

MEMORANDUM

To: Mr. Dwayne Wyatt, City of Los Angeles Planning Department

From: Urban Crossroads, Inc.

Date: Wednesday, October 30, 2013

Subject: Comments on the Proposed Mitigated Negative Declaration for ENV-2012-1111-MND-REC1

Dear Mr. Wyatt:

We offer these comments on the Mitigated Negative Declaration dated November 18, 2013 and prepared for the City of Los Angeles.

Project Description

The proposed project includes the demolition of two existing apartment buildings (32 units) and the construction of a new 49 unit-residential condominium project("project")

Introduction

A review of the Mitigated Negative Declaration suggests that project-related impacts are less than significant; however, no analytical basis is provided to support this finding. Supporting documentation to assert the City's claim of insignificance associated with the potential for the project to: result in traffic, air quality, greenhouse gas, and noise impacts are limited to a simple "no impact" statement in the Mitigated Negative Declaration. Urban Crossroads, Inc. disagrees with this unsupported conclusion, and finds that the project has the potential to result in significant impacts that have not been identified or mitigated to less than significant levels.

While we recognize that a Mitigated Negative Declaration is often not required to include the level of detail typically reported in an Environmental Impact Report (EIR), the City's analysis does not in any way attempt to quantitatively assess potential environmental impacts. As such, there is no basis to support the City's claim of insignificance. Our review suggests that additional documentation is needed to assess potential project-related impacts to traffic, air quality, greenhouse gases, and noise generated during demolition, construction and operation.

The following discussion underscores concern for the project's potential to meet the test of significance, and the technical inadequacy of the City's Negative Declaration.

Failure to Adequately Assess Traffic Impacts

Because the proposed project will be introducing additional "new" vehicle trips to the City's circulation system, the proposed project must estimate its trip generation for the purposes of assessing its potential impacts to traffic and circulation. The traffic estimates used to evaluate potential future traffic impacts should be based upon the incremental increase in project-related vehicle trips as compared to the existing or baseline traffic condition. The Negative Declaration does not establish a baseline condition for traffic in the vicinity of the project. Instead, the Negative Declaration makes reference to LA CEQA guidelines. However, since no traffic count data is provided to establish current baseline traffic conditions, there is no evidence to support the finding of insignificance since there may be existing intersections operating at unacceptable levels that will be further exacerbated by Project-related traffic.

Additionally, the Negative Declaration provides no quantitative analysis related to the construction-related passenger car and truck trips that will be required during both demolition and construction of the proposed project. The MND simply cites compliance with haul route conditions as mitigation but provides no supporting calculations. Given that demolition of two large buildings is proposed there is the potential for a substantial amount of demolition debris to be hauled off-site with the use of large haul trucks, which can result in potentially significant traffic impacts to nearby street segments and intersections during demolition and construction activity. An assessment of these potential traffic impacts should be performed.

Failure to Adequately Assess Air Quality Impacts

In consideration of California Environmental Quality Act (CEQA) guidance, the City's Negative Declaration acknowledges that a significance determination must consider the project's potential to expose sensitive receptors to substantial pollutant concentrations. However, aside from the City's checklist which simply reports "no impact" for this category, the Negative Declaration fails to adequately address the appropriate indicators of significance. The Negative Declaration provides no technical analysis to support its conclusions.

Furthermore, the Negative Declaration states that the Project will be required to comply with a handful of "mitigation measures" during demolition, grading, and construction activities – it

should be noted that the “mitigation measures” cited in Section III-10 of the Negative Declaration are generally best management practices aimed at limiting fugitive dust emissions.

A detailed air analysis prepared for the proposed project would disclose (i) how much demolition would be required; (ii) what type of diesel equipment would be required; (iii) whether any demolition activities would create health risks as a result of diesel particulate from construction vehicles and asbestos-related health impacts from internal and external demolition activities; (iv) whether such activities would create significant impacts under the applicable thresholds of significance.

Additionally, the Negative Declaration provides no analysis or discussion related to the construction-related passenger car and truck trips that will be required during both demolition and construction of the proposed project. Given that demolition of two large buildings is proposed there is the potential for a substantial amount of demolition debris to be hauled off-site with the use of large haul trucks, which can result in potentially significant air quality impacts to nearby receptors during demolition and construction activity. An assessment of these potential air impacts should be performed.

Failure to Adequately Assess Greenhouse Gas Impacts

The Negative Declaration acknowledges that greenhouse gas (GHG) emissions may result in a significant impact and that the potential impacts can be reduced to less than significant levels with incorporation of mitigation measures VII-10 which states the project will: 1. Only low- and non-VOC containing paints, sealants, adhesives, and solvents shall be utilized in the construction of the Project and 2. Compliance with the most recent version of Title 24 will reduce future generation of greenhouse gases by at least 18% which meets the States greenhouse gas reduction goals. Compliance with Title 24 is mandatory. It is unclear how either of these measures will actually reduce GHG emissions – furthermore the first measure is related to VOC emissions related to off-gases as a result of painting and associated activities and is related solely to air quality impacts – not greenhouse gas impacts. Secondly, simply complying with Title 24 would not result in an 18% reduction in greenhouse gas emissions. Title 24 would only be associated with the on-site natural gas and energy demand-related greenhouse gas emissions. The majority of greenhouse gas emissions for development projects center on the mobile source (vehicular) category. Furthermore, the MND does not substantiate how 18% relates to the States target – in fact several studies have been conducted and have concluded that the States reduction target is more in line with an approximate 28.5% reduction from

Business as Usual conditions. It does not appear that any emissions modeling were prepared for the Negative Declaration thus no substantive information is provided.

A careful review of the Office of Planning and Research's (OPR's) technical advisory document *CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review* reveals that OPR explicitly states that: "lead agencies should make a good-faith effort...to calculate, model, or estimate the amount of CO₂ and other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage, and construction activities."

It is clear that the Negative Declaration makes no effort to calculate project GHG emissions resulting from traffic, energy consumption, water usage, and construction activities.

Failure to Adequately Assess Noise Impacts

In consideration of California Environmental Quality Act (CEQA) guidance, the City's Negative Declaration acknowledges that a significance determination must consider the project's potential to result in increased noise levels during demolition, grading, and construction activities.

The Negative Declaration includes general City requirements under mitigation measure XII-20 in an effort to underscore potential noise impacts.

A detailed noise analysis prepared for the proposed project would disclose (i) how much demolition would be required; (ii) what type of diesel equipment would be required; (iii) whether any demolition or construction activities would create substantial increases in noise; (iv) whether such activities would create significant impacts under the applicable thresholds of significance.

Additionally, the Negative Declaration provides no analysis or discussion related to the construction-related passenger car and truck trips that will be required during both demolition and construction of the proposed project. Given that demolition of two large buildings is proposed there is the potential for a substantial amount of demolition debris to be hauled off-site with the use of large haul trucks, which can result in potentially significant noise impacts to nearby receptors during demolition and construction activity. An assessment of these potential noise impacts should be performed.

Conclusion

The proposed project creates potentially significant impacts that were not disclosed in the Mitigated Negative Declaration and for which no meaningful mitigation was proposed. The Mitigated Negative Declaration is therefore unlawful insofar as the full impacts of the proposed project have not been disclosed and have not been mitigated to less than significant levels. Thus, the Negative Declaration provides the public with no information as to the project-specific and cumulative impacts of the proposed project.

Respectfully submitted,

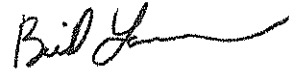
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