility identified in the L.A. CEQA Thresholds Guide and the Proposed Project would not cause the ambient noise level to increase to the "normally unacceptable" category for residential land uses. Impacts related to traffic noise during Phase II landfill closure operations would be less than significant.

After landfill closure, the maximum project related noise increase would be below the 3 dBA threshold of audibility identified in the L.A. CEQA Thresholds Guide and the Proposed Project would not cause the ambient noise level to increase to the "normally unacceptable" category for residential land uses. Impacts related to traffic noise after Phase II landfill closure operations would be less than significant.

ii. Mitigation Measures

4.5-1 Construction contracts shall specify that all construction equipment must be equipped with mufflers and other applicable noise attenuation devices.

4.5-2 Construction shall be restricted to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and prohibited at anytime on Sunday or a Federal holiday.

4.5-3 Temporary plywood noise barriers shall be constructed along the BLRC property line on San Fernando Road between the TS/MRF construction site and residential area located west of San Fernando Road. Plywood shall be installed to the height necessary to block the line of sight between the construction site and the nearest residential unit to the construction site. Plywood shall be a minimum of one-half inch thick, in order to provide a minimum 10 dB reduction in noise levels between the construction activity and the receptor. Noise barrier design shall be reviewed and approved by the Department of Building and Safety to ensure that the design results in the required 10 dB minimum reduction.

4.5-4 If complaints are received by the LEA, limited and reasonable monitoring for noise will be conducted by qualified firms or individuals, under the LEA's direction if determined to be necessary by the LEA. Reports and/or results will be provided to the LEA by the facility operator at the operator's expense. (DEIR, p. 4.5-15; FEIR, p. 3-121.)

iii. Findings

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the potentially significant environmental effects associated with cumulative air quality. No mitigation is available to render the effects less than significant. The effects therefore remain significant and unavoidable. The project's benefits outweigh the significant unavoidable impacts of the project, as set forth in the Statement of Overriding Considerations.

iv. **Rationale for Findings**

Construction of the proposed TS/MRF would involve the use of construction equipment. The highest noise levels from construction equipment are generated during the grading/excavation phase (86 dBA at 50 feet). In addition, construction of the proposed TS/MRF would involve importation of approximately 163,500 cy of fill dirt, involving approximately 120 trucks per day for 83 working days. When the noise impacts of these trucks are added to the noise levels generated by construction equipment, a source level of approximately 89 dBA at 50 feet would be generated. Based on the conservative assessment of sound attenuation, the noise level experienced at the nearest residential area would be approximately 67 dBA. This level would represent an increase of 14 dBA over the existing ambient level at this location. As such, the noise associated with the proposed construction of the TS/MRF would be significant. With implementation of the listed mitigation measure, noise impacts associated with the construction of the TS/MRF would remain significant and unavoidable. (DEIR, p. 1-28.)

Operation of the proposed TS/MRF would involve different equipment than is utilized for the landfill operation. When the landfill closes and the TS/MRF opens, the use of earth moving equipment would cease and would be replaced by equipment required to handle solid waste and recyclables, which would include up to four wheeled loaders, two forklifts, and two balers. In addition, the existing/expanded MRF would close and operations would transfer to the new TS/MRF. This would result in a net increase of one conveyor sort line. The average noise level generated by the simultaneous operation of all equipment would be approximately 91.7 dBA. However, this equipment would be operated within the proposed TS/MRF structure, which would be completely enclosed and would reduce the noise levels experienced outside the structure by at least 20 dBA, to 71.7 dBA. This noise level would be reduced by attenuation to approximately 49 dBA at the nearest residential use (i.e., the conforming residential area located to the southwest of the project site, Sensitive Receptor #3). Under the revised design of the TS/MRF under Alternative D2, trucks would be routed to enter the TS/MRF on the south side of the building via the roadway located on the northeast side of the building (i.e., between the building and the adjacent existing landfill), as shown in Figure 3-8 (see Project Description). From where they would then proceed through the building to discharge their loads, then exit the building at the southwest corner and exit the facility via the same road on which the entered. (see Figure 6-9, Alternative D2 Site Plan). This revised circulation pattern would allow the loading of waste transfer trucks and recyclables trucks to take place on the north side of the new TS/MRF building, further screening TS/MRF activity from residential uses located on the west side of San Fernando Road.

Furthermore, the access roadway to be used by incoming waste trucks would be located behind an earthen berm that would include a fence and vegetative plantings on top of the berm. This berm and vegetated area would extend the length of the TS/MRF site parallel to San Fernando Road and would completely screen the roadways into and out of the TS/MRF and the parking area from San Fernando Road. In addition, the roadway used by waste transfer and recyclables trucks on the north side of the TS/MRF building would be located below the floor elevation of the

TS/MRF building, further screening these trucks from San Fernando Road. The berm and vegetated area would also partially screen the lower levels of TS/MRF building. This design modification would further reduce noise-related impacts during operation of the TS/MRF from locations southwest of San Fernando Road. As such, the operation of the new TS/MRF building would not be audible at the nearest residential area to the project site and impacts would be less than significant. (DEIR, pp. 4.5-18 thru 4.5-19.)

During operations associated with landfill closure, equipment utilization would consist of one bulldozer, three compactors, four scrapers, two motor graders and two water trucks; landfill closure activities would last nine to ten months. The average noise level generated by the simultaneous operation of all equipment would be approximately 91.7 dBA (see Appendix G for calculation). This noise level would be reduced by attenuation to approximately 82 dBA at the nearest non-conforming residential unit. This noise level would be approximately 17 dBA higher than the measured ambient noise level of 65 dBA. The noise level associated with landfill closure would be reduced by attenuation to 70 dBA at the nearest conforming residential use, which would be 17 dBA above the measured ambient noise level for this area. These increases would be above the City's threshold of significance for construction activity (increase of 5 dBA). As such, the noise associated with landfill closure activities would be significant, even with implementation of the identified mitigation. (DEIR, p. 4.5-19.)

Impacts related to operational noise would be less than significant. Impacts related to construction of the TS/MRF in Phase I and final landfill closure activities in Phase II would be reduced by approximately 10 dBA through the implementation of plywood noise barriers as identified in the mitigation measures. With implementation of this mitigation measure, the resulting noise levels at the nearest sensitive receptor would increase by approximately 4 dBA during TS/MRF construction and approximately 7 dBA during final landfill closure activity. This would represent a less than significant increase in noise levels after mitigation at the nearest sensitive receptor during TS/MRF construction. Thus, impacts during TS/MRF construction would be less than significant with mitigation. The increase in noise levels during final landfill closure activities at the nearest sensitive receptor would remain above the City significance threshold of 5 dBA for construction activity. As such, construction noise impacts would be significant and unavoidable during landfill final closure activities. (DEIR, p. 4.5-22.)

F. <u>Project Alternatives</u>:

The following alternatives were selected by the City of Los Angeles for the Proposed Project. The alternatives to be analyzed in comparison to the proposed Project include the following:

Alternative A: No Project Alternative

Alternative B: Reduced Transitional Vertical Expansion – 19' Increase

Alternative C: Reduced Transfer Station Alternative

Alternative D2: Transfer Station Only, No Vertical Expansion, Revised Design

The DEIR examined the project alternatives in detail comparing the alternatives to the proposed Project. Alternative D2, a modified version of the Alternative D previously considered in the EIR,

is the environmentally superior and preferred project alternative. Therefore, the discussion below compares the Alternatives to the revised proposed Alternative D2.

For the reasons set forth below, and considering the entire record, the Planning Commission hereby determines that the EIR presents a reasonable range of alternatives, in accordance with CEQA, and approves Alternative D2 – Transfer Station Only, No Vertical Expansion, Revised Design) rather than the proposed project and the following alternatives: Alternative A – No Project Alternative; Alternative B – Reduced Transitional Vertical Expansion – 19' Increase and Alternative C – Reduced Transfer Station Alternative. As the following discussion demonstrates, however, only Alternative D2 is feasible in light of Project objectives and other considerations. Each reason set forth below is a separate and independent ground for the Planning Commission's determination.

Alternatives Rejected as Being Infeasible. As described above, section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and to briefly explain the reasons underlying the lead agency's determination. Consideration was not given to alternative locations for the proposed Project because the Project Applicant does not own nor can the Applicant reasonably acquire, or otherwise have access to, alternative sites within the City of Los Angeles. Although the Project Applicant owns other sites outside the City of Los Angeles, these sites are located in outlying areas. Construction of a transfer station in an outlying area is an infeasible means of consolidating loads for disposal that are generated in the City of Los Angeles and the region. (DEIR, p. 6-2.)

A good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the objectives or be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The Planning Commission also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the Project.

1. **Alternative A - No Project Alternative.** The "No Project" alternatives analysis must discuss the existing conditions at the time the Notice of Preparation (NOP) is published as well as what would be reasonably expected to occur in the foreseeable future if Alternative D2 is not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no Project" alternative, the EIR shall also identify an environmentally superior alternative among the alternatives. (CEQA Guidelines § 15126.6, subd. (e)(2).) (DEIR, pp. 6-2 thru 6-3.)

   Under Alternative A, as originally analyzed in the EIR, no transitional vertical expansion would occur and the proposed TS/MRF would not be constructed. The landfill, which ceased active operations on April 14, 2007, would be closed in accordance with the requirements of current regulations. Activities on Bradley East would continue at their current levels in accordance with SWFP No. 19-AR-0004, which would not expire. Expansion of green and wood waste operations would not occur. Because generation of waste would continue to occur in the City of Los Angeles and elsewhere in the region, when the landfill closes in 2007, solid waste currently handled at BLRC would need to be disposed at other regional landfills. To the extent that capacity is available, loads could be consolidated at other transfer stations for transport to outlying landfills. However, as such existing facilities reach capacity; alternative methods would need to be developed to move large quantities of waste to landfills outside the City of Los Angeles. Alternatively, the City of Los Angeles, at the direction of the City Council, has begun to explore other advanced technologies for processing the City's solid waste that do not involve landfilling. While this process will require many years to implement, it offers the opportunity to substantially reduce

the amount of waste that will need to be transported to outlying landfills in the future. (DEIR, p. 6-3.)

a. Analysis of Alternative A's Ability to Reduce Significant Unavoidable Project Impacts

Land Use and Planning. The existing BLRC is compatible with the immediately surrounding land uses and consistent with the applicable policies and goals identified in Section 4.2 of the EIR. Under the No Project Alternative, none of the activities proposed in Alternative D2 would occur with the exception of closing the landfill. The closed landfill would be compatible with the surrounding uses and would meet most of the policies and goals identified in Section 4.2 with the exception of those pertaining to solid waste. Therefore, land use impacts under the No Project Alternative would be less than Alternative D2 . (DEIR, p. 6-3.)

Transportation and Circulation. Under the No Project Alternative, some increase in traffic levels would be expected during the course of the landfill closure from trucks bringing in clean soil for the four-foot closure cap. Upon completion of closure activities, no traffic, including trash or transfer truck trips, would be generated by the BLRC. Solid waste generated in the City of Los Angeles would need to be disposed of at other area landfills that are located at a greater distance (up to approximately 120 miles) from the City of Los Angeles. In addition, under the No Project Alternative, the air quality and traffic benefits of consolidating trash loads into transfer trucks and reducing the overall number of truck trips to outlying landfills may not be realized. This could potentially result in an increase in the number of truck trips, trip lengths and greater truck traffic on freeways serving the outlying areas than would occur under Alternative D2.

Regardless, under the No Project Alternative, as other landfills in the area reach capacity and close, there will be a need to transport waste greater distances to outlying landfills. If the City is successful in implementing alternative technologies for processing solid waste, which could occur under the No Project Alternative, the total amount of waste required to be landfill could drop substantially. In this event, the traffic impacts of the No Project Alternative would be lower than Alternative D2. The short-term increase in traffic due to closure activities would be similar to the impacts under Alternative D2. However, long-term traffic impacts under the No Project Alternative could potentially be greater than Alternative D2 as a result of increased traffic to the outlying landfills and the resulting additional local route trucks required to service businesses, residences, and construction sites, unless additional long-term transfer capacity is provided in the City or elsewhere in the region, or the City is successful in implementing alternative methods of dealing with the City's solid waste generation. (DEIR, pp 6-3 thru 6-4.)

Air Quality. Under the No Project Alternative, all solid waste would be redirected to other regional landfills. These other landfills are located in areas such as the Antelope Valley (e.g., the Antelope Valley and Lancaster Landfills) and could also include the Sunshine Canyon, El Sobrante, and Chiquita Landfills. Shipping the solid waste out to these facilities would increase the trip lengths and number of trips as larger transfer trucks would not be utilized and thereby would increase regional air quality emissions. Activities associated with the closure of the landfill (e.g., installing the soil cap and planting vegetation) would generate air emissions associated with the trucks and other equipment. These emissions would be the same as those identified under Alternative D2. No other Project activities would occur and no other emissions would be generated. Therefore, short-term air quality emissions under the No Project Alternative would be the same as those under Alternative D2. Long-term air quality emissions would be greater under the No Project Alternative than under Alternative D2 because of the

increased number of trash truck trips that would have to transport MSW on long-hauls to other regional landfills. (DEIR, p. 6-4.)

Noise. Under the No Project Alternative, the only Project activities which would occur are those associated with the landfill closure. Noise impacts would be generated from the trucks and equipment used to accomplish these closure activities. However, due to the distance from any receptor sources these impacts would be less than significant and similar to Alternative D2. Additionally, the gas produced by the closed landfill would continue to be flared off as necessary. These flares produce noise, but the noise would not be a change from the existing conditions. (DEIR, pp 6-4 thru 6-5.)

No other Project activities would occur (e.g., no truck trips associated with the new TS/MRF) and therefore, no noise impacts would be generated by the landfill after its closure. Therefore, long-term noise impacts under the No Project Alternative would be less than those associated with Alternative D2. (DEIR, p. 6-5.)

Aesthetics/Views. Under the No Project Alternative, the closed landfill will have a maximum height of 1,010 feet above msl. The closure activities would include installation of final cover, planting of vegetation on all slopes, and constructing surface water control structures. The maximum height of the closed landfill would not be much higher than currently exists and would not block any views of the mountains from the surrounding land uses. Views of the closed landfill would be primarily of a large, slightly sloping mound. This mound would be vegetated similarly to the slopes of the landfill at the intersection of Glenoaks Boulevard and Peoria Street. Therefore, no change would occur with respect to existing views of the landfill and impacts to views under the No Project Alternative would be the same as Alternative D2. (DEIR, p. 6-5.)

No new sources of light or glare would be introduced to the Project site under the No Project Alternative. Trucks and other equipment would be present during the final closure activities (see Section 3.0). Upon completion of landfill closure activities, no sources of light or glare would be located on the Project site. Therefore, light and glare impacts under the No Project Alternative would be less than Alternative D2. (DEIR, p. 6-5.)

Geology and Soils. Under the No Project Alternative, the existing operation of the landfill will continue, but the new TS/MRF would not be constructed. Therefore, no erosion or slope stability impacts would occur as a result of these activities and impacts would be less than Alternative D2. (DEIR, p. 6-5.)

Final landfill closure activities would include earth movement activities which would have the potential to expose large areas to the potential effects of soil erosion. Similar to Alternative D2, these activities are regulated by conditions established in the landfill's existing Zoning Variances and in grading permits. Therefore, these potential soil erosion impacts would be the same as those discussed under Alternative D2. (DEIR, p. 6-5.)

All grading associated with the importation and dumping of soils/inert materials, installation of soil cap, planting vegetation and construction of surface water control structures will require that the necessary permits be obtained from the Department of Building and Safety, and that the grading operations conform to all requirements of the City's Building Code. As such, the proposed final landfill cover would not represent soil that is unstable or would be unstable as a result of the Project and potentially result in collapse. Impacts from the No Project Alternative would be the same as those identified for landfill closure under Alternative D2. Overall, erosion and slope stability impacts associated with the No Project Alternative would be slightly less (due to the lack of

construction activities associated with the new TS/MRF) than those associated with Alternative D2. (DEIR, pp. 6-5 thru 6-6.)

Hydrology/Water Quality. Under the No Project Alternative, no construction activities, expansion of existing operations, or installation of additional holding tanks would occur. All hydrology and water quality impacts associated with the landfill would be the same. The current procedures utilized to control surface/stormwater water runoff and protect water quality would continue to be implemented. No construction activities would occur which could impact water quality. Closure of the landfill would require earth moving activities for the application of the four foot cap and the planting of vegetation. These activities would be in compliance with the conditions listed in the grading permit as required by the Department of Building and Safety. Therefore, impacts to hydrology and water quality would be less than Alternative D2. (DEIR, p. 6-6.)

Hazardous Materials. After closure, no solid waste will be accepted at BLRC for disposal. The possibility of introducing hazardous materials would therefore be less than Alternative D2. No construction activities, operation of the new TS/MRF, or expansion of the green and wood waste would occur under the No Project Alternative. Therefore, no hazardous materials would be utilized on the Project site and impacts would be similar to those under Alternative D2. (DEIR, p. 6-6.)

Utilities (Wastewater). Under the No Project Alternative, leachate generated by the decomposition of landfilled material would continue to be collected through the existing wastewater (leachate) collection and disposal system. This collected leachate would continue to be discharged to the existing public sanitary sewer system under the conditions of the landfill's industrial wastewater discharge permit issued by the Regional Water Quality Control Board. The amount of leachate generated would be the same as that under Alternative D2 as the total amount of landfilled material would be the same. (DEIR, p. 6-6.)

Additionally, the amount of wastewater generated through employee use would decrease upon complete closure of the landfill due to the decrease in the number of employees on-site. Therefore, wastewater impacts associated with the No Project Alternative would be less than those associated with Alternative D2. (DEIR, p. 6-7.)

b. Feasibility of Alternative A

While Alternative A would result in impacts that would be less than those associated with Alternative D2, Alternative A would not meet most of the basic or fundamental project objectives, namely the fundamental objective to accommodate the rapidly growing demand for such TS/MRF facilities within the City of Los Angeles and the corresponding ability to efficiently consolidate and process waste. The City of Los Angeles Bureau of Sanitation has responsibility for the collection, disposal, and recycling of over 1.7 million tons per year of solid waste for the residents of the City of Los Angeles. As such, a waste disposal capacity shortfall could have serious implications for Sun Valley and City of Los Angeles. Currently there are only five landfills in the County that are private and have no restrictions on the ability to accept waste from all jurisdictions, including the City of Los Angeles. (DEIR, p. 2-9.) One of the largest permitted disposal sites in the County, the Puente Hills Landfill, operated by the Los Angeles County Sanitation District, cannot accept waste from the City. As the BLRC is second only to the Puente Hills facility in the volume of municipal solid waste ("MSW") that it was permitted to accept, the BLRC's 10,000 tpd daily permitted volume had been an important disposal source for Sun Valley and the City for years. (DEIR, p. 2-9 to 2-10.) As a result of the 2007 closure of the

BLRC landfill, there is a need for future waste disposal options for the City. (See DEIR, p. 2-10.) Alternative A would not achieve many of the basic project objectives.

In 1989, the California Legislature adopted AB 939, a recycling mandate law that called for the diversion of 50% of recyclable material from the waste stream by the year 2000. In 2000, the City of Los Angeles met AB 939's 50% compliance standard and has been maintaining a recycling rate of approximately 62%. In 2006, the Mayor and City Council of the City of Los Angeles set waste diversion goals of 70% by 2015 and 90% by 2025, respectively. (See Report on City of Los Angeles Departments' Recycling Programs, attached as Exhibit A to the February 1, 2009 letter from Andrea K. Leisy of Remy, Thomas, Moose and Manley to William Roschen, Los Angeles City Planning Commission President ("Leisy Letter").) The City of Los Angeles is currently diverting 62% of its waste from landfills. Ultimately, the City of Los Angeles plans to become a zero waste city.

The City of Los Angeles is currently developing a Solid Waste Integrated Resources Plan (SWIRP) which will result in the development and implementation of a 20 year master plan for the City's solid waste and recycling programs. SWIRP will outline the City's objectives to provide sustainability, resource conservation, source reduction, recycling, renewable energy, maximum material recovery, public health and environmental protection for solid waste management planning through 2030 — leading Los Angeles towards being a "zero waste" city. As defined by the Grass Roots Recycling Network, Zero Waste is a philosophy and a design principle for the 21st Century. It includes "recycling" but goes beyond to address the reduction of "upstream" waste created through mining, extraction, and manufacturing of products. Zero waste involves maximizes recycling, minimizes waste, reduces consumption and encourages the development of products that are made to be reused, repaired or recycled back into nature or the marketplace. (See Solid Waste Integrated Resources Plan (SWIRP) background information, attached as Exhibit B to the Leisy Letter.) Moreover, the former Mayor of Los Angeles, Jim Hahn, declared in 2005 that he wanted the City landfill free by 2006. (See Highlights of Mayor Hahn's record on improving neighborhoods, attached as Exhibit C to the Leisy Letter.)

The City recognizes that new policies, programs and facilities will be needed in order to reach the Mayor and City Council's waste diversion goals, as well as to achieve zero waste by 2030 and that radical changes will be required in three areas: product creation (manufacturing and packaging), product use (use of sustainable, recycled and recyclable products), and product disposal (resource recovery or landfilling). (See Exhibit B to the Leisy Letter.)

As a TS/MRF, BLRC's Alternative D2 will provide the City of Los Angeles with a facility through which it can work towards achieving its zero waste goal, without new or expanded landfill space. Alternative D2 provides for future waste disposal and diversion options in the Los Angeles area by allowing for the BLRC to evolve from its historically permitted 10,000 tpd disposal rate to the acceptance of 4,000 tpd of MSW for processing, consolidating and hauling off-site to other regional landfills. In Phase II of the Project, an expanded MRF would process up to 1,000 tpd of materials that would be recycled and eventually reused in the marketplace. (DEIR, p. 2-13.).

Alternative D2 is also consistent with the current national trend of communities transporting their waste to large, regional facilities, as older landfills near urban centers reach capacity and begin closing. (See EPA's manual: Waste Transfer Stations: A Manual for Decision-Making (attached as Exhibit D to the Leisy Letter) (explaining why transfer stations, as well as MRFs, are needed and can be beneficial to communities).)

The transfer station serves as the critical link in making cost-effective shipments to these distant facilities. (Id., pp. 2-3.) The transfer station facility serves to consolidate waste from multiple collection vehicles into larger, high-volume transfer vehicles for more economical shipment to distant disposal sites. (Id., p. 2) No long term storage of waste occurs at a transfer station; waste is quickly consolidated and loaded into a larger vehicle and moved off the site, usually in a matter of hours (Id.).

Alternative A, the No Project Alternative, however, would not provide for sufficient future waste disposal options in the Los Angeles area as it would not allow for the BLRC to maintain an acceptance of 4,000 tpd of MSW for processing and hauling off-site to other regional landfills facilities, nor would it allow for an eventual expanded MRF to process 1,000 tpd of materials that would be recycled and eventually reused in the marketplace. (DEIR, p. 2-13.). Alternative A could also thwart the City's goals of maximum waste diversion as set forth in the City's 1993 Solid Waste Management Goals, Objectives and Policies, incorporated herein by reference. (See also, "City of Los Angeles Solid Waste Planning Background Studies Summary Report (January 2006), incorporated herein by reference.) (FEIR, p. 4-891, Response 121-23.) Therefore, the Planning Commission finds this alternative to be infeasible.

2. **Alternative B - Reduced Transitional Vertical Expansion – 19' Increase.** Under Alternative B, the 43-foot transitional vertical increase proposed in Alternative D2 would be reduced to a 19-foot increase. All other components of this Alternative would be the same as Alternative D2. The proposed TS/MRF would be constructed, and the green and wood waste and Phase I MRF operations would be expanded. Closure activities would take place at the landfill in accordance with regulatory requirements.

   a. Analysis of Alternative B's Ability to Reduce Significant Unavoidable Project Impacts

   Land Use and Planning. Under Alternative B, the height of the landfill would be increased by 19 feet to a maximum of 1,029 feet above msl. This alternative would be compatible with the surrounding land uses and consistent with the applicable plans and policies identified in Section 4.2 of the EIR. Alternative B would employ the same activities as the Project except the height of the landfill would be increased by 19 feet. Therefore, land use and planning impacts under Alternative B would be similar to those identified under Alternative D2. (DEIR, p. 6-7.)

   Transportation and Circulation. Alternative B would be identical to Alternative D2 with the inclusion of the maximum height of the existing landfill. Under this alternative, the height of the landfill would be increased by 19 feet to a maximum of 1,029 feet above msl. The level of traffic generated by the landfill would be expected to be greater than that generated under Phase I of Alternative D2, until maximum capacity is reached. This is due to the fact that the amount of trash accepted on a daily basis would be the same as under Alternative D2, however, the maximum capacity would be reached later and therefore, the amount of time in which additional truck trips are realized would be greater. Under this portion of Alternative B, five intersections would be significantly impacted. Upon closure of the landfill and conversion to the TS/MRF, traffic impacts are expected to be the same as Alternative D2, with two intersections being significantly impacted. (DEIR, p. 6-7.)

   Air Quality. Under Alternative B, the maximum height of the existing landfill would be increased by 19 feet and all activities proposed in Phase II would remain the same. Disposal of solid waste was assumed to continue until April 14, 2007. Air emissions would be generated during Phase I by the construction of the new TS/MRF facility. These impacts would be similar to those identified under Alternative D2. Production of

landfill gas would be greater under the alternative (see Appendix F) compared to Alternative D2, and, even though gas levels would increase, the increase would be lower than the peak gas generation from the landfill which occurred in 2002, thereby reducing potential surface emissions. Landfill gas produced under this alternative would be within the capacity of the existing landfill gas collection and control system. During Phase II, the solid waste would be consolidated at the transfer station before being shipped to other locations and landfill closure activities would occur. These activities are the same as those identified in Alternative D2 and therefore, the air quality impacts associated with Alternative B under Phase II would be the same as those under Alternative D2. (DEIR, p. 6-8.)

Noise. Under Alternative B, the existing landfill would continue to operate until it reaches its capacity with the 19 foot expansion on or before April 14, 2007. Noise would be generated by the trash trucks on the roadways and equipment on the landfill. However, the noise generated by landfilling operations would be greater under this alternative than under Alternative D2 because more trash would be brought to the landfill on a daily basis. In addition, noise would be generated by the flares and the construction activities for the new TS/MRF. During Phase II, noise would be generated by the operation of the new TS/MRF and the activities required to close the landfill in accordance with applicable regulations. These noise impacts under Alternative B are anticipated to be the same as those described under Alternative D2. (DEIR, p. 6-8.)

Aesthetics/Views. Project activities under Alternative B would be identical to Alternative D2 with the exception of the maximum height of the landfill. Under Alternative B, the height of the landfill would be raised by 19 feet for a maximum height of 1,029 feet above msl. All other activities associated with this alternative would remain the same as Alternative D2. (DEIR, p. 6-8.)

The same visual simulation study was conducted for this alternative as was conducted under Alternative D2. Photographs from the eight study locations (see Figure 4.6-10 in Section 4.6) were taken and the proposed elevations of the landfill under this alternative were laid on top. Figures 6.1 through 6.8 show the before and after photographs from each of these locations. As can be seen in these photographs, the views from locations 1 and 2 are not affected by the 19 foot increase. The views from locations 3 and 4 would be partially blocked by the 19 foot expansion of the landfill, but portions of the mountains would still be visible in the background. The 19 foot landfill expansion would make the views of the landfill more visible from locations 5 through 7 but would not block any mountain views, as the mountains are not visible from these locations. The view from location 8 would include a slightly larger landfill view. However, the increase in the height of the landfill does not block the views of the mountains from this location. (DEIR, pp. 6-8 thru 6-9.)

The impacts associated with view blockage under this alternative would be greater than those associated with Alternative D2, but still less than significant. Since no other aspects of this alternative would differ from Alternative D2, impacts associated with light and glare would be the same. (DEIR, p. 6-9.)

Geology and Soils. Under Alternative B, all aspects of Alternative D2 would remain the same with the exception of the maximum height of the landfill. Under this alternative, the height of the landfill would be increased by 19 feet to a maximum height of 1,029 feet above msl. All procedures regulating the operation of the existing landfill would remain in place to control the possibility of erosion and slope stability associated with earth moving activities. All earth moving impacts associated with the construction of the new TS/MRF, closure of the landfill and expansion of the green and wood waste would be the

same as those identified under Alternative D2. Therefore, geology and soils impacts associated with Alternative B would be the same as those under Alternative D2. (DEIR, p. 6-18.)

Hydrology. Under Alternative B, all aspects of Alternative D2 would remain the same with the exception of the maximum height of the landfill. Under this alternative, the height of the landfill would be increased by 19 feet to a maximum height of 1,029 feet above msl. The same procedures for controlling stormwater runoff and protecting water quality that are currently used would continue to be used under Alternative B. In addition, any construction that requires earth moving activities would comply with all applicable State and federal regulations, including NPDES, and the conditions listed on the grading permit as required by the Department of Building and Safety. Therefore, impacts to hydrology and water quality under Alternative B would be similar to Alternative D2. (DEIR, p. 6-18.)

Hazardous Materials. Under the Alternative B, the Bradley Landfill was assumed to continue accepting solid waste until the ZV expired on April 14, 2007. The Bradley Landfill has not accepted hazardous waste and has measures in place to ensure that hazardous wastes do not enter the landfill under closure conditions. Hazardous materials impacts associated with the landfill under Alternative B would be the same as those identified for the operation of the existing landfill under Phase I of Alternative D2. (DEIR, p. 6-18.)

No hazardous materials would be required for the construction of the new TS/MRF or expansion of the green and wood waste facility. Operation of the new TS/MRF would utilize the same procedures as the existing landfill to prevent hazardous materials from entering the TS and being sent to other landfills. Landfill gas production would be greater under this alternative, but landfill gas would continue to be handled by the existing landfill gas collection and control system. Therefore, hazardous materials impacts would be the same as those identified under Alternative D2. (DEIR, p. 6-18.)

Utilities (Wastewater). Under Alternative B, leachate generated by the decomposition of landfilled material would continue to be collected through the existing wastewater (leachate) collection and disposal system. This collected leachate would continue to be discharged to the existing public sanitary sewer system under the conditions of the landfill's industrial wastewater discharge permit issued by the Regional Water Quality Control Board. Due to the proposed increase in height of the landfill by 19 feet, additional water would be present in the landfill trash. This increase in water would generate a slight increase in the amount of leachate generated by the landfill. The amount of leachate generated would be greater than the amount generated under Alternative D2. Therefore, leachate impacts would be greater under Alternative B than under Alternative D2. (DEIR, pp 6-18 thru 6-19.)

Since no other aspects of Alternative D2 would change under Alternative B, the same number of employees would be on site and would generate the same amount of wastewater from the use of restrooms, etc. Therefore, impacts from wastewater generation would be the same under Alternative B as under Alternative D2. (DEIR, p. 6-19.)

b. Feasibility of Alternative

This Alternative anticipates an increase in the height of the landfill, which can no longer occur. Once the permit variance expired for the landfill on April 14, 2007, landfill closure activities began immediately, as required under BLRC's landfill closure and post-closure

plan. (See Title 27, Cal. Code Reg., Ch. 4, § 21769.) An expansion of the landfill at this time would require the closure activities to cease and for the project applicant to obtain another operating permit. Regardless, by excluding the vertical expansion, all other aspects of this Alternative B would be the same as Alternative D2; thus the impacts associated with this alternative would be the same. Therefore, the Planning Commission finds this alternative to be infeasible.

3. **Alternative C - Reduced Transfer Station Alternative.** Under Alternative C, the proposed TS/MRF capacity (throughput) would be reduced by 25 percent, to a 3,000 tpd TS and 750 tpd MRF and the 43-foot transitional vertical expansion would occur. All other components of Alternative D2 would remain the same. Green and wood waste and Phase I MRF operations would be expanded. Closure activities would take place on the landfill in accordance with regulatory requirements. (DEIR, p. 6-19.)

   a. Analysis of Alternative C's Ability to Reduce Significant Unavoidable Project Impacts

   Land Use and Planning. Both Phase I and Phase II of Alternative C would be the same as Alternative D2, except the throughput of the new TS/MRF would be reduced by 25%. However, this reduction in the capacity of the new TS/MRF would not change the compatibility of the BLRC with the surrounding land uses or the Project's consistency with the applicable goals and policies. Therefore, land use and planning impacts associated with Alternative C would be the same as those identified under Alternative D2. (DEIR, p. 6-19.)

   Transportation and Circulation. Under Phase I of Alternative C, the traffic associated with closure activities of this Alternative would be the same as Alternative D2. Under Phase II, operation of the new TS/MRF would begin. However, it is anticipated that traffic generated by the operation of the new TS/MRF would be approximately 25% less due to the reduction in capacity of the facility. Therefore, while short-term traffic impacts under Alternative C would be the same as Alternative D2, the long-term traffic impacts would be less than Alternative D2. (DEIR, pp. 6-19 thru 6-20.) The msw and recyclables that would otherwise be processed at BLRC would, however, nevertheless have to be transported elsewhere for disposal and processing. Thus, while local trips around BLRC could be reduced in the long-term, the number of regional trips would not.

   Air Quality. Under Alternative C, Phase I would be identical to Alternative D2. During Phase II, the solid waste would be consolidated at the transfer station before being shipped to other locations and landfill closure activities would occur. However, the throughput of the new TS/MRF would be reduced by 25% under this alternative. Since the TS under this alternative would not be able to process the same quantity of solid waste per day, it is possible that more trips to outlying area landfills by trash trucks would be required, in the event that sufficient transfer capacity is not available for consolidation of loads elsewhere in Los Angeles or the region. In this case, air quality impacts of the Alternative could be greater than Alternative D2. Alternatively, if, in the long run, the City is successful in reducing the need for landfilling of solid waste or if regional transfer capacity is adequate, the reduction of transfer capacity associated with this Alternative would not have the potential to result in increased traffic generation. In this case, air quality impacts under Phase II of Alternative C would be less than under Alternative D2. (DEIR, p. 6-20; see also ICF White Paper: Greenhouse Gas Offsets from Recycling (April 18, 2008); Letter to Mary Nichols from County Sanitation Districts of Los Angeles (March 5, 2008) (re: greenhouse gas emission reductions from composting and using green waste as ADC).)

Noise. Under Alternative C, Phase I would be identical to Alternative D2. Noise would be generated by the flares, and the construction activities for the new TS/MRF. During Phase II, noise would be generated by the operation of the new TS/MRF and the activities required to close the landfill in accordance with applicable regulations. Since the capacity of the new TS/MRF would be reduced by 25% under this alternative and would not be able to process the same quantity of solid waste, fewer trash and transfer trucks would be entering/exiting the landfill. With fewer trucks utilizing the Project site, noise impacts generated by these vehicles are anticipated to be less than Alternative D2. (DEIR, p. 6-20.)

Aesthetics/Views. Under Alternative C, Phase I would be the same as Alternative D2. The aesthetic impacts relating to light/glare would be the same as Alternative D2. While the capacity of the new TS/MRF would be reduced by 25%, it is not expected to reduce the visual impacts associated with Alternative D2. The new TS/MRF would be located in an area that is only partially visible from San Fernando Road. The reduction in capacity would not change the amount of the facility that was visible. Additionally, the same sources of light would be required and the same source of glare (e.g., trucks) would still be entering the facility. Therefore, aesthetic/view impacts associated with Phase II under Alternative C would be the same as those identified under Alternative D2. (DEIR, p. 6-20.)

Geology and Soils. Phase I of Alternative C would be identical to Alternative D2. The same activities would occur during this phase and the landfill would continue to use the same procedures that are currently in place to control soil erosion and protect slope stability. Therefore, geology and soils impacts under Phase I of Alternative C would be similar to those identified under Alternative D2. Under Phase II, all activities would be the same, including landfill closure and new TS/MRF operation. However, the amount of solid waste processed by the TS would be 25% less. The only earth moving activities required would be for the closure of the landfill (e.g, installing the soil cap, planting vegetation, etc.). No earth moving activities would be required for the operation of the new TS/MRF. Therefore, geology and soils impacts associated with Phase II under Alternative C would be the same as those identified under Alternative D2. (DEIR, p. 6-21.)

Hydrology. Under Alternative C, all activities associated with Alternative D2 would remain the same except the capacity of the new TS/MRF would be decreased by 25%. The same procedures for controlling stormwater runoff and protecting water quality that are currently used would continue to be used under Alternative C. In addition, any construction that requires earth moving activities would comply with all applicable State and federal regulations, including NPDES, and the conditions listed on the grading permit as required by the Department of Building and Safety. Therefore, impacts to hydrology and water quality under Alternative C would be similar to Alternative D2. (DEIR, p. 6-21.)

Hazardous Materials. The same activities would occur under Alternative C as would occur under Alternative D2. No hazardous materials would be required for the construction of the new TS/MRF or expansion of the green/wood waste facility. Operation of the new TS/MRF under Phase II would utilize the same procedures as the existing landfill to prevent hazardous materials from entering the TS and being sent to other landfills. Therefore, hazardous materials impacts would be the same as those identified under Alternative D2. (DEIR, p. 6-21.)

Utilities (Wastewater). Under Alternative C, leachate generated by the decomposition of landfilled material would continue to be collected through the existing wastewater

(leachate) collection and disposal system. This collected leachate would be discharged to the existing public sanitary sewer system under the conditions of the landfill's industrial wastewater discharge permit issued by the Bureau of Sanitation. The amount of leachate generated would be the same as anticipated under Alternative D2. Therefore, leachate impacts under Alternative C would be the same as those identified under Alternative D2. (DEIR, p. 6-22.)

Operation of the new TS/MRF is not anticipated to generate any wastewater. A slight decrease in the wastewater generated by employees is anticipated since fewer employees would be needed with reduced capacity of the new TS/MRF. Therefore, impacts from wastewater generation would be slightly less under Alternative C than under Alternative D2. (DEIR, p. 6-22.)

b. Feasibility of Alternative C.

As noted above, any vertical expansion associated with Alternative C is infeasible. Once the permit variance expired for the landfill on April 14, 2007, landfill closure activities began immediately as required under BLRC's landfill closure and post-closure plan. (See Title 27, Cal. Code Reg., Ch. 4, § 21769.) An expansion of the landfill at this time would require the closure activities to cease and for the project applicant to obtain another operating permit.

A reduced TS/MRF is rejected as infeasible as it would not meet most of the basic and fundamental project objectives, namely to accommodate the rapidly growing demand for such TS/MRF facilities within the City of Los Angeles and the corresponding ability to efficiently consolidate and process waste. The City of Los Angeles Bureau of Sanitation has responsibility for the collection, disposal, and recycling of over 1.7 million tons per year of solid waste for the residents of the City of Los Angeles. As such, a waste disposal capacity shortfall could have serious implications for Sun Valley and City of Los Angeles. (DEIR, p. 2-9.) As a result of the 2007 closure of the BLRC landfill, there is a need for future waste disposal options for the City. (See DEIR, p. 2-10.)

Moreover, in 1989, the California Legislature adopted AB 939, a recycling mandate law that called for the diversion of 50% of recyclable material from the waste stream by the year 2000. In 2000, the City of Los Angeles met AB 939's 50% compliance standard and has been maintaining a recycling rate of approximately 62%. In 2006, the Mayor and City Council of the City of Los Angeles set waste diversion goals of 70% by 2015 and 90% by 2025, respectively. The City of Los Angeles is currently diverting 62% of its waste from landfills.

Ultimately, the City of Los Angeles plans to become a zero waste city. The City of Los Angeles is currently developing a Solid Waste Integrated Resources Plan (SWIRP) which will result in the development and implementation of a 20 year master plan for the City's solid waste and recycling programs. SWIRP will outline the City's objectives to provide sustainability, resource conservation, source reduction, recycling, renewable energy, maximum material recovery, public health and environmental protection for solid waste management planning through 2030 — leading Los Angeles towards being a "zero waste" city. As defined by the Grass Roots Recycling Network, Zero Waste is a philosophy and a design principle for the 21st Century. It includes "recycling" but goes beyond to address the reduction of "upstream" waste created through mining, extraction, and manufacturing of products. Zero waste involves maximizes recycling, minimizes waste, reduces consumption and encourages the development of products that are made to be reused, repaired or recycled back into nature or the marketplace.

The City recognizes that new policies, programs and facilities will be needed in order to reach the Mayor and City Council's waste diversion goals, as well as to achieve zero waste by 2030 and that radical changes will be required in three areas: product creation (manufacturing and packaging), product use (use of sustainable, recycled and recyclable products), and product disposal (resource recovery or landfilling).

The reduced TS/MRF under Alternative C, however, would not provide for sufficient future waste disposal options in the Los Angeles area because Alternative C would not allow for the BLRC to maintain an acceptance of 4,000 tpd of MSW for processing and hauling off-site to other regional landfills facilities, nor would it allow for an eventual expanded MRF to process 1,000 tpd of materials that would be recycled and eventually reused in the marketplace. (DEIR, p. 2-13.). A reduced TS/MRF would also possibly thwart the City's goals of maximum waste diversion as set forth in the City's 1993 Solid Waste Management Goals, Objectives and Policies, incorporated herein by reference. (FEIR, p. 4-891, Response 121-23.)

Furthermore, reduced TS/MRF under Alternative C would also diminish the greenhouse gas reduction benefit Alternative D2 would provide. The Climate Change Draft Scoping Plan prepared by the California Air Resources Board (June 2008) recognizes that increasing waste diversion from landfills beyond the current rate of 54 percent (which exceeds the 50 percent mandate) provides additional recovery of recyclable materials and will directly reduce greenhouse gas emissions. The 25% reduction in recycling capacity under Alternative C (a 750 tpd MRF), however, would be a substantial reduction in the amount of recyclable materials that the facility could process under Alternative D2. A reduction in recycling correlates to a reduction in greenhouse gas benefits.

Increased recycling of products, such as paper, metals, and plastics has been shown to provide greenhouse gas benefits in several ways. Recycling paper reduces the amount of organic material placed in landfills, and thus reduces the amount of methane that is generated from the decomposition of waste. Paper recycling also reduces forest harvest for virgin paper production, and so increases the average age (and tree size) of the forested land, providing carbon sequestration benefits. Recycling and remanufacturing of aluminum, steel, and plastics reduces energy consumption (and associated emissions from fossil fuel combustion), which is lower for recycled material acquisition and manufacturing than corresponding processes with virgin inputs. Finally, recycling can reduce non-energy CO2 emissions from industrial processes. A reduced MRF under Alternative C would result in a less of a reduction in greenhouse gas from recycling.

Alternative C would also not avoid or substantially reduce the significant adverse impacts of the project. While, as discussed above, traffic and air quality impacts would be reduced somewhat, the impacts would not be reduced to a less than significant level.

For the reasons stated above, the Planning Commission finds this alternative to be infeasible.

4. **Alternative D2. Transfer Station Only, No Vertical Expansion, Revised Design.** Alternative D2, a variation on Alternative D analyzed in the Draft EIR, was identified to encompass all proposed activities that may be permitted to occur on the project site after expiration of the ZV on April 14, 2007. Activities allowed under Alternative D2 include: (1) landfill closure (required by State regulations governing the management of landfills in California); (2) expansion of the existing MRF (previously referred to as the Phase I MRF); (3) construction of the new TS/MRF; (4) closure of the existing MRF and operation of the new TS/MRF; and (5) expansion of green and wood waste operation. (Final EIR, pp. 3-126

thru 141.) Alternative D2 reflects the applicant's proposed design modifications for the TS/MRF.

Specifically, under Alternative D2, the design of the TS/MRF would be the same as under the Proposed Project but on-site circulation of trucks would be modified such that incoming trucks would enter on the same roadway but would enter the TS/MRF on the south side of the building, then proceed through the building to discharge their loads, then exit the building at the southwest corner and exit the facility via the same roadway as proposed under Alternative D (see Figure 6-9, Alternative D2 Site Plan). This revised circulation pattern would allow the loading of waste transfer trucks and recyclables trucks to take place on the north side of the new TS/MRF building (see Figure 6-10, Alternative D2 Floor Plan). Under this site plan, this activity would be screened by the TS/MRF building from residential uses located on the west side of San Fernando Road. The access roadway that would be used by incoming waste trucks would also be located behind an earthen berm that would include a fence and vegetative plantings on top of the berm.

The same design features for the TS/MRF under the Proposed Project (enclosed on all sides, maintenance of negative pressure to contain odors within the building, odor control system) would be incorporated into the TS/MRF building under Alternative D2. The maximum processing capacity of the TS/MRF under Alternative D2 would be the same as the Proposed Project (4,000 tpd TS/1,000 tpd MRF). The TS/MRF would be expected to reach stabilized operation in 2012.

Under Alternative D2, no transitional vertical expansion would occur within the landfill. Landfill closure activities will be undertaken on the existing landfill in accordance with regulatory requirements. All other components of the Proposed Project would remain the same. The proposed TS/MRF would be constructed, and green and wood waste and Phase I MRF operations would be expanded. Timing of activities occurring under Alternative D2 is shown in Figure 6-13, Alternative D2 Activity Phasing.

a. Analysis of Alternative D2.

Land Use and Planning. Under Alternative D2, the existing landfill would not be expanded. The closed landfill and the proposed TS/MRF would be compatible with the surrounding land uses and consistent with the applicable goals and policies as discussed under the Proposed Project, with the exception of those policies/goals dealing specifically with solid waste. Without the height expansion, new locations for the disposal of solid waste would be required. Therefore, the short-term land use and planning impacts under Alternative D2 would be slightly greater than the Proposed Project, while the long-term impacts would be the same as the Proposed Project. (Final EIR, pp. 3-126-141.)

Transportation and Circulation. Under Alternative D2, the existing landfill would not be expanded, and the allowable height would not be increased. Traffic generation that would be associated with the Phase I Transitional Vertical Expansion under the Proposed Project would not occur. Under Alternative D2, activities that could take place on the project site would be limited to: (1) landfill closure; (2) expansion of the existing MRF (previously referred to as the Phase I MRF); (3) construction of the new TS/MRF; (4) operation of the new TS/MRF; and (5) expansion of green and wood waste operation. Of these activities, the maximum traffic generation scenario would occur under one of two scenarios. First, if the following activities were to take place simultaneously: (1) landfill closure; (2) Phase I MRF; (3) construction of the new TS/MRF; (4) expanded green and wood waste operations. This scenario could occur because construction and operation of the new TS/MRF cannot occur simultaneously. The other traffic generation

scenario would be the final operating condition at the BLRC site, after completion of all interim activities, and would consist of operation of the new TS/MRF and expanded green and wood waste operations.

The first scenario described above corresponds to the traffic scenario evaluated in the Draft EIR for Phase I Construction, plus traffic associated with landfill closure less traffic associated with the transitional vertical landfill expansion. As shown in Table 4-3 in Chapter 4.0, Responses to Comment of the Final EIR, trip generation associated with the transitional landfill expansion (1,272 daily truck trips) is greater than trip generation associated with landfill closure (240 daily truck trips). Therefore the Phase I Construction scenario under Alternative D2 would be reduced by approximately 1,000 trips compared to the Proposed Project, or approximately 2,650 daily trips. The second scenario, final operating condition, would be the same under Alternative D2 as under the Proposed Project (3,960 daily trips). The Phase II Construction scenario, which was the highest level of traffic generation evaluated in the Draft EIR would never occur under Alternative D2 since landfill closure would be completed before the new TS/MRF opens. As such, maximum traffic generation under Alternative D2 would potentially be substantially lower than the Proposed Project. Implementation of the traffic mitigation measures identified for the Proposed Project would also mitigate impacts associated with Alternative D2. (Final EIR, pp. 3-126-141.)

Air Quality. Under Alternative D2, the height of the existing landfill would not be increased and the landfill would be closed when it reached its currently allowed maximum height of 1,010 feet msl. Phase I of the project would also include the construction of the new TS/MRF. Air emissions would be generated during closure of the landfill and construction of the TS/MRF. Solid waste disposal requires trucking that msw to outlying landfills. The TS/MRF would assist in offsetting the potential increase in the number of trash trucks on the highways and the trip lengths required to dispose of solid waste, including regional air quality emissions. Under Alternative D2, Phase II would be identical to the Proposed Project. Therefore, Phase II air quality impacts under Alternative D2 would be the same as those identified for the Proposed Project. As noted above under Transportation, trip generation under Alternative D2 would not exceed trip generation of the Proposed Project during any phase.

A Health Risk Assessment (HRA) was prepared to identify potential air toxic impacts to the community from operation of diesel-fueled solid waste collection vehicles (SWCV), transfer trucks and other equipment under Alternative D2. The HRA was provided in the same way as the HRA for the Proposed Project. (See Section 4.4.)

Health Risk Assessment Analysis and Results. In accordance with the OEHHA Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, cancer risks were calculated using an inhalation cancer potency factor for DPM of 1.1 (mg/kg-day)-1 and chronic non-cancer risks were calculated using a Reference Exposure Level (REL) for DPM of 5 µg/m3. These health factors for DPM were developed based on whole diesel exhaust (both gas and particulate matter) so that DPM is a surrogate for all the speciated compounds within DPM. In accordance with Appendix D of the OEHHA guidance, acute non-cancer risk of speciated compounds is not required since the potential cancer risk from inhalation exposure to DPM will outweigh the potential non-cancer health impacts.

Annual average air concentrations were calculated for each receptor using the DPM emission rates shown in Table 4.4-13, Section 4.4. The resulting concentrations at the maximum exposed offsite worker and maximum exposed residential receptor were then used to calculate the health risks following SCAQMD's Rule 1401 methodology. As

summarized in Table 6-1, the maximum exposed individual worker (at Art Street and Sutter Avenue) is predicted to be exposed to a MICR from DPM of 9.72 in one million. The maximum exposed individual resident (on Art Street near San Fernando Road) is predicted to be exposed to a MICR from DPM of 9.53 in one million.

SCAQMD has not established a specific risk threshold for mobile sources (i.e., trucks). SCAQMD Rule 1401 regulates permitting of new stationary source emissions. This rule allows permits for cancer risk up to 10 in one million as long as the equipment has Best Available Control Technology for Toxics (T-BACT). Refuse trucks are currently regulated by ARB and ARB requires retrofits over time to reduce PM10 emissions by use of BACT. SCAQMD recently adopted a rule requiring rail yards to notify the public if the risk from facility emissions exceeds 10 in one million. Taking all of these factors into account, the HRA utilized the SCAQMD standard of 10 in one million for new sources as a conservative threshold for identifying significant impacts.

Since MICR of 9.72 in one million at the maximum exposed individual worker and MICR of 9.53 in one million at the maximum exposed individual resident are both less than 10 in one million, incremental cancer risk for the project is found to be a less than significant impact.
Impacts related to non-cancer risks resulting from Alternative D2 would also be less than significant. (Final EIR, pp. 3-126-141.)

Noise. Under Alternative D2, the landfill would be closed when it reaches its current maximum elevation of 1,010 feet msl. The remaining components of Phase I, construction, expansion, and installation activities, would remain the same as those identified under the Proposed Project. Noise would be generated by the trash trucks on the roadways and equipment on the landfill until such time as the landfill is closed. In addition, noise would be generated by the flares and the construction activities for the new TS/MRF. The noise impacts under Alternative D2 for Phase I are anticipated to be less than those under the Proposed Project under the Phase I Construction scenario. This is because, even though landfill closure and TS/MRF construction activities could be taking place simultaneously under Alternative D2, the Phase I Construction scenario evaluated in the Draft EIR included simultaneous TS/MRF construction and additional landfilling activity that involved operation of similar equipment as would be utilized during landfill closure.

During Phase II, noise would be generated by the operation of the new TS/MRF and the landfill closure activities required in accordance with applicable regulations. The revised design of the TS/MRF under Alternative D2 compared to the Proposed Project would route incoming trucks to an entrance on the south side of the building, from where they would then proceed through the building to discharge their loads, then exit the building at the southwest corner and exit the facility via the same roadway as proposed under Alternative D (see Figure 6-9, Alternative D2 Site Plan). This revised circulation pattern would allow the loading of waste transfer trucks and recyclables trucks to take place on the north side of the new TS/MRF building, further screening TS/MRF activity from residential uses located on the west side of San Fernando Road.

Furthermore, the access roadway to be used by incoming waste trucks would be located behind an earthen berm that would include a fence and vegetative plantings on top of the berm. This berm and vegetated area would extend the length of the TS/MRF site parallel to San Fernando Road and would completely screen the roadways into and out of the TS/MRF and the parking area from San Fernando Road. In addition, the roadway used by waste transfer and recyclables trucks on the north side of the TS/MRF building would be located below the floor elevation of the TS/MRF building, further screening

these trucks from San Fernando Road. The berm and vegetated area would also partially screen the lower levels of TS/MRF building, although the upper levels of the building would be visible from San Fernando Road. This design modification would further reduce noise-related impacts during operation of the TS/MRF from locations southwest of San Fernando Road. (Final EIR, pp. 3-126-141.)

Aesthetics/Views. Under Alternative D2, the maximum height of the landfill would not be increased; however, the remaining components of the Proposed Project would stay the same. As the height of the existing landfill would not be increased, no blockage of views of the surrounding mountains would occur. Views would be similar to what is currently available (see the before photographs in Figures 6-1 through 6-8, above). Since no blockage of views would occur, there would be no significant visual impacts associated with this alternative. Impacts with respect to aesthetics (view blockages) under Alternative D2 would be less than under the Proposed Project.
Furthermore, an earthen berm including a fence and vegetative plantings would extend the length of the TS/MRF site parallel to San Fernando Road and would completely screen the roadways into and out of the TS/MRF and the parking area from San Fernando Road. The roadway used by waste transfer and recyclables trucks on the north side of the TS/MRF building would be located below the floor elevation of the TS/MRF building, further screening these trucks from San Fernando Road. The berm and vegetated area would also partially screen the lower levels of TS/MRF building, although the upper levels of the building would be visible from San Fernando Road. This design modification would further reduce visual impacts related to the TS/MRF compared to the Proposed Project.

Since the remaining aspects of the project would stay the same as the Proposed Project, the same sources of light and glare are anticipated. These include security and facility lighting, headlights from trucks, and glare from trucks and other equipment. This would produce the same amount and type of impacts associated with light and glare as discussed under the Proposed Project. Therefore, light and glare impacts under Alternative D2 would be the same as those under the Proposed Project.

Geology and Soils. Under Alternative D2, the maximum height of the existing landfill would not be increased. During the operation of the existing landfill, the same procedures that are currently used to control soil erosion and to ensure slope stability would continue to be practiced. The other activities associated with Phase I of the Proposed Project would still occur (e.g., green and wood waste expansion and construction of the TS/MRF). Phase II of Alternative D2 would be the same as described for the Proposed Project. The earth moving activities associated with the activities in Phase I and II would be conducted in accordance with the existing conditions placed on the landfill and the conditions of the grading permits as required by the Department of Building and Safety. Therefore, geology and soils impacts under Alternative D2 would be the same as those identified under the Proposed Project.

Hydrology. Under Alternative D2, the height of the existing landfill would not be increased beyond its currently permitted height of 1,010 feet above msl. All other activities associated with the Proposed Project would remain the same. The same procedures for controlling stormwater runoff and protecting water quality that are currently used would continue to be used under Alternative D2. In addition, any construction that requires earth moving activities would comply with all applicable State and federal regulations, including NPDES, and the conditions listed on the grading permit as required by the Department of Building and Safety. Therefore, impacts to hydrology and water quality under Alternative D2 would be similar to the Proposed Project.

Hazardous Materials. The same activities would occur under Alternative D2 as would occur under the Proposed Project, except the maximum height of the existing landfill would not be increased beyond its currently permitted height of 1,010 ft above msl. Under the Alternative D2, the Bradley Landfill was assumed to continue accepting solid waste until its existing permit expired in April 2007 (or sooner if it reaches capacity). BLRC does not accept hazardous waste and has measures in place to ensure that hazardous wastes do not enter the landfill. These procedures would remain in place until the landfill is closed and capped. Therefore, hazardous materials impacts associated with Alternative D2 are less than significant.

No hazardous materials would be required for the construction of the new TS/MRF, or expansion of the green and wood waste facility. Operation of the new TS/MRF under Phase II would utilize the same procedures as the existing landfill to prevent hazardous materials from entering the TS and being sent to other landfills. Therefore, hazardous materials impacts would be the same under Alternative D2 as those identified under the Proposed Project.

Utilities (Wastewater). Under Alternative D2, leachate generated by the decomposition of landfilled material would continue to be collected through the existing wastewater (leachate) collection and disposal system. This collected leachate would be discharged to the existing public sanitary sewer system under the conditions of the landfill's industrial wastewater discharge permit issued by the Regional Water Quality Control Board. Since the height of the existing landfill would not be increased, the amount of leachate generated is anticipated to be slightly less than under the Proposed Project. Therefore, leachate impacts under Alternative D2 would be less than those identified under the Proposed Project.

Operation of the new TS/MRF is not anticipated to generate any wastewater. A slight increase in the wastewater generated by employees is anticipated since more employees would be needed with operation of the new TS/MRF. Therefore, impacts from wastewater generation would be the same under Alternative D2 as under the Proposed Project.

The original proposed project included a vertical expansion of the landfill, increased green and wood waste operations and construction and operation of a new TS/MRF. During the course of the review process, the landfill operating permit expired, eliminating the potential for the landfill vertical expansion. It was determined that Alternative D2 reduced several of the significant effects associated with the original proposed project, and better matched the City's recycling, environmental and policy concerns. BLRC has agreed to pursue a SWF permit that would implement Alternative D2.

b. Findings on Feasibility of Alternatives

Section 15126.6, subdivision (f) of the CEQA Guidelines requires that an EIR include "a range of reasonable alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project." Based on the analysis in the EIR, the project as proposed was expected to result in significant and unavoidable impacts to air quality. The alternatives to the project were designed to avoid or reduce these significant and unavoidable impacts and to further reduce impacts that are found to be less than significant following mitigation. The City has reviewed the significant impacts associated with a reasonable range of alternatives as compared with the project as originally proposed, and in evaluating the alternatives has also considered each alternative's feasibility, taking into account economic, environmental, social, legal,

and other factors. The City finds that Alternative D2 has fewer significant environmental effects than the originally proposed project or any of the other alternatives considered. In evaluating and rejecting the alternatives (other than Alternative D2), the City has also considered the important factors listed in the Statement of Overriding Considerations in section XII below.

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a Project as proposed will still cause one or more significant adverse environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the Project as mitigated, must first determine whether, with respect to such impacts, there remain any Project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Public Resources Code section 21081, subdivision (b)(3) provides that when approving a project for which an EIR has been prepared, a public agency may find that "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report."

5. Environmentally Superior Alternative

Unlike many Projects, the environmental effects of solid waste disposal activities and alternatives must be considered within the regional context of solid waste handling and disposal. Regardless of whether the Project is built, solid waste will continue to be generated in the City of Los Angeles and elsewhere in the region. (DEIR, pp. 6-25 - 26.) The FEIR concluded that Alternative D2 (Transfer Station Only, No Vertical Expansion, Revised Design) was environmentally superior to the proposed project and the other alternatives to the project. (FEIR, p. 3-126 through 3-139.) Alternative D2 will reduce or avoid many of the significant environmental impacts that the proposed project would not. It would also yield many positive environmental effects resulting from increased diversion and recycling activities.

In addition to avoiding or substantially lessening any of the significant effects of the project, the range of alternatives analyzed in the EIR shall also attain most of the basic project objectives. (CEQA Guidelines, § 15162.6, subd. (a)). Alternative D2 would attain, at least partially, most of the basic objectives developed for the proposed project. The Planning Commission, therefore, finds that Alternative D2 is feasible and the environmentally superior alternative to the originally proposed Project for the reasons explained below.

G. <u>Statement of Overriding Considerations</u>:

The Final EIR has identified unavoidable significant impacts that would result from implementation of the proposed Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decision of the public agency allows the occurrence of significant impacts that are identified in the EIR but are not at least substantially mitigated, the agency must state in writing the reasons to support its action based on the completed EIR and/or other information in the record. State CEQA Guidelines require, pursuant to CEQA Guidelines Section 15093(b), that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects have been identified in the EIR which cannot be substantially mitigated to an insignificant level or be eliminated. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, and documents and the materials that constitute the record of proceedings.

The following impacts are not mitigated to a less than significant level for the proposed Project, as identified in the EIR: Aesthetics (Aesthetic Construction Impacts); Air Quality (Various VOC, NOX, and PM10 emissions during Construction and Operations); Air Quality (VOC, NOX, and PM10 emissions during Landfill Closure Construction); and Noise (Construction Noise Impacts).

The City Planning Commission disapproved the requested entitlements and found that the conditional use and variance will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the Conditional use and the variance and that the recommended conditions would address those impacts. Therefore, no Statement of Overriding Consideration was adopted as a result.

H. **Mitigation Monitoring Program.** Section 21081.6 of the Public Resources Code and Section 15091(d) of the State CEQA Guidelines require that when a public agency is making findings required by Section 21081 of the Public Resources Code and Section 15091(a)(1) of the State CEQA Guidelines, the public agency shall adopt a reporting or monitoring program for the mitigation measures which have been made part of this Project.

The Planning Commission disapproved the requested entitlements and found that the conditional use and variance will have impacts from the proposed project that might not be fully addressed. The Commission did not feel that it would be beneficial to the community and those specific findings prepared in the revised staff report for the Conditional use and the variance and that the recommended conditions would address those impacts. Therefore, no mitigation monitoring and reporting program was adopted as a result.

I. **Environmental Justice:**
The subject property is located within a City identified Environmental Justice Improvement Area. Projects within the boundaries are identified to be reviewed for impacts to the proposed activities and mitigation measures are to be made to address these impacts. Industrial land uses targeted for environmental justice processing include applications for active or closed landfills, waste transfer stations, solid waste, solid waste vehicle yards, auto-dismantling or recycling facilities, green waste, and any other facilities that use hazardous materials. The official status of this area is that it has been demarcated by a motion of City Council on July 20, 2005. There are no development standards of which to apply restitution or fees, nor any administering entity for fees collected. Environmental justice is typically implemented by proactive regulatory measures towards existing uses or effectuated onto new uses via turnover of businesses.

As applied to the subject vicinity, Environmental Justice is a valid concern to be addressed. The adjacent community is primarily composed of demographic characteristics that would warrant environmental justice concerns[4]. Only 50% of the 86,391 community plan population is native born citizens of the United States. Approximately 66 percent of the community is composed of Hispanic origins compared to 46 percent citywide. The community plan is composed of 22,500 households that have a mean annual income of $39,700/household compared to $55,647 citywide. Almost one third of these households draw their income from retirement sources or from public assistance compared to 35.6 percent citywide. Within the overall community plan population, approximately 19 percent are within the poverty level; however, within the immediate census tracts[5], between 19 to 25 percent are within the poverty range - all in comparison to 21 percent poverty level citywide. Of the individuals over the age of 24, only 10 percent have

4 Calculations were extrapolated through data from the 2000 Census.
5 Census Tracts immediately abutting the subject property, including potential haul routes affecting neighboring owners were considered (Census Tract Nos. 121100, 121210, 121220, 121800, 121900, and 121110).

obtained a college degree[6] compared to 21.7 percent citywide. Similarly, the EIR had performed a broader analysis of a 3 mile radius utilizing more conservative thresholds and arrived with a consistent conclusion.

Thus far, the Environmental Review Process as well as the Public Hearing Process for the instant case has afforded the general public with several opportunities to review and comment, in a public forum to the lead agency and the hearing officer. Spanish translation was made available at the public hearing. Multiple comments from the community were considered in regards to the EIR and development and operational aspects of these comments for incorporation into the subject case. Further, the socio-economic characteristics of the community have been considered against that of the citywide characteristics. The resulting information indicates that indeed, a disparity of impacts will be induced upon residents of an ethnic group in a community afflicted with poverty levels higher than the citywide norms.

6 These values include individuals 24 or older, who have completed an Associate of Arts or a Bachelors degree.

CPC 2007 3888

Office:

Downtown ☐

Van Nuys ☑

№ 279195

Department of City Planning
Los Angeles

City Planning Request

Date 03-16-10

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant	WILLIAM IRBINEY' RODRIGUEZ			
Representative				
Project Address	9217 N. TELESCOPE AVE			
Telephone Number	(818) 891-9359			
Case Number and Description	**Task**	**SubTask**	**Ordinance Fee**	
ZAG 2007-3888-CDV-ZAD-SPR	A(G)		$ 89	00
			$	
			$	
			$	
	Sub Total Fees Paid		$ 89	00
OSS Surcharge - 2%			$ 1	78
Development Surcharge - 6%			$ 5	34
Operating Surcharge - 7%			$ 6	23
Expediting Fee			$	
Bad Check Fee			$	
Miscellaneous/Photocopy			$	
			$	
		TOTAL FEES PAID	$ 102	35

( ) Cash

( ) Check # _____

( ) Money Order # _____

Council District 6

Plan Area SUN VALLEY

Processed by Jaime E Cruz
Print & sign

White - Applicant Canary - Return to Planning Pink - Building & Safety Golden Rod - Master Copy
Form CP 7107 (Rev. 5/05)