Craig Lawson & Co., LLC

Land Use Consultants

August 4, 2017

VIA EMAIL to clerk.plumcommittee@lacity.org

Honorable Jose Huizar, Chair
Planning and Land Use Management ("PLUM") Committee
Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012
Attention: Zina Cheng, Legislative Assistant

**PLUM Meeting:** **August 8, 2017**
**Council File No.:** **CF 16-0503**
**Case No:** **ENV-2014-2392-MND-1A**
**Applicant:** **A Community of Friends**
**Subject Site:** **3401-3415 E. 1st Street and 116-126 N. Lorena Street**

Dear Honorable Members of the PLUM Committee:

I am writing on behalf of A Community of Friends (the "Applicant") in relation to the California Environmental Quality Act ("CEQA") Appeal filed on April 20, 2016 (the "CEQA Appeal") by Pedro A. Rosado and Marlene Rosado (the "Appellants"), on behalf of a marketplace with restaurants and bars called the El Mercado de Los Angeles ("El Mercado"). The CEQA Appeal relates to a proposed affordable housing project (the "Proposed Project") which the Applicant intends to construct at 1st and Lorena Streets (the "Subject Site") in the Boyle Heights community of the City of Los Angeles (the "City").[1]

We listened to the testimony at the PLUM Committee hearing on May 16, 2017, and have reviewed the letter submitted by the Silverstein Law Firm on that date (the "Silverstein Letter"). Nothing in the public testimony or in the Silverstein Letter meets the legal standard for granting the CEQA Appeal. **As a result, the CEQA Appeal must be denied.**

Meridian Consultants has prepared the attached letter, dated August 3, 2017, which includes detailed responses to each of the issues raised in the Silverstein Letter. In addition to the letter, there are Attachments to the Meridian letter, including a Sewer Capacity Availability Request (SCAR) from City of Los Angeles Bureau of Engineering, Shade/Shadow analysis, and an opinion

[1] The CEQA Appeal (which was assigned Council File No. 16-0503 and Case No. ENV-2014-2392-MND-1A) challenges the Mitigated Negative Declaration (ENV-2014-2392-MND) for the Proposed Project, which was adopted by the Director of Planning on March 2, 2016. The property address for the Proposed Project is 3401-3415 E. 1st Street and 116-126 N. Lorena Street. The adjacent El Mercado property is located at 3425 E. 1st Street.

from an expert refuting the soil contamination claims. The Meridian letter shows clearly that the Silverstein Letter lacks any merit. Most importantly, the Meridian letter establishes that the Silverstein Letter has failed to provide substantial evidence, as defined in CEQA, supporting even a fair argument that the Proposed Project will result in significant environmental impacts. To the contrary, the Meridian letter establishes that, as to the CEQA issues, the information in the Silverstein Letter does not rise above "argument, speculation, unsubstantiated opinion or narrative, or evidence that is inaccurate, erroneous, or otherwise not credible."

On May 9, 2017, I submitted to your Committee a detailed letter with various arguments and exhibits detailing why we believe that the CEQA Appeal should be denied. We reiterate the arguments in that letter, which appears in the Council File.

Therefore, for the reasons discussed above, we respectfully request that you recommend that the City Council **deny the CEQA Appeal**.

Sincerely,

Craig Lawson
President

Exhibit:

(1) Letter dated August 3, 2017 from Tony Locacciato, AICP, Partner, Meridian Consultants with four attachments:

1. Attachment 1: Letter dated July 5, 2017 from Andersen Environmental
2. Attachment 2: Letter dated July 22, 2017 from Mearns Consulting LLC
3. Attachment 3: Letter dated June 5, 2017 from the Bureau of Engineering, Department of Public Works, City of Los Angeles
4. Attachment 4: Shade Shadow Diagram prepared by Gonzalez Goodale Architects

cc: Honorable Jose Huizar, City Councilmember (Attn. Paul Habib, Chief of Staff; Shawn Kuk, Planning Director; Kevin Ocubillo, Planning Deputy)
Honorable Marqueece Harris-Dawson, City Councilmember
Honorable Robert Blumenfield, City Councilmember
Honorable Mitchell Englander, City Councilmember
Honorable Curren D. Price, Jr., City Councilmember
Vincent Bertoni, Director of Planning, Department of City Planning
Kevin Keller, Executive Officer, Department of City Planning
Shana Bonstin, Department of City Planning
Blake Lamb, Department of City Planning
Terry Kaufmann-Macias, Office of the City Attorney
Dora Leong Gallo, A Community of Friends
Mitchell B. Menzer, Esq.
Tony Locacciato, Meridian

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August 3, 2017

Los Angeles City Council
PLUM Committee
City of Los Angeles
200 N. Spring Street, Room 395
Los Angeles, CA 90012

**Subject: CEQA Appeal – Lorena Plaza Mixed Use Project**

Honorable President Huizar and Members of the PLUM Committee:

At the May 16, 2017 PLUM Committee hearing on the appeal filed by El Mercado de Los Angeles (Appellant) on the Lorena Plaza Mixed Use Project, the Appellant's attorney, The Silverstein Law Firm, submitted a letter containing additional comments on the City's environmental review document. This hearing was continued by your Committee to allow sufficient time for Department of City Planning staff and the project applicant to review this letter.

Our firm, Meridian Consultants, prepared the technical analysis used by the Department of City Planning to prepare the Initial Study and Mitigated Negative Declaration for the Lorena Plaza Mixed Use Project.

The statements submitted on behalf of the Appellant in the letter from the Silverstein Law Firm dated May 16, 2017 (the appeal letter) are summarized below and responses are provided to these statements:

1. Appellant's Statement: The City's review of the appeal is premature and should be halted because Metro has not satisfied the requirements of state Eminent Domain Law.

The appeal letter states that under the Eminent Domain Law, Code of Civil Procedure Section 1245.245, Metro is required to offer the Project site to the prior owner under a statutory right of first refusal or, if Metro is unable to locate the prior owner, it is required to sell the site as surplus property. The Appellant claims that Metro has not complied with the procedural requirements of Section 1245.245 and therefore it is not permitted to enter into a transaction with the Applicant.

Response

Metro acquired the project site by eminent domain in 1998. The requirements set forth in Code of Civil Procedure Section 1245.245 relied on by the Appellant were enacted in 2006 as part of SB 1650 and went into effect on January 1, 2007. By the terms of the legislation, it applies prospectively and applies to property acquired after January 1, 2007. Stats. 2006 ch. 602 (SB 1650), section 4. The law does not apply to any exercise of eminent domain that occurred before January 1, 2007. As a result, the argument by the Appellant is not valid and there is no reason for the City Council to defer action on the appeal.

2. Appellant's Statement: The application should be denied because the City is not authorized to act as the lead agency for purposes of CEQA review.

The Appellant states that the CRA/LA should have been the lead agency for issuing the Mitigated Negative Declaration under LAMC Section 16.05G because ACOF is requesting Site Plan Review.

Response

Section 16.05G provides that where Site Plan Review is requested and the project site is in a redevelopment area, the CRA shall assume lead agency responsibilities for environmental review. However, this provision does not apply to the project because Site Plan Review is not required. Site Plan Review is applicable only if a project includes 50 or more residential units, 50,000 square feet or more of nonresidential floor area or triggers other criteria not relevant here. The proposed project includes 49 residential units and 10,000 square feet of commercial space and therefore Site Plan Review is not required and was not applied for. Accordingly, the Appellant's argument that the CRA/LA should be the lead agency is without merit.

3. Appellant's Statement: The City violated CEQA by failing to make available to the public the MND's technical appendices.

The appeal letter states that CEQA requires an MND and supporting documents to be viewable by the public. Specifically, that CEQA Guidelines Section 15150(b) requires: "Where part of another document is incorporated by reference, such other document shall be made available for public inspection" and that "[a]t a minimum, the incorporated document shall be made available to the public in an office of the lead agency." The appeal letter states that the City violated these requirements by not making available the data and analysis on which the IS/MND relied.

The appeal letter also states that the MND relies on, and references, five (5) technical appendices: Appendix A, B, C, D, and E, as well as an SEIS/EIR apparently prepared in 2010 for Metro and that the MND states that "[a]all supporting documents and references are contained in the Environmental Case File referenced previously ENV-2014-23921 and may be reviewed in the EIR Unit, Room 763, City Hall" (MND, apt. 15 [emphasis added].). The Appellant states the appendices were not available in Room 763 when it requested the appendices, but were forwarded by the staff planner via email.

In addition, the Appellant also states the City's IS/MND tiers to and uses the Metro SEIS/EIR without providing it for public review as required by the CEQA Guidelines. The appeal letter also states that the IS/MND does not include page citations to the information in the Metro SEIS/EIR on which it relies.

Response

Availability of Technical Appendices. The City released the Proposed MND for this project for public review on September 24, 2015. The Appellant's attorney requested the technical appendices by an email to Greg Shoop on May 10, 2017, approximately 17 months after the public review period for the Proposed MND ended. Digital copies of the appendices were provided to the attorney by email within two days of receiving the request for the appendices. The appeal letter contains comments on these appendices, indicating the Appellant obtained and reviewed the appendices and provide its comments prior to the Planning and Land Use Committee hearing on May 16, 2017. The Department of City Planning received

no other requests for the appendices during the public review period for the MND in 2015, or after, which indicates any parties were not able to obtain and review the Appendices.

The CEQA Guidelines cited in the Appellant's letter (i.e., Guideline Sections 15072(g)(4), 15074(b) or 15150(b)) do not support the contention that the MND is "fatally defective" if technical appendices were not in the Planning Department's file when they were requested. For example, Guideline Section 15072(g)(4) merely provides that the notice of intent to adopt a negative declaration should list the address of the location where the MND is available to review; Guideline Section 15074(b) states that the lead agency should use the whole record in determining whether there is a significant impact; and Guideline Section 15150(b) states that where materials are incorporated by reference, the documents should be made available for inspection in a public place. The appeal letter cites no case or other authority for its contention that the MND is defective.

Tiering. The City's MND does not tier to the January 2002 Metro Los Angeles Eastside Corridor Final Supplemental EIS and Subsequent EIR (FSEIS/FSEIR), or incorporate this document by reference, as stated by the Appellant. As defined in CEQA Guidelines Section 15152, tiering refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the later EIR or negative declaration solely on the issues specific to the later project. In this case, the City's IS/MND is independent of Metro rail project analyzed in the FSEIS/FSEIR and does not tier to it. The IS/MND merely references information in the FSEIS/FSEIR to confirm that there are no known archaeological or paleontological resources in the area and to describe geological conditions in the area.

Incorporation by Reference. CEQA permits the City to rely on information from other sources if the sources are cited in the MND. Section 15150 states that a Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language is considered to be set forth in full as part of the text of the Negative Declaration. Where part of another document is incorporated by reference, this section of the CEQA Guidelines requires that such other document be made available to the public for inspection at a public place or public building. The CEQA Guidelines state incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the project at hand.

The sources need not be included in the environmental document. Id.; See *Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 958 (nothing in CEQA requires that source materials be physically incorporated in the environmental review document); *El Morro v. Community Assn. v. California Dept. of Parks & Recreation* (2004) 122 Cal.App.4th 1341, 1351 (because perfection is not required in an environmental document, omission of specific citations is not prejudicial error and does not provide a basis to invalidate it).

The City's Initial Study contains references to information in a variety of documents in footnotes. Of the 83 footnotes in the Initial Study, only 11 are references to the Metro Eastside Corridor FEIS/FEIR. These footnotes reference general information on cultural resources and geologic conditions in the area and on noise generated by Gold Line light rail operations.

As discussed above, tiering is when an environmental review document relies on the analysis in a previous document and does not analyze that topic further. The City's Initial Study contains site and project specific analysis of the proposed Lorena Plaza project. All environmental topics contained in the Initial Study checklist form are addressed, as opposed to relying on and tiering from analysis in the FSEIS/FSEIR. The City's Initial Study also does not incorporate any technical analysis from the FSEIS/FSEIR by reference. Since the City's Initial Study does not tier from, or incorporate information by reference from, the Metro FSEIR/FSEIR, the City was not required to have a copy of this document available for review at City offices. The Metro FSEIS/FSEIR is, however, readily available to the public on the Metro website at:

https://www.metro.net/projects/eastside/goldline_reports/

and

http://libraryarchives.metro.net/DPGTL/eirs/EIR_List.htm

4. Appellant's Statement: The cumulative impact analysis is fundamentally flawed and cannot be relied on to support a finding of no significance.

The appeal letter states that the MND failed to properly disclose and address cumulative impacts because it failed to include all reasonably foreseeable related projects, which include projects under environmental review. The appeal letter notes the Initial Study identified only four related projects, consisting of two mixed-use projects, a medical office expansion, and a senior housing/medical office project. The appeal letter identifies other large-scale projects near the Project that it states should have been considered in the cumulative impacts analysis: (1) the Mariachi Plaza Project, (2) the Sears multi-use community project, and (3) the La Veranda mixed use project, which includes 76 residential units and 8,000 square feet of retail space.

The appeal letter also states the MND is internally inconsistent because on page 24, the MND states that there may be significant cumulative impacts from the Project, but that those impacts "will be mitigated to a less than significant level through compliance with the above mitigation measures."

Response

Section 15064.5 (h) of the CEQA Guidelines address the standards for review of cumulative effects. Section 15064.5 (h) (1) states:

"When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed regarding the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Section 15064.5 (h) (4) states:

"The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable."

Section 15125(a) provides that the baseline for purposes of the physical environmental conditions in the vicinity of the project is established at the time the environmental analysis is commenced.

The Initial Study was commenced in July 2014 and the MND was released for public review in late 2015. The IS/MND considered the potential cumulative effects of the proposed Lorena Plaza project and four other related projects in the area, as discussed in the appeal.

The potential for a proposed project to result in a cumulatively considerable incremental effect is related, in part, to the size of a proposed project and the impacts of the project. Regarding traffic impacts, LADOT requires the preparation of a traffic memorandum when a project will generate 25 to 42 a.m. or p.m. peak hour trips and a traffic study when the project generates 500 or more daily trips or likely to add 43 or more a.m. or p.m. peak hour trips. The June 2013 LADOT Traffic Study Policies and Procedures state that a Traffic Memorandum is a significantly scaled down version of a traffic study. LADOT approved a traffic memorandum for the proposed Lorena Plaza Project because the number of trips generated by the project is under the LADOT thresholds for preparation of a traffic study. Based on the amount of traffic generated by the project, LADOT required analysis of 3 intersections near the site, Lorena St./Cesar Chavez Ave. – Brooklyn Place; Lorena Street/1st St. and Indiana St./1st Street. These three intersections will all operate at Level of Service A with the addition of traffic from the proposed Lorena Plaza Project. These results indicate the project's incremental traffic effects are not cumulatively considerable.

Mariachi Plaza - Exhibit 2 to the appeal letter contains a copy of the January 2017 Mariachi Plaza joint development RFP notice by Metro. As stated in this notice, Metro released this RFP after engaging in a community outreach project throughout 2016 to create development guidelines for this site, which is located approximately 1.6 miles northwest of the Lorena Plaza Project site. Metro is currently requesting proposals to develop the Mariachi Plaza site and no specific project is currently defined. As this project is not currently defined and the Metro RFP for development of this site was issued in January 2017, 15 months after the MND was released for review, consideration of development of a project on the Mariachi Plaza site as a related project for purposes of cumulative impact analysis is not required by CEQA.

Sears Site Project. - The City approved a mixed-use project on the Sears site in December 2015. This project consists of the adaptive reuse of an existing building located on E. Olympic Boulevard, south of the 101 Freeway and immediately east of the Los Angeles River, over 1.7 miles southwest of the Lorena Plaza Project site. The project site and the Sears site are separated by the juncture of the 101, I-5, I-10 and 60 freeways. Given the location of the Sears project, the distance from the Lorena Plaza project and the limited traffic and other impacts of the Lorena Plaza project, the Sears project was not identified as a related project for purposes of cumulative impact analysis in the Lorena Plaza MND. The traffic study for the Sears project includes analysis of 21 intersections, which do not include any of the intersections analyzed for the proposed Project. The nearest intersections analyzed to the Lorena Plaza Project site are Boyle Ave./Whittier Boulevard and Soto St./Whittier Boulevard. These intersections are located approximately 1.25 miles southwest of the Lorena Plaza Project site.

Based on the location and size of the Lorena Plaza and Sears Projects, there is no evidence these two projects would result in cumulative traffic or other impacts; in fact, the traffic analyses for both projects substantiate there will not be cumulative traffic impacts.

La Veranda Project. - The appeal letter provides, in an attachment, a December 2016 article discussing the La Veranda project proposed on property owned by Metro near the Gold Line Soto Station, approximately 1-mile northeast of the Lorena Plaza Project site. This article notes an application for this project was filed

in December 2016, approximately 14 months after the MND for the Lorena Plaza Project was released for public review. As the application for this project was submitted well after the Proposed MND for the Lorena Plaza Project was completed and released for public review, consideration of the La Veranda project as a related project for purposes of cumulative impact analysis is not required under CEQA.

As stated above, the CEQA Guidelines state that the mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable. The appeal letter identifies projects proposed after the MND for the Lorena Plaza Project was released for public review and does not provide any information supporting a conclusion that these projects will create significant cumulative impacts or that the Lorena Plaza Project will result in incremental effects that will be cumulatively considerable in relation to the impacts created by these other projects. The assessment of potential cumulative impacts in the City's Initial Study and MND for the Lorena Plaza Project is consistent with the standards in the CEQA Guidelines and provides an adequate assessment of potential cumulative impacts considering other related projects located near the project site under review at the time the MND was prepared.

In response to the question: "Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)", the Initial Study made the following determination: "the Proposed Project's incremental contribution to cumulative impacts related to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities would be less than significant." (Initial Study, Section 4.18, Mandatory Findings of Significance, page 4.0-124.)

The statement referenced in the appeal letter as to page 24 of the MND indicates the mitigation measures identified for the Proposed Project will also serve to mitigate the project's incremental contribution to any potential cumulative impacts. This statement is not inconsistent with the determination described above.

5. Appellant's Statement: A Fair Argument Exists Regarding Air Quality and Hazardous Materials

The appeal letter states the recommendation for a Phase II ESA Phase 1 Environmental Site Assessment (ESA) in the Phase I ESA appended to the Initial Study is evidence of potentially significant air quality and hazardous material impacts. This claim is based on a review by a consultant retained by the Appellant. This review indicates that delaying the soil sampling that would be conducted as part of a Phase II ESA until prior to grading may result in the discovery of significant quantities and concentrations from the drilling of an abandoned oil well on the property and the past use of the site as a lumber yard and saw mill. The appeal letter also states that, while the MND identifies that the project site is within a City defined Methane Zone, the potential risks from methane are not adequately addressed.

Response

The statements by the Appellant and the Appellant's consultant do not accurately represent the findings of the Phase I ESA appended to the Proposed MND or present substantial evidence of potential significant impacts.

The comments provided cite the Phase I ESA, but do not reference the August 25, 2015 Letter of Clarification from Andersen Environmental, the firm that prepared this study, provided in Appendix C to the MND with the Phase I ESA. This Letter of Clarification states that there is no direct evidence of contamination on the project site and if soil contamination is discovered during site grading, all impacted soils will be managed in accordance with existing state and federal laws. In addition, this letter states that Division 71 of the Los Angeles Building Code requires the preparation of a methane assessment prior to development of the new project on the site. Existing local, state and federal regulations require actions that will mitigate any potential effects related to soil contamination on the site or from the presence of methane.

Andersen Environmental provided an additional letter of clarification dated July 5, 2017, provided as **Attachment 1**, addressing the abandoned oil well present on the project site. As stated in this letter, research completed for the Phase 1 ESA prepared by Andersen Environmental did not identify any direct evidence indicating that drilling of the abandoned oil well resulted in any contamination of soil on the site.

Andersen Environmental specifically notes the potential for significant contamination from drilling of the well is considered low because the well drilling records indicate that "oil sand" was only encountered near the terminus of the well. Further, the only indications of the presence of petroleum in the well drilling logs were references to interbedded oil sands exhibiting hydrocarbon odor and staining in two ten-foot sections of the lithology where "free oil" was observed. Based on these facts, it is unlikely that soil cuttings from drilling the well disposed of on the property would contain significant amounts of hydrocarbons and other materials of concern. Andersen Environmental again notes that current regulations require that the well be re-abandoned to meet current standards and that any soil determined to be contaminated with crude oil, petroleum hydrocarbons or other materials would easily be cleaned up as part of the well re-abandonment process or during site grading. This letter clarifies that a Phase II investigation was recommended to provide information to the owner for construction management purposes to define the time and cost to re-abandon the well, as opposed to being needed to determine the potential hazard from documented soil contamination on the project site and feasible measures to mitigate this impact. Andersen Environmental concludes that although the potential for limited soil impacts from the drilling of the abandoned well meets the standard for a Recognized Environmental Condition as defined by the American Society for Testing and Materials (ASTM), due to the limited potential for the site to contain significant hazardous materials from the past drilling activities, there is no potential for a significant hazard to the public or the environment that would result in a significant impact as defined by CEQA that requires the preparation of the EIR.

In addition to potential soil contamination associated with the drilling of the abandoned oil well on the property, the Appellant and the Appellant's consultant state the previous use of the site as a lumberyard and saw mill may have resulted in contamination of the site with hazardous materials. No information is provided to support this conclusion. The Phase I ESA reviews the historic use of this site as a lumberyard and did not identify any potential hazards related to this past use.

In addition to the 2014 ESA prepared by Andersen Environmental and appended to the MND, a Phase I ESA was prepared in 1996 for the Los Angeles Metropolitan Transportation Authority (Metro) which addressed the existing improvements on the site prior to acquisition of the property by Metro. In 1996 the project site was occupied by the Boyle Heights Lumber Company and a restaurant. This Phase I concluded that current and past activities at the site did not indicate the site has been impacted with potentially hazardous chemicals and no additional soil or groundwater investigations were recommended

based on review of the existing lumberyard. It should also be noted that this Phase I ESA concluded the abandoned dry hole oil well on the site was not expected to impact conditions on the site because no oil was encountered. Soil and groundwater testing conducted near the project site also did not detect total petroleum hydrocarbons or other chemicals that would indicate contamination from the abandoned oil well on the Project site. The appeal letter includes no evidence that the use of the project site as a lumber yard involved hazardous materials or resulted in the disposal of hazardous materials on the project site.

The 1996 Phase I ESA, the 2014 ESA, and related clarification letters were reviewed by Dr. Susan Mearns of Mearns Consulting. Dr. Mearns' review of these materials in relation to the comments provided by the Appellant and the Appellant's consultant is provided in her letter in **Attachment 2**. Dr. Mearns concludes that available information does not support a determination of any potentially significant hazardous material impacts related to the abandoned oil well on the project site, the past use of the site as a lumberyard, or due to the project site being in a Methane Zone as defined by the City of Los Angeles

Section 15064 (f)(5), Determining the Significance of Environmental Effects Caused by a Project, states that argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support by facts. The appeal letter does not include facts supporting a determination that there are potential significant impacts related to the presence of hazardous materials on the project site. Instead, the appeal is based on speculation, and an expert opinion that is not supported by facts.

With regard to the abandoned oil well on the site, Dr. Mearns' opinion is that the evidence considered in the Phase I ESA prepared by Andersen Environmental leads only to a conclusion that this well represents a *de minimis* condition and not a Recognized Environmental Condition as defined by the American Society for Testing and Materials (ASTM). The term Recognized Environmental Condition means the presence or likely presence of any hazardous substance or petroleum product in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment (ASTM E1527-13). *De minimis* conditions are not recognized environmental conditions (ASTM E1527-13).

Petroleum products are included within the scope of conducting a Phase I ESA pursuant to ASTM E1527-13 standards because they are of concern with respect to many parcels of commercial real estate, such as, but not limited to former gasoline service stations that dispense refined petroleum products. Refined petroleum products are derived from crude oils through processes such as catalytic cracking and fractional distillation. These products have physical and chemical characteristics that differ according to the type of crude oil and subsequent refining processes.). Dr. Mearns states the only activities disclosed by the Phase I ESA involved oil well drilling for crude oil, and crude oil meets the qualifications for a *de minimis* condition because it does not present a threat to human health or the environment and would not be subject to enforcement action if brought to the attention of a regulatory agency. The claim that oil well-related hazardous wastes were disposed of on the subject property as stated by the Appellant is not supported by the available facts and does not constitute substantial evidence as defined by CEQA. This opinion is consistent with the opinion of Andersen Environmental that due to the limited potential for the site to contain significant hazardous materials from the drilling activities, there is no potential for a significant hazard to the public or the environment that would result in a significant impact as defined by CEQA that requires the preparation of the EIR.

As noted by Dr. Mearns "methane is a common factor in many parts of the City of Los Angeles and the Los Angeles Department of Building and Safety (LADBS) has developed regulations that govern building construction in areas that have methane present in the soils. .....the LADBS methane regulations are well-established and have been used to address potential methane issues in thousands of construction projects." and ":... the City of Los Angeles, have developed methane mitigation standards for new developments to ensure the methane in the subsurface is vented to the atmosphere eliminating the potential for methane to accumulate in the proposed buildings. These standard requirements are effective in venting methane to the atmosphere and apply to thousands of properties within the City of Los Angeles."

The City's existing regulations require site testing to be conducted using the following three-step testing protocol defined in the City's regulations to determine the concentration and pressure of the subsurface methane gas for the design of methane hazard mitigation systems. All buildings located in the Methane Zone and Methane Buffer Zone shall provide a methane mitigation system as defined in Section 91.7104.2of the City's Municipal Code.

The Appellant's Statements misrepresent the conditions necessary for methane to be explosive, and are incorrect in asserting the previous use of the site as a lumber yard has an impact on methane generation and erroneously concludes there is a need for a risk assessment to address methane hazard risks. These comments regarding methane are unsubstantiated and do not constitute substantial evidence as defined by CEQA.

6. Appellant's Statement: The City's Bureau of Engineering identifies infrastructure deficiencies that required additional analysis.

The appeal letter cites November 16, 2015 Inter-Departmental Correspondence from the Bureau of Engineering (BOE) identifying dedications and improvements required on the adjacent streets and stating an investigation by the BOE may be necessary to determine if the existing public sewers have capacity to accommodate the proposed development. The appeal letter also states that the MND fails to disclose and analyze the impacts from a drainage easement and surface water runoff.

Response

The Bureau of Engineering memo, prepared in November 2015, did not contain comments on the MND, released for public review two months earlier in September 2015. This BOE memo is standard correspondence identifying requirements the BOE may impose at the time a building permit is issued, including street dedications and improvements required on 1st Street, Lorena Street and the alley on the eastern side of the Project site. This memo also notes that sewers are in 1st Street and the alley and that an investigation by the Bureau of Engineering may be required to determine the capacity of the sewers to accommodate the proposed development.

The Bureau of Engineering completed a Sewer Capacity Availability Request (SCAR) and determined there is capacity available to handle the wastewater generated by the Proposed Project. The SCAR is provided in **Attachment 3**.

Regarding storm drainage, the MND notes potential impacts will be mitigated through conformance with existing regulations, such as the requirement for every project to prepare a standard Storm Water Pollution Prevention Plan. Compliance with these existing standard regulatory requirements does not

constitute evidence of a significant environmental impact. Furthermore, compliance with the regulatory requirements are not mitigation measures and, for this reason, no additional analysis is required in the MND.

The Bureau of Engineering memo also notes there is an existing drainage easement that crosses the Project site, that any encroachment into this easement will require the approval of a B-Permit from the Bureau of Engineering and that all drainage from the Proposed Project shall be collected and treated at the site and directed to offsite drainage facilities. The appeal letter states the MND is deficient for not addressing impacts associated with this easement but it provides no evidence or other information in supporting the assertion that the drainage easement will cause significant environmental impacts. Likewise, the Bureau of Engineering does not identify any environmental impacts associated with this easement.

7. Appellant's Statement: The Proposed Project will result in potentially significant shade impacts on the second story balcony of the adjacent El Mercado building and potentially significant light impacts that require additional analysis.

The appeal letter states the MND ignores the potentially significant shade impacts on the outdoor second story balcony space in the adjacent El Mercado building facing the Project site and does not provide adequate analysis of potential shading of this balcony area. The appeal letter states this balcony is a sensitive receptor and since the MND notes the Project will shade this balcony a fair argument can be made that this impact is significant.

The appeal also states that the analysis of potential light and glare impacts is not adequately addressed as no specific information on project lighting was provided and the MND relies on the Project Description, which states that all outdoor lighting would be shielded to avoid any impacts to surrounding uses.

Response

The MND includes analysis of potential shade and shadow impacts. The MND states that during the summer months at approximately 4:00 PM, the side of the El Mercado building adjacent to the Project Site would be partially shaded, that the outdoor second-story balcony space on the west side of El Mercado is not routinely used and that El Mercado is an "indoor shopping and meeting place." This balcony space is shown in the photograph below:


As shown in this photograph, this balcony area contains no tables, chairs or other improvements that indicate it is an actively used area. There are doors that exit onto this balcony area from the restaurants on the third floor at two locations, which indicate this area functions as an exterior circulation corridor providing access to the stairs at the front of the building to exit from the restaurants. In addition, the current conditional use permit for the restaurants on the third floor expressly prohibits the use of this area in connection with the restaurants.[1] This area is also covered by a roof that already shades this balcony area, as clearly shown in this photograph

Based on the *L.A. CEQA Thresholds Guide*, a shading impact is normally considered significant if the Project would cast shadows for:

- more than 3 hours each day between the hours of 9:00 AM and 3:00 PM during winter months, or for

- more than 4 hours each day between the hours of 9:00 AM and 5:00 PM during summer months

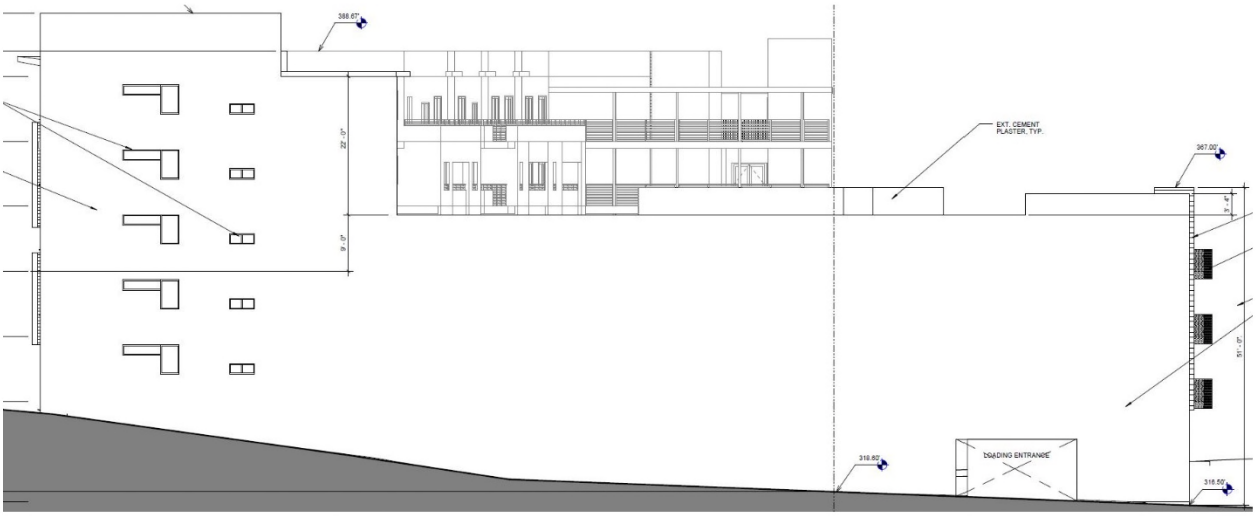
**Attachment 4** contains shade and shadow analysis addressing winter and summer shade patterns. As shown in these diagrams, the Proposed Project would not shade the El Mercado building at any time during winter. During summer, as stated in the MND, the Proposed Project would shade a portion of the west elevation of the El Mercado Building from 4:00 to 5:00 PM. Shading of a portion of this building may start as early as 3:00 PM. As indicated in the photograph above, the existing roof over the balcony area already shades this area and, for this reason, the shadows cast by the Proposed Project would not have any substantial impact on this balcony. Under the City's threshold, any shading impact would only be considered significant if a solar sensitive area was shaded for more than 4 hours a day during summer. Since the Proposed Project would only partially shade the adjacent building for an hour or slightly more during the summer, and the balcony area on the adjacent building would already be shaded by the roof over the balcony, there is no evidence of a potentially significant shade impact. Furthermore, the

1 Condition 7(c) of Case No. ZA 2013-2779 (CUB)CUX)CU for 3425 East 1st Street states: "There shall be no sale or service of food, or alcoholic beverages, nor shall there any [sic] live entertainment or public dancing in the 755 square-foot patio located on the western side of the La Perla restaurant."

prohibition on the use of the covered patio in connection with the restaurants, bars or entertainment establishes that the balcony is not a sensitive receptor site as asserted by the appeal letter.

Based on the *L.A. CEQA Thresholds Guide*, the determination of whether the Proposed Project results in a significant nighttime illumination impact is made considering the following factors: (a) the change in ambient illumination levels as a result of Proposed Project sources; and (b) the extent to which Proposed Project lighting would spill off the Project Site and affect adjacent light-sensitive areas. As described above, the west elevation of the El Mercado contains a balcony that functions as an exterior circulation area that is not considered to be sensitive for solar access or for lighting as this area is not permitted to be used and is not actively used.

The east elevation of the Proposed Project is shown below. As shown, this elevation only contains an entry to the parking garage on the northern side of the Project, which will be only provide access for loading for the commercial uses, and windows for residential units on the southern portion of this elevation. Minimal exterior lighting will be required on this elevation. Lighting will be limited to security lighting at the entry to the parking garage.




Based the characteristics of the Proposed Project and the adjacent El Mercado building, there are no facts that support a determination there are any potentially significant lighting impacts.

8. Appellant's Statement: There are potentially significant land use and planning impacts that require additional analysis.

The appeal letter states that because of the unique history of El Mercado and the low-density and commercial character of the surrounding area, there are potentially significant land use compatibility impacts associated with exposure to the hazardous materials present on the site and the placement of future residents at the Project site adjacent to a shopping and cultural center. The appeal also states the Proposed Project is inconsistent with the Boyle Heights Community Plan and that while the Community Plan specifically mentions El Mercado the MND does not address the goals of the Community Plan related to El Mercado.

Response

The appeal letter states that because of the unique history of El Mercado and low-density and commercial character of the surrounding area, there are potentially significant land use compatibility impacts associated with exposure to the hazardous materials present on the site. As discussed above, there is no substantial evidence supporting a determination that the Project site is contaminated with hazardous materials.

The appeal letter also states the Proposed Project is inconsistent with the Boyle Heights Community Plan and that while the Community Plan specifically mentions El Mercado the MND does not address the goals of the Community Plan related to El Mercado.

As noted in the appeal letter, the Community Issues and Opportunities section of the Boyle Height Community Plan discusses the El Mercado in the sub-section on Commercial Uses on pages I-5 and 1-6 of the Introduction section of the Community Plan as follows:

"The "Mercado" located on First Street just east of Lorena Street at the eastern boundary of the City is a large commercial and cultural focal point in this community. The "Mercado" abuts the unincorporated community of East Los Angeles. The Mercado provides specialty Mexican products on two floors and restaurants with live music on the third floor.

The potential to capitalize on the market's activity is limited by its geographic location between the city boundary and the Evergreen Cemetery. However, the parcels just east [sic] of the Mercado, currently occupied by a lumber yard and a hamburger stand, provide a viable opportunity for a development that would complement or expand the Mercado. This intersection is also the location of a proposed Metro Rail Red Line station and pedestrian-oriented uses should be encouraged here."

As noted above, this discussion is in the Section I., Introduction, of the Community Plan and not in Section III., Land Use Policies and Programs. The Boyle Heights Community Plan was adopted in 1998 and is currently being updated. This discussion in the Introduction section of the 1998 Community Plan identifies the opportunity for redevelopment of the Project site with uses that could complement or expand the Mercado. This discussion also identifies the intersection of 1st Street and Lorena Street as the location of a proposed Redline station by Metro.

Since 1998, Metro planned and built the Gold Line light rail line system. A light rail station was not built at 1st and Lorena Street. When the Red Line was originally planned for Boyle Heights, a number of the properties acquired by Metro for construction of the rail line contained existing affordable housing units. While those earlier efforts were abandoned, and the Gold Line Light Rail Extension was built in its place, Metro was required to replenish this housing stock and provide funding to support the construction of 100 affordable housing units in Boyle Heights. The Proposed Project is one of four affordable housing projects on properties owned by Metro proposed to meet this requirement. The Proposed Project was developed through a community outreach process and includes 10,000 square feet of commercial space in addition to affordable housing units.

The nearest Gold Line Station to the Project site is located at Indiana Street and 3rd Street, approximately one-quarter mile southeast of the Project site. The Draft Boyle Heights Community Plan update maintains the current Community Commercial land use designation for the Project site and neighboring properties to the north and east and identifies this commercial area as a Transit Node. In Transit Node areas, the

Draft Community Plan provides incentives for development of affordable housing by allowing a 3-story base height and up to 6 stories for mixed-income and affordable housing developments, such as the Proposed Project.

The discussion in the Introduction section of the current Boyle Heights Community Plan is not a goal, as stated in the appeal letter. The current Community Plan does contain the following relevant policy on commercial areas, as noted in the appeal:

"...That the pedestrian-oriented commercial centers of Avenida Cesar Chavez and Soto Street and the Mercado area on East First Street be preserved and continue to serve as focal points for shopping, social and entertainment activities."

As discussed above, the Proposed Project includes 10,000 square feet of commercial space oriented towards a pedestrian plaza along 1st Street. This feature of the project is consistent with this policy as it extends the pedestrian-oriented commercial character of 1st Street and provides continuity with the commercial uses of the Mercado.

The referenced discussion of El Mercado in the Introduction on Community Issues and Opportunities are not goals or policies. Nevertheless, the Proposed Project contains commercial uses configured in a design that complements El Mercado. The Proposed Project is designed in a manner that is compatible with surrounding uses.

In addition, the provision of affordable housing on this site is consistent with the policies for Transit Nodes in the Draft Boyle Heights Community Plan and with Metro's joint development program goals.

The Project is consistent with the following residential objectives and policies of the current Boyle Heights Community Plan: (1) To provide new housing opportunities that accommodate a range of income needs, provide public amenities, and maximize the opportunities for individual choice; (objective 2, page III-2); and (2) That Medium density housing be located near commercial corridors where access to public transportation and shopping services is convenient and where a buffer from, or transition between, low-density housing can be achieved to the extent feasible; (policy 4, page III-2).

In addition, the City's Housing Element, which was adopted on December 3, 2013 and constitutes a part of the City's General Plan, includes an inventory of land in each Community Plan area that is suitable for residential development. The Project Site is listed as one of the sites suitable for residential development. (Housing Element, 2013-2021, Appendix H, APN 5179019900.)

The appeal letter states that Proposed Project does not complement El Mercado as it places a set of "highly-sensitive" residents adjacent to El Mercado and does not assess how these residents could impact "the hundreds of thousands of patrons frequenting El Mercado annually." The appeal letter provides no evidence to support these statements, nor does it explain what it refers to as "highly-sensitive" residents or how they would affect El Mercado visitors. In addition, Section 15064 (f) (6) states "Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment." As noted above, the appeal provides no information on how the tenants of the affordable housing units would impact visitors to El Mercado. Numerous court decisions have held that evidence of social or economic impacts is not a substantial effect on the environment. *Preserve Poway v. City of Poway* (2016) 245 Cal. App. 4th 560 (CEQA did not require the city to study the project's potential psychological

and social impacts upon the community character); *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170 (impact of dogs using a beach on the enjoyment of visitors to the beach is a social impact); *Baird v. County of Contra Costa* (1995) 32 Cal. App.4th 1464, 1469 n.2 (claim that expansion of residential addition treatment facility will increase crime is not subject to CEQA review); *City of Pasadena v. State of California* (1993) 14 Cal.App.4th 810, 829 (psychological impacts (fear) to neighboring residents arising from converting an existing building to a parole office did not constitute a physical change requiring CEQA analysis); *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240 (social characteristics of visitors to proposed state unemployment insurance office not an environmental impact for CEQA purposes). In any event, this type of undefined social or economic impact is not substantial evidence that the project may have a significant effect on the environment.

9. Appellant's Statement: There are potentially significant archeological impacts that require additional analysis.

The appeal letter states the MND is contradictory and insufficient as it concludes archeological impacts are not significant, but also states there is a potential for discovery of archeological resources that would be mitigated, but does not identify this mitigation.

Response

The appeal letter does not accurately present the information presented on pages 4.0-24 and 25 of the Initial Study and MND on potential impacts to archeological resources. The MND does not conclude the potential for encountering archeological materials is a potentially significant impact that requires mitigation as stated in the appeal.

The Initial Study states there are no known archeological resources on the Project site or in the surrounding area and, for this reason, potential impacts to archeological resources are considered less than significant.

The Initial Study does note that since the Proposed Project will involve excavation to construct one level of subterranean parking, there is some potential to encounter archeological materials and, for this reason, the Department of City Planning recommends that if any archeological materials are encountered during construction, that construction stop and an archeologist be brought in to evaluate the materials. As there is no information indicating the presence of archeological materials on the site, the potential for encountering archeological materials is considered low and potential impacts to archeological resources are considered less than significant.

10. Appellant's Statement: The MND does not address the impacts on public services associated with introducing a sensitive tenant population into the existing neighborhood.

Specifically, the appeal states that MND does not address the potential for the Proposed Project to require services from the LAPD mental health program.

Response

As discussed above, Section 15064 (f) (6) states "Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment."

Section 15064 (f) (4) states "The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment."

Regarding police and other public services, impacts are considered significant under CEQA when a project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, to maintain acceptable service ratios, response times or other performance objectives for public services.

While the appeal implies the residents of the Proposed Project would require a higher level of police and other public services than other residential users, no evidence is provided that would support a conclusion that the level of public services required would result in the need to provide new or altered governmental facilities that could result in significant impacts on the environment. Instead, this comment addresses social effects that are not considered to be significant impacts under CEQA.

**Conclusion**

Preparation of an EIR is required when a fair argument can be made, based on substantial evidence in the record, that a project may have a significant effect on the environment. Substantial evidence is defined in Section 15384 as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence." Substantial evidence includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.

As discussed in the responses to the points raised in the appeal letter, Section 15064 of the CEQA Guidelines states the existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment. In addition, argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, does not constitute substantial evidence.

Also, evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment. The arguments and other assertions in the appeal letter are not supported by substantial evidence and, as such, the appeal letter does not provide a fair argument based on substantial evidence that the impacts identified in the appeal letter are potential significant impacts, as discussed in the above responses to the points in the appeal.

Sincerely,

Tony Locacciato, AICP
*Partner*

ATTACHMENT 1

ANDERSEN ENVIRONMENTAL

An EFI Global Company

July 5, 2017

A Community of Friends
3701 Wilshire Boulevard, Suite 700
Los Angeles, California 90010
Attention: Jose Torres

**Subject:** ***Letter of Clarification – Phase I Environmental Site Assessment***
**3401-3415 East 1st Street and 116-126 Lorena Street, Los Angeles, CA 90063**

Mr. Torres:

Per your request, Andersen Environmental provides this Letter of Clarification regarding the Phase I Environmental Site Assessment (ESA) of the aforementioned property dated August 29, 2014. Specifically this letter is in reference to the Recognized Environmental Condition identified during the course of our research. An oil well, identified as "Taylor" 1 (American Petroleum Institute #: 03705210), was drilled at the site and completed at 4,587 feet below ground surface in 1949. The well was plugged and abandoned in 1949, as the well was not commercially viable. For the following reasons, it is our opinion that although the potential for limited soil impacts from well drilling activities meet the standard for a Recognized Environmental Condition under ASTM 1527-13, it does not meet the standard for a "significant hazard" under the California Environmental Quality Act (CEQA).

- Research completed for the 2014 ESA did not identify any direct evidence indicating the drilling of the abandoned oil well on the property resulted in any contamination of soil on the site. Furthermore, the site was not listed on any hazardous material databases.
- The potential for significant contamination from drilling of the well is considered low because the well drilling records indicate that "oil sand" was only encountered at near the terminus of the well. Furthermore, the only indications of the presence of petroleum in the well drilling logs were references to interbedded oil sands exhibiting hydrocarbon odor and staining and two ten foot sections of the lithology where "free oil" was observed. Therefore, it is unlikely that soil cuttings from drilling the well disposed of on the property would contain significant amounts of hydrocarbons and other materials of concern.
- Current regulations require that the well be re-abandoned to meet current standards. Any soil determined to be contaminated with crude oil, petroleum hydrocarbons or other materials would easily be cleaned up as part of the well re-abandonment or during site grading.
- A Phase II investigation was recommended to provide information to the owner for construction management purposes to define the time and cost to re-abandon the well.
- Due to the limited potential for the site to contain significant hazardous materials from the drilling of the abandoned well, it is our opinion there is no significant hazard to the public or the environment that would result in a significant impact as defined by CEQA.

Respectfully Submitted,

Matthew Rodda
Due Diligence Director
Andersen Environmental

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July 22, 2017

***via email***

Mr. Tony Locacciato, AICP
Meridian Consultants, LLC
910 Hampshire Road, Suite V
Westlake Village, California 91361

RE: **Comments – The Silverstein Letter - Lorena Plaza Mixed Use Project**

Dear Mr. Locacciato:

The following is my review of specific comments in the letter from The Silverstein Law Firm dated May 16, 2017, *CEQA Appeal and Objections to the Lorena Plaza Mixed Use Project located at 3407-3415 E. First Street; 114, 116 and 126 N. Lorena Street, Los Angeles, California*; hereinafter referred to as the "Silverstein Letter", including the letter from Mr. Matt Hagemann of SWAPE dated May 15, 2017; hereinafter referred to as the "Hagemann Report". Additional documents reviewed include but are not limited to the following:

- Andersen Environmental. August 29, 2014. Phase I Environmental Site Assessment, 3401-3415 East 1st Street and 116-126 Lorena Street, Los Angeles, California 90063
- Andersen Environmental (An EFI Global Company). August 25, 2015. Letter of Clarification, Phase I Environmental Site Assessment, 3401-3415 East 1st Street and 116-126 Lorena Street, Los Angeles, California 90063
- Andersen Environmental (An EFI Global Company). July 5, 2017. Letter of Clarification, Phase I Environmental Site Assessment, 3401-3415 East 1st Street and 116-126 Lorena Street, Los Angeles, California 90063
- IT Corporation. April 1996. Phase I Environmental Site Assessment and Asbestos and Lead-Based Paint Surveys, Metro Red Line Eastside Extension, First and Lorena Station.
- Meridian Consultants LLC. September 2015. Lorena Plaza Mixed Use Project, Initial Study.

1. <u>Soil Conditions and Phase I Environmental Site Assessment: The Silverstein Letter makes the following comment regarding the Phase I Environmental Site Assessment and soil conditions:</u>

   "First, the MND violates CEQA because the Phase I Assessment prepared for the Initial Study specifically recommends a Phase II Environmental Site Assessment to study potentially significant impacts due to the potential presence of soil contamination, yet no Phase II assessment was prepared. (cite omitted). There hazards should be addressed in an EIR"[1]

[1]The Hagemann Report makes a similar comment: "There is a fair argument that by delaying soil sampling until prior to site grading, unanticipated contamination may be found in significant quantities and concentrations from past uses which include a lumber yard and a saw mill (Phase I ESA, p. 1). In addition to potential drill cutting contamination, past use as a lumber yard and a saw mill may have involved the use of arsenic-and copper-based wood preserving activities, leading to soil contamination. These past uses should be investigated through a soil sampling program under a Phase II as recommended in the Phase I ESA. The Phase II should be conducted prior to Project approval and any mitigation necessary for removal of contaminated soils should be completed prior to Project groundbreaking."

The purpose of performing a Phase I ESA is to assess the environmental condition of real estate taking into account commonly known and reasonably ascertainable information. The Phase I ESA approach identified by ASTM E1527-13 is designed to identify recognized environmental conditions in connection with a property.

Performing a Phase I ESA to ASTM E1527-13 standards allows a prospective purchaser of property to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) liability, that is, the practice that constitutes all appropriate inquiries into the previous ownership and uses of the property consistent with good commercial and customary practice as defined at 42 U.S.C. §9601(35)(B).

The term recognized environmental condition means the presence or likely presence of any hazardous substance or petroleum product in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment (ASTM E1527-13). *De minimis* conditions are not recognized environmental conditions (ASTM E1527-13).

*De minimus* conditions are: (1) conditions that do not present a threat to human health or the environment, and (2) would not be subject to enforcement action if brought to the attention of a regulatory agency (ASTM E1527-13).

Petroleum products are included within the scope of conducting a Phase I ESA pursuant to ASTM E1527-13 standards because they are of concern with respect to many parcels of commercial real estate, such as, but not limited to former gasoline service stations that dispense refined petroleum products. Refined petroleum products are derived from crude oils through processes such as catalytic cracking and fractional distillation. These products have physical and chemical characteristics that differ according to the type of crude oil and subsequent refining processes. Several examples of refined petroleum products include: gasoline, diesel, kerosene, jet fuel, bunker oil and lubricating oils (USEPA 2017). Inclusion of petroleum products within the scope of conducting a Phase I ESA to ASTM E1527-13 standards is not based upon the applicability, if any, of CERCLA exclusions to petroleum products such as crude oil (ASTM E1527-13).

<u>CERCLA Exclusion</u>
The United States Environmental Protection Agency (USEPA) interprets CERCLA section 101(14) to exclude crude oil and indigenous substances such as, but not limited to, benzene, from the definition of hazardous substance. Under this interpretation, petroleum includes hazardous substances that are normally mixed with or added to crude oil or crude oil fractions during the refining process. This includes indigenous hazardous substances, the levels of which are increased as a normal part of the refining process (USEPA 1987).

<u>RCRA Exclusion</u>
USEPA determined that oil and gas exploration and production wastes are exempt from regulation as hazardous wastes under Subtitle C of the Resources Conservation and Recovery Act (RCRA). USEPA proposed hazardous waste management standards that included reduced requirements for several types of large volume wastes due to the determination in 1988 that these wastes are lower in toxicity than other wastes (USEPA 2002). These wastes included materials intrinsically derived from primary field operations associated with the exploration, development or production of crude oil and natural gas. Primary field operations with respect to crude oil include activities occurring at or near the wellhead (USEPA 2002).

<u>State of California Exclusions</u>
Crude oil and fractions thereof are not designated hazardous waste by the State of California Health and Safety Code sections 25316 and 25317(a). Additionally, oil exploration and production wastes are managed as non-

hazardous solid wastes Title 22 California Code of Regulations (22 CCR) sections 66261.4(b)(2) and 66261.24(a)(1).

Previously abandoned oil well

A previously abandoned oil well, "Taylor" 1, API # 037-05210, operated by Boyle Royalties Company was drilled to 4,587-feet below ground surface in March 1949, did not produce and was abandoned in August 1949 pursuant to the State of California Department of Conservation, Division of Oil, Gas and Geothermal Resources (the Division) standards at the time of abandonment. This well did not produce as "No oil or gas showings of commercial importance were encountered in the well." (The Division April 15, 1949). A well that does not contain commercial hydrocarbons is defined as a dry hole (Hydrocarbon Exploration 2017).

This oil well was noted in the Phase I ESA performed by IT Corporation in 1996 as "an abandoned dry hole" (page 11). Additionally, IT concluded "Abandoned dry holes are not expected to impact conditions at the property because no oil was encountered." (page 11).

IT concluded that onsite activities did not indicate the site had been environmentally impacted and did not recommend additional subsurface investigations (IT April 1996).

Therefore, based on the abovementioned facts, it is my opinion the previously abandoned oil well, "Taylor" 1, did not impact the soil conditions onsite, is not a recognized environmental condition and does not warrant additional environmental investigation, such as a Phase II Environmental Site Assessment (Phase II ESA). Andersen Environmental's designation of "Taylor" 1 as a recognized environmental condition in their Phase I ESA is, in my opinion, speculative, not based on facts, false and therefore an unsubstantiated opinion.

Hazards and Hazardous Waste

Andersen Environmental (AE) found "No significant hazardous material storage or recognized environmental conditions were observed at the site." (AE August 29, 2014). Furthermore AE stated "no historical recognized environmental conditions" and "no controlled recognized environmental conditions" were revealed during their Phase I Environmental Site Assessment (AE August 29, 2014). In fact AE concluded "This assessment has revealed no evidence of recognized environmental conditions in connection with subject property" (AE August 29, 2014).

AE recommended a Phase II Environmental Site Assessment after identifying the oil well as an environmental concern "due to the common practice during drilling activities to deposit soil cuttings from the well into nearby pits or excavations." (AE August 25, 2015).

AE states "Research completed for the 2014 ESA did not identify any direct evidence indicating the drilling of the abandoned oil well on the property resulted in any contamination of soil on the site. Furthermore, the site was not listed on any hazardous material databases." (AE July 5, 2017).

Subsequently AE stated the intent of recommending a Phase II ESA was "…to provide information to the owner for construction management purposes to define the time and cost to re-abandon the well." (AE July 5, 2017). Furthermore AE states "Due to the limited potential for the site to contain significant hazardous materials from the drilling of the abandoned well, it is our opinion there is no significant hazard to the public or the environment that would result in a significant impact as defined by CEQA." (AE July 5, 2017).

"Taylor" 1 is a dry hole as the formation in which this well was drilled did not contain oil or gas of commercial importance. The only formation identified as "oil sand" in the log and core record for "Taylor" 1 was listed at 4,587-feet below ground surface (the Division 1949), the terminus of the well, therefore soil cuttings generated during drilling would not contain crude oil. Soil cuttings generated during oil well exploration are exempt from

State of California regulations, CERCLA and RCRA and, in addition to the previously abandoned oil well onsite, are *de minimus* conditions.

Therefore, in my opinion, AE's statement regarding soil cuttings and their conclusion based on that statement are speculative, erroneous, not based on facts, spurious and an unsubstantiated opinion.

Soil matrix and soil vapor samples were collected from the Metro Red Line Eastside Extension project area in January 1994 by Engineering Management Consultant (IT April 1996). Two soil matrix borings advanced to 30-feet below ground surface and one soil vapor probe were placed in the vicinity of the First/Lorena Station and one groundwater monitoring well was placed in the alley between North Soto and North Matthews Streets. The soil matrix data analytical results - total petroleum hydrocarbons (TPH), benzene, toluene, ethylbenzene and total xylenes were not detected in concentrations greater than their respective reporting limits, i.e., were not detected (ND). The soil vapor data detected concentrations of methane, toluene, ethylbenzene and total xylenes. The groundwater sample was ND for TPH.

The lumber yard was identified onsite in the Phase I ESA's performed by IT (IT April 1996) and AE (AE August 29, 2014). The lumber yard was described as paved with concrete with a small shed and power equipment area (IT 1996). AE states the historical research data obtained during the course of conducting their Phase I ESA was interpreted (page 1, AE August 29, 2014). Although the historical city directory and historical Sanborn fire insurance maps identify a "saw mill" or "sawing facility" as part of the lumber yard IT did not identify the lumber yard as a saw mill operation, instead IT identified a power equipment area within the paved concrete yard. Neither historical records searched by IT or AE nor the site reconnaissance performed by IT or AE identified any hazardous materials associated with the lumber yard. Neither IT nor AE identified the presence of the lumber yard as a recognized environmental condition.

Based on the facts presented above, it is my opinion the lumber yard is not a recognized environmental condition; the portion of the site occupied by the lumber yard was paved with concrete, there is no substantiating evidence wood was preserved with arsenic and copper based compounds onsite as alleged in The Hagemann Report.

Based on the abovementioned facts The Hagemann Report and The Silverstein Letter engage in speculation regarding potential soil contamination from the unsubstantiated claims regarding the use of arsenic and copper treated wood preservatives and onsite disposal of soil cuttings generated from oil well drilling and are erroneous in concluding a Phase II ESA is required prior to project approval.

2. Abandoned Oil Well Issues. The Silverstein Letter makes the following comment regarding the abandoned oil well on the project site:

> "In addition, the MND states that "[a] former oil well is located onsite, approximately 154 feet north from the centerline of E. 1st Street and 162 feet east from the centerline of N. Lorena Street." The MND goes on to state that the former oil well represents an environmental concern to the subject property due to the common practice during drill activities to deposit soil cuttings from the well into nearby pits or excavations" and that "**it is likely that the abandonment of the oil-well in 1949 does not meet current abandonment standards**." (citation omitted)
>
> Thus, the MND is sufficient evidence itself of a risk of contamination that remains undisclosed and unmitigated because it goes on to state that the California Department of Conservation, Division of Oil, Gas and Geothermal Resources ("the Division") "**should be contacted** to determine if the well abandonment meets current standards or if any re-abandonment procedures would be necessary prior to development on site." Id: emphasis added. The MND is invalid as an improper deferral of study and mitigation.

Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296, 306-307."[2]

The Division's Well Review Program

The Division recommends developers participate in the voluntary Well Review Program to address issues associated with development near oil and gas wells (the Division 2007). These issues include: providing access to oil wells, reabandoning oil and gas wells to current standards to lower the probability of the oil well leaking, surface mitigation measures such as venting systems for oil wells, parking lots and hardscape features, methane mitigation systems subslab proposed buildings and the depth to the top of the casings of oil wells.

Section 3208.1 of the Public Resources Code, states if any property owner, developer, or local permitting agency either fails to obtain an opinion from the Division, or fails to follow the advice of the Division when development occurs near an oil or gas well, then the owner of the property on which the well is located may be responsible for reabandonment costs should a future problem arise with the well.

Well Review Projects expire two years after their review date in order to assure a recent review and evaluation effort by the Division before development starts. Developers are encouraged to time their participation in the Well Review Program such that development starts before expiration of the two year deadline, otherwise the Division recommends the developer re-initiate the Well Review Program.

The City of Los Angeles will not issue a building permit for new construction within 300 feet of a previously abandoned oil well unless the building is designed according to recommendations contained in a report prepared by a registered design professional, such as a licensed civil engineer and/or licensed petroleum engineer, to evaluate whether such wells are being properly operated or maintained, or are abandoned (Title 26, California Building Code Los Angeles County §110.4).

As Well Review Projects expire two (2) years after the Division review date, it is imperative to start the Well Review Program after the project has received approval, prior to issuance of grading permits. There has been no delay in starting the Well Review Program by the developer for this project. The Well Review Program performed by the Division will determine whether the existing oil well, "Taylor" 1, requires reabandonment to current standards. Only the Division can make this determination. Investigation of "Taylor" 1 now is not warranted due to the two (2) year limit of the Division's Well Review Program determination. All projects with oil wells participating in the Division's Well Review Program time their projects to ensure completion within the two-year window identified by the Division.

Based on the abovementioned facts regarding the only State regulatory agency with the authority to determine whether the oil well onsite has been abandoned to current standards, i.e., the Division, and the fact the Division has a two-year time limit on the findings of their Well Review Program, The Hagemann Report and The Silverstein Letter are engaging in speculation regarding the status of "Taylor" 1, furthermore their conclusions that the oil well requires reabandonment and must be reabandoned now are not based on facts, are false and unsubstantiated.

3. Methane Issues

A. The Silverstein Letter makes the following comments regarding methane:

[2] The Silverstein Letter cites the following statement from the Hagemann Report "A DEIR is necessary to include the results of soil sampling and a DOGGR-certified abandonment report of the oil well." (**Exhibit 6,** at **p. 1.**) Additionally, he states, "There is no discussion of impacts of well abandonment, including noise, air emissions, or generation of dust. A DEIR is necessary to discuss these impacts and to mitigate any impacts that were not identified in the IS/MND." Id. at p. 2.

> "In response to growing concern regarding methane intrusion into buildings and to the potential for methane build-up underneath buildings, the City of Los Angeles Department of Building and Safety has established methane zones and methane buffer zones for the City based on the proximity to oil wells and landfills. The MND identifies the presence of methane gas at the Project site and the fact that the Project site is within a Methane Zone. However, the MND fails to state the exact levels of methane gas or what danger these levels present to pedestrian traffic, the neighboring patrons to the El Mercado, patrons to the commercial uses at the site, and Project residents. The MND identified that the site was once used as a lumber mill. Years of deposit could increase the risk of methane levels, and the presence of an oil well increases the risk of migration and seepage. Methane is highly explosive when mixed with air at volumes between its Lower Explosive Limit of 5% and its Upper Explosive Limit of 15%. (**Exhibit 7.**) The MND failed to disclose the impact to the public, and given the potential for high volume of public foot traffic in the area, should have done a risk assessment. **(Exhibit 6.)**"

Methane is lighter than air, colorless, odorless, non-carcinogenic, and flammable. When methane is mixed with other gases, e.g., carbon dioxide, hydrocarbons, the methane gas mixtures typically have densities comparable to, or less than, air. Methane occurs as natural gas in coal mines, oil and gas fields, and other geological formations; as a byproduct of petroleum refining; and as a product of decomposition of organic matter in natural settings (e.g., wetlands), and man-made settings (e.g., landfills, engineered fill, hydrocarbon waste, food processing facilities, sewer lines, septic systems, dairies and concentrated animal feedlots).

The primary mechanisms for methane migration in the subsurface are pressure driven flow and diffusion. Methane will migrate from areas where it is present at higher pressures or concentrations to areas where it is present at lower pressures or concentrations. Since methane is lighter than air, it has a tendency to rise from depth to the ground surface where it dissipates into the atmosphere. Where a relatively impermeable barrier, e.g., a concrete slab, is present at the ground surface, the potential exists for methane to accumulate beneath that barrier.

In order for methane to be a combustible or explosive hazard, methane must accumulate in an enclosed area, be under pressure, and an ignition source must be present. Municipalities, including the City of Los Angeles, have developed methane mitigation standards for new developments to ensure the methane in the subsurface is vented to the atmosphere eliminating the potential for methane to accumulate in the proposed buildings. These standard requirements are effective in venting methane to the atmosphere and apply to thousands of properties within the City of Los Angeles.

The site is located in the City of Los Angeles Methane Buffer Zone and will be required to perform a methane assessment. The methane assessment must be performed pursuant to the City of Los Angeles Department of Building and Safety (LADBS) Site Testing Standards for Methane (P/BC 2014-101).

Site testing shall be conducted using the following three-step testing protocol described in P/BC 2014-101 to determine the concentration and pressure of the subsurface methane gas for the design of methane hazard mitigation systems.

1. Site testing should be scheduled before any site grading. If site testing after site grading is unavoidable, then site testing shall be conducted at least 30 days after any site grading.

2. Conduct shallow soil gas testing - Methane gas concentration measurements for the shallow soil gas test

shall be taken as follows: (a) A minimum of two per project site, and at a rate of one sample per 10,000 square feet of site area, or portion thereof. The site area of very large sites may be calculated as the area of the building footprint plus the area within 100 feet of the building perimeter. (b) At a depth of not less than 4 feet below ground surface, or (c) If ground water is found less than 4 feet below ground surface, then the depth of the shallow soil gas sample shall be taken above the ground water level.

Review the methane gas concentration data from the shallow soil gas test and site observations to identify locations where high gas concentrations of methane gas may be found.

Shallow soil gas measurements shall be made at least once and may be taken at anytime before the installation of gas probe sets.

3. Conduct gas probe testing - The location of gas probe sets shall be based on the information from the shallow soil gas test where the highest concentration of soil gas may be found.

   Methane gas concentration and pressure measurements for the gas probe tests shall be taken as follows: (a) There shall be at least one gas probe set for every 20,000 square feet or portion thereof of site area. Regardless of area, all sites shall install a minimum of two gas probe sets. (b) The site area of very large sites may be calculated as the area of the building footprint plus the area within 100 feet of the building perimeter. (c) Each gas probe set shall consist of three probes, installed at approximate sampling depths of 5 feet, 10 feet and 20 feet below the elevation of the lowest building slab or footing. (d) Gas probe sets shall be installed a minimum of 12 inches above ground water table. Gas probe sets are not required to be installed below the ground water level. (f) Shallow soil gas data, collected as described in Step 2, may be used in lieu of gas probe set data when ground water is found less than 5 feet below the ground surface.

   Record data from the gas probe sets as follows: (a) Two sequential measurements shall be taken, with a minimum 24-hour interval following placement of the gas probe sets. Samples shall not be collected during increasing barometric pressure from a pre-frontal weather condition. (b) Site testing data shall be recorded on Form 1 – Certificate of Compliance for Methane Test Data and certified by the engineer.

The methane site testing data shall be organized as described below:

1. The Certificate of Compliance for Methane Test Data, Form 1, shall be completed, stamped and signed by an engineer, geologist or architect. This form shall be attached to the methane mitigation construction plans.
2. Site Testing Plan showing:
   a. Locations of Shallow Soil Gas Samples and Gas Probe Sets.
   b. Locations and dimensions of the proposed and existing building footprints.

The results of the methane assessment will determine the level of methane mitigation required subslab and underneath paved areas. All new buildings and paved areas located in a Methane Zone or Methane Buffer Zone shall comply with the Methane Standard Plan and Division 71 of the City of Los Angeles Building Code.

The requirements for venting paved areas over 5,000 square feet in area and within 15 feet of the exterior wall of a commercial, industrial, institutional or residential building may be accomplished by the following: (a) if the site is located in a Methane Buffer Zone venting may not be required for paved areas that qualify for certain design levels, (b) install vents in accordance with detailed descriptions within the code or (c) install landscaping areas immediately adjacent to the exterior of the building at least 2 feet wide, covering 80% of the building perimeter.

Passive methane mitigation systems may include a de-watering system when the historical groundwater elevation is within 12 inches of the perforated horizontal piping. De-watering is not required when: (a) groundwater

elevation is 10 feet deep or deeper below the horizontal perforated piping, or (b) the soil investigation as approved by LADBS reveals groundwater in greater than 12 inches below the horizontal perforated piping. De-watering systems shall be noted on methane mitigation plans and applications for water discharge shall be approved and permitted by the Department of Public Works.

The subslab vent system for the passive methane mitigation system shall consist of perforated horizontal pipes, a gravel blanket underlying an impervious membrane, gravel around the perforated horizontal pipes and vertical vent pipe risers. The perforated pipes shall be schedule 40, slotted or perforated PVC pipe or other approved material. The number of perforated horizontal pipes, the thickness of the gravel blanket and the number of, and spacing of the vertical vent pipe risers is determined from Table 71, City of Los Angeles Ordinance 175790.

The active methane mitigation system shall consist of the same requirements as the passive system with a thicker gravel blanket subslab and double the number of vertical vent pipe risers. The active methane mitigation system may include detectors in the vertical vent pipe risers, a gas extraction powered device, pressure sensors below the impervious membrane, a mechanical ventilation system and an alarm system (Table 71, City of Los Angeles Ordinance 175790).

Buildings located in the Methane Buffer Zone shall not be required to provide any methane mitigation system, if the design methane pressure is less than or equal to two inches of water pressure and is either of the following: (a) Areas which qualify as Site Design Level I or II; or (b) Areas which qualify as Site Design Level III and the utilities are installed with Trench Dams and Cable or Conduit Seal Fitting. 91.7104.3.7.

Mitigation of methane occurs during the building permit phase of development after implementation of the Division's Well Review Program. There has been no delay of methane mitigation for this project. The Silverstein Letter misrepresents the conditions necessary for methane to be explosive, falsely asserts the alleged use of the site as a lumber yard has an impact on methane generation and erroneously concludes the need for a risk assessment to address methane. The Silverstein Letter's comments regarding methane are unsubstantiated.

B. The Silverstein Letter makes the following statement regarding the mitigation measure for methane issues, MM VIII-160:

> "The MND's reliance on mitigation measure VIII-160 is faulty because that mitigation measure does not address soil contamination threatened at the site, and the MND does not even state that the mitigation measure will reduce impacts to a level of insignificance, but rather "to the fullest extent possible." This is woefully inadequate under CEQA and illegal because all potentially significant impacts must be shown to be reduced to a less than significant level ***prior to*** the release of the MND to the public. Sundstrom, supra, 202 Cal.App.3d at 306-307. An MND is allowed only where the MND "clearly" shows that there will be no significant effect. Pub. Res. Code § 21064.5; Lighthouse Field Beach Rescue v. City of Santa Cruz (2005) 131 Cal.App.4th 1170, 1197. The failure to complete the methane and contaminate study and subject it to the rigors of CEQA review at this time is a fatal defect in and of the MND. The MND says that methane monitoring systems would need to be installed, but fails adopt a methane hazard mitigation plan. **(Exhibit 6.)**"

It is premature to provide a methane hazard mitigation plan as the required methane assessment has not been performed. The appropriate time to perform the methane assessment is after the oil well has been addressed to the satisfaction of the Division via the Well Review Program and after 30 days have elapsed since soil was disturbed

onsite (LADBS 2014). Given the two-year limitation of the findings of the Division's Well Review Program, implementation and timing of the Well Review Program and methane assessment relative to obtaining grading and building permits and the actual commencement of grading activities is crucial. Start the Well Review Program too soon and the process will need to be completed again if the project is not in the development phase within two-years.

The Silverstein Letter is speculative regarding the assertion soil contamination is "threatened" onsite, the above facts do not support the conclusions of the unsubstantiated opinion quoted above.

4. Air Quality Issues. The Silverstein Letter relies on the following statement from the Hagemann Report regarding air quality issues:

> "A fair argument can also be based on the potential for contamination in soil to pose significant air quality impacts. Upon Project excavation, contaminants in soil, if present, may be liberated and become airborne via dust generation. Air quality impacts on those people in surrounding homes and businesses may be significant through the inhalation pathway without effective mitigation, to include fenceline dust monitoring and a program of public outreach to communicate the findings of the monitoring."

There is no substantial evidence based on the abovementioned facts that the site contains any significant amount of soil contaminated with hazardous materials, therefore there is no potential for significant air impacts.

Should you have any questions or desire additional information, please contact me at your earliest convenience at 310.403.1921.

Sincerely,

X Susan Mearns

Susan L. Mearns, Ph.D.

**Mearns Consulting LLC**

**References:**

ASTM E1527-13

California Code of Regulations. January 2011. Title 14. Division 2. Chapter 4. Development, Regulation, and Conservation of Oil and Gas Resources (includes Subchapter 4. Statewide Geothermal Regulations)

California Statutes and Regulations for the Division of Oil, Gas and Geothermal Resources. January 2017. Publication No. PRC10

Department of Conservation, Division of Oil, Gas and Geothermal Resources. April 15, 1949. Report on Proposed Operations. "Taylor" 1, API #037-05210, Oil well file.

Department of Conservation, Division of Oil, Gas and Geothermal Resources. December 14, 2007. Well Review Program Introduction and Application.

Hydrocarbon Exploration. 2017. http://www.wikiwand.com/en/Hydrocarbon_exploration

Los Angeles County, 2008 Building Code. California Building Code, volume 1, Title 26 of the Los Angeles County Code as amended by Ordinance No. 2002-0076.

Los Angeles Department of Building and Safety. January 1, 2014. Methane Hazard Mitigation Standard Plan.

Los Angeles Department of Building and Safety. November 30, 2004. Site Testing Standards for Methane. P/BC 2014-101.

Los Angeles Municipal Code, Ordinance 175790. March 2004.

Los Angeles Municipal Code, Ordinance 175790. March 2009.

USEPA. July 31, 1987. Memorandum - Scope of the CERCLA Petroleum Exclusion Under Section 101(14) and 104(a)(2). Memorandum from Francis S. Blake, General Counsel to J. Winston Porter, Assistant Administrator for Solid Waste and Emergency Response.

USEPA. 2002. Exemption of Oil and Gas Exploration and Production Wastes from Federal Hazardous Waste Regulations. EPA530-K-01-004.

USEPA. 2017. Types of Refined Petroleum Products. https://www.epa.gov/emergency-response/types-refined-petroleum-products

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**SUSAN L. MEARNS, Ph.D.**

**EDUCATION:** Ph.D., Environmental Toxicology, University of Kansas, 1989
M.S., Zoology/Fishery Biology, Oklahoma State University, 1985
B.S., Zoology/Fishery Biology, Oklahoma State University, 1979

**REGISTRATION:** National Registered Environmental Assessor No. 165249

**TRAINING:** USEPA OSHA 40-hour Basic, 8-hour Supervisory, and annual 8-hour Refresher health & safety courses for hazardous waste sites

**EMPLOYMENT:** Santa Monica College Instructor 2000 - 2005
UCLA Instructor 1998 - 2000
University of Phoenix Instructor 1999 - 2000
Mearns Consulting LLC 1996-present
Montgomery Watson 1994-1996
Woodward-Clyde Consultants 1989-1994
Springborn Laboratories 1985-1989

**PROFESSIONAL EXPERIENCE:**
I have 32 years of environmental management and consulting experience. My experience ranges from commercial building sites to small industrial sites to large Superfund sites. I have worked on and directed environmental investigations, assessments, remediations, risk assessments, and wetlands delineations for private sector, municipal and military clients throughout the United States. I have designed and implemented investigations at diverse sites such as landfills, dry cleaning facilities, agricultural chemical manufacturers, gasoline stations, metal plating facilities, armed services depots and bases; and managed multiple-site portfolios of over 1,250 sites.

**RISK ASSESSMENT EXPERIENCE:**
Performed risk assessments to evaluate the impacts to human health or the environment of chemicals released via air borne emissions, from end-of-pipe discharges, from spills resulting from emergency releases, and from retro-fit or demolition activities. Conducted risk assessments to derive appropriate cleanup goals at Superfund sites, and for remedial actions. Presented below are a few examples of projects for which I prepared human health and ecological risk assessments in addition to project management, assessments, investigations and remediation.

- Working for a municipality on several Brownfields redevelopment projects of varying sizes; from less than 1-acre to 7-acres of oil fields. Typically the projects involve previously abandoned oil wells in addition to soil impacts from historic oil fields use as well as impacts from different current site uses. Proposed future uses range from low income housing to automobile dealerships. These projects require assessment, investigation, human health and environmental risk assessment expertise and remediation.

- Working for a municipality on two Brownfields redevelopment projects to extend the Drake Chavez Greenbelt and provide much needed open space to the under-served, very-low and low income residents. The former uses of the sites were industrial and the soils were impacted with total petroleum hydrocarbons, metals, pesticides, volatile organic compounds and semi-volatile organic

compounds. Assessment, investigation, human health and environmental risk assessment and remediation expertise was required for each site.

- Worked for a private business to redevelop a former oil field into a transfer and recycling station. The project required assessment, investigation, human health and risk assessment and possible remediation. Several previously abandoned oil wells require testing and possible reabandonment to current specifications.

- Worked for a non-profit, non-government organization to redevelop a site in New Orleans, Louisiana using green building and sustainability technologies to place single family residences and a multi-family residence in the Ninth Ward. Assessment, investigation, human health and environmental risk assessment, and remediation expertise is required.

- Worked as part of team of consultants for a municipality that obtained USEPA funding for Brownfields redevelopment of a 56-acre oil fields site. The project requires both an EIR and EIS. The objective of the work scope is to ensure the site is safe for the future intended use using human health risk-based clean up goals. The site requires investigation, assessment and possibly remediation.

- Worked for a municipality since 2005 regarding the realignment of the I-5 interchange in Burbank, California. I am providing environmental review of documents produced by consultants retained by Caltrans for inspections and assessments and by Lockheed Martin, the former responsible party, regarding soil contamination.

- Worked as part of a team of consultants in an oversight capacity for a municipality that is redeveloping an 11-acre parcel formerly used in the aerospace industry. The project requires an EIR. The applicant's consultants and the municipality's consultants are working together to ensure the final work product is acceptable to all stakeholders. The site requires remediation prior to development.

- Working for two municipalities on several former industrial sites less than 1-acre in size slated for redevelopment. The objective is to investigate, assess and possibly remediate using human health risk-based clean up goals to obtain regulatory agency sign-off.

- Worked as part of a team of consultants retained by a commercial real estate developer in Northern California. A residential development was under construction on an old Army Airfield base when it became apparent that volatile organic compounds (VOCs), in addition to methane, were migrating from a landfill adjacent to the planned residential development into the development. Participated in the investigation and assessment of the soil vapor. Assessed the risk to human health of the VOCs. Participated in several homeowners' meetings.

- Managed two proposed school sites through the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) School Investigation Unit, Preliminary Endangerment Assessment (PEA) Process. Working with the school district and the regulators to ensure the sites are appropriate for the construction of new schools.

- Managed a proposed school site through DTSC's PEA process as part of a proposed redevelopment of a shopping complex that is within the jurisdiction of the California Environmental Quality Act (CEQA). Challenge is to try and facilitate two separate processes with separate timelines and different regulatory requirements such that the project can be completed on time.

**SUSAN L. MEARNS, Ph.D.**
**738 Ashland Avenue**
**Santa Monica, California 90405**
**310.396.9606**

- Managed a Brownfields Pilot Project for a municipality that obtained funding from the USEPA. The objective is to locate environmentally-impacted sites within the municipality's jurisdiction that are attractive for redevelopment as green space or commercial enterprises and conduct environmental investigations, assessments and remediations such that the sites are viable redevelopment projects.

- Conducted two brownfield redevelopment projects in downtown Los Angeles. Both projects involved demolition of existing structures, excavation of footings, foundations and impacted soils and obtaining risk-based closure from California Environmental Protection Agency Department of Toxic Substance Control (DTSC). The sites were enrolled in DTSC's voluntary cleanup program and risk-based closure was obtained by following the preliminary endangerment assessment guidelines. The chemicals of concern included metals in soils to a depth of 25 feet below ground surface.

- Completed a risk assessment used to obtain risk-based closure for a former pesticide manufacturing facility in Orange County. Remediation was conducted to remove soil containing elevated concentrations of contaminants. Resultant risk assessment conducted in accordance with DTSC's voluntary cleanup program indicated cleanup was complete and the site no longer posed an unacceptable risk to human health. Future intended use of the property is a retirement community.

- Completed several risk assessments following DTSC's preliminary endangerment assessment guidance in accordance with DTSC's voluntary cleanup program to obtain risk-based closure for former dry cleaning sites in Los Angeles County and Orange County.

- Performed a statistical risk assessment to derive exposure concentrations and ultimate impacts to humans through the inhalation exposure route for an airborne release from a refinery in Northern California. The chemicals of concern included a known human carcinogen, the frequency of exposure was very low (the release was acute) and the release although widespread was diffuse, as the wind direction was variable throughout the release.

- Risks of exposure to total petroleum hydrocarbons, benzene, toluene, ethylbenzene, total xylenes, polycyclic aromatic hydrocarbons, chlorinated volatile organic compounds and metals for human receptors and groundwater quality were evaluated in accordance with DTSC and USEPA guidelines at a state Superfund site in Southern California. Chemical fate and transport models were used to predict the migration of the chemicals in soil to groundwater and to air. Health risks for industrial use of the site were determined to be below acceptable levels.

- Reviewed and provided comments on the risk assessments prepared for the Palos Verdes Shelf Superfund project. The chemicals of concern included DDT and metals. The impacted medium is sediments and the impacted receptors are fish, invertebrates and shellfish.

- Conducted the ecological risk assessment at Naval Air Station (NAS) Moffett Field. The risk assessment included a site-wide ecological assessment of the air station. The assessment endpoints included protection of surface water and wetland habitats and protection of individual special status species. The chemicals of potential concern included organochlorine pesticides, heavy metals, petroleum products and polynuclear aromatic hydrocarbons.

- Prepared the work plan for the ecological risk assessment at Defense Depot Region West (DDRW) Tracy on behalf of the Army Corps of Engineers. The risk assessment followed a phased approach that allowed the risk assessor to evaluate whether next steps are required during implementation of the risk assessment process.

- Completed an ecological risk assessment for a 1,100 acre refinery in Rodeo, California. The chemicals of concern were heavy metals, the ecological receptors were birds of prey, and the assessment endpoint was to evaluate the potential chemical effects emanating from the refinery on the terrestrial ecosystem.

- Performed an ecological risk assessment at a former pesticide formulation facility in Georgia. The Superfund site was active in the 1950s through the 1970s and was a formulation facility of organochlorine pesticides (including DDT), organophosphate pesticides, and chlorinated herbicides in addition to handling solvents (including toxaphene). The effects of the chemicals of concern on two distinct terrestrial habitats on-site were evaluated.

**LITIGATION SUPPORT/EXPERT WITNESS EXPERIENCE:**
Provided expertise in both human health and ecological risk assessments, including risk communication skills and project management skills to clients requiring litigation support services. Provided this expertise in mediation testimony, jury trial testimony, litigation support, litigation strategy, rebuttal, and toxic torts.

- Provided expertise for the plaintiff in four real estate transactions of contaminated land. One suit was settled after depositional testimony, the others went to jury trial. Testified on behalf of the municipality regarding the actual costs of assessment, investigation and remediation conducted on the land in question. Jury found for the plaintiff in all three cases tried.

- Provided expertise for the defendant in a real estate transaction when the buyer alleged that potential mold on the ceiling of the foyer had been improperly abated prior to the sale. Buyer contended the sale should be null. Testified on behalf of the seller that the potential mold had been abated correctly. Sale was judged valid and suit was settled.

- Provided expertise for the defendant in a wrongful termination suit brought by a contractor who was terminated by the defendant after allegedly exposing students and teachers to lead dust during renovation activities.

- Provided expertise for the plaintiff regarding the timing and implementation of risk assessments in the remedial investigation/feasibility study phase of the characterization process of assessing petroleum product contamination to the vadose zone and groundwater.

- Provided expertise for the defendant in a tenant's mold claim case. Tenant alleged mold grew in her ceiling as a result of plumbing leaks and this mold caused health effects in her teenage son.

- Completed working on a plaintiff's case regarding the alleged dumping of waste material in a clarifier by the previous property owner, prior to the plaintiff taking possession of the property. Testified with regard to the fate and transport of materials in a clarifier and whether concentrations of waste materials pose a risk to human health or the environment.

- Worked for the defendants on two building defect cases involving the potential for mold growth attributable to building defects to have occurred in residential town homes. Cases were settled.

- Worked for the defendant regarding the potential for mold in an apartment complex to impact the health of the tenants. Case was settled.

- Provided expert services in an oversight capacity for the prospective purchaser of a condominium that had detectable mold spores in the air, in addition to mold detected in the wallboard of the bathroom.

- Provided expert services for a defendant in a cross-complaint. Potential health effects from exposure to resin were investigated as were the applicability of federal and State regulations governing worker health and safety and the transport and disposal of potentially toxic products.

- Provided expert services for a plaintiff alleging health effects from exposure to manganese in potter's clay. Route of exposure by which manganese poisoning occurs is via inhalation. As product was packaged for intended use, i.e., pre-mixed with water, plaintiff was exposed to manganese in the product, through intended use of the product, via dermal contact, only.

- Provided expert services for a defendant that manufactured solder used in jewelry repair. The plaintiff received a complaint alleging a Proposition 65 violation regarding the inhalation of cadmium, a component of the solder, during the intended use of the product. Conducted personal air monitoring sampling and indoor air sampling in the room where the soldering was used to measure the amounts of cadmium to which the employees could potentially be exposed.

- Provided expert services for defendants for an asbestos product liability case. The defendants received complaints alleging health impacts from the normal wear and tear of vinyl floor tile in schools. Evaluated the sampling conducted by the plaintiffs, provided opinions regarding the sampling and potential friability of the products.

- Provided risk assessment expertise for the defendant in a lawsuit regarding alleged health effects due to exposure to chrysotile fibers in spray-on acoustical ceilings in an apartment complex. Tenants alleged adverse health effects due to curtain rods causing the acoustical material to become friable over time. Provided consultation services.

- Provided risk assessment expertise for the defendant in a lawsuit regarding alleged health effects claimed by the plaintiff due to exposure to human sewage from a broken sewage pipe in Glendale, California. Alleged health impacts claimed by the plaintiff involved exposure to *Escherichia coli*, common bacteria in the human gut, and arsenic and nickel. The source of the alleged contaminants was the broken sewer pipe that crossed the plaintiff's property. Provided expertise in collection of samples, selecting the appropriate analyses, interpretation of the data and in assessing potential risk. Case was settled.

- Provided risk assessment/risk communication expertise for the defendant in Rodeo, California. The defendant released an unknown quantity of a proprietary chemical mixture intermittently for 14 days. Two communities were alleging health impacts, and decreased property values. A $1 billion class action lawsuit was filed on behalf of the residents of the communities. I led several community meetings in an effort to communicate to the residents the risks due to exposure to the air emission release.

- Provided risk assessment/risk communication expertise for the defendant in Carson, California. The defendant released a scrubbing mixture from their stacks for three days. Sensitive populations potentially impacted by the air emission release included schools, nursing homes and hospitals. Community meetings were held to communicate the risks of the release to the residents and sensitive populations.

- Provided risk assessment expertise for a case in Alameda, California. Defendant was a former site owner. Plaintiff was seeking damages from defendant associated with defendants past disposal practices of paint sludges. Plaintiff alleged that past practices by defendant caused diminution in property value and

environmental liability. Evaluated toxicological risk to workers health and safety, and toxicological risk to terrestrial and aquatic organisms.

- Provided risk assessment expertise for plaintiff in Northridge, California. Plaintiff was on-site during maintenance of the pump and treat remediation system installed by the defendant's contractors to cleanup groundwater contaminated by the defendant. Plaintiff was exposed to volatile organic compounds (VOCs) from the unsecured wellhead. Plaintiff was not briefed by defendant prior to entering the site that potential exposure to VOCs may occur. Although the risk to the plaintiff's health was negligible due to exposure to VOCs from the unsecured wellhead, proper protocol regarding dissemination of toxic information and the health and safety plan was not followed by the defendant.

- Performed a health risk assessment for a residential homeowner with an autoimmune disorder in Mission Viejo, California. Former property owner had applied chlordane to the property as a form of ant control mitigation. Current homeowner was concerned that residual concentrations of chlordane may be contributing to the autoimmune disorder she suffered and may place others in contact with the soil, such as, gardeners, visitor's children, and pets, at risk.

- Provided expert services for the municipality (the plaintiff) in a case involving an assessment of the effects of stormwater runoff carrying waste from dairy farm waste storage lagoons into Lake Elsinore, California. Evaluated the laboratory analytical methodology, the sampling strategy used to collect the data and the data results. Specifically examined the data collected by the municipality from Lake Elsinore for trends reflecting nutrient-loading in excess of the carrying capacity of the lake.

- Provided expert services for the defendant regarding potential contamination of a local drinking water source in Kansas. Established a sampling schedule to examine the effects of multiple point sources, i.e., farmers applying fertilizers to their row crops in addition to the storage of large quantities of fertilizer by the defendant, on the potentially impacted surface water and groundwater. Determined that a pattern of nitrites expressed as nitrogen in groundwater was associated with the seasonal application of fertilizer to farmer's fields.

## VOLUNTEER AND COMMUNITY INVOLVEMENT:

Served as Director of Judging for the California State Science Fair 2000-2002
Served as Section Chair and science fair judge for the Senior Division of Toxicology & Pharmacology at the California State Science Fair 1997-1999
Member of the City of Santa Monica's Task Force on the Environment.

## REFERENCES

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ATTACHMENT 3



# CITY OF LOS ANGELES
**CALIFORNIA**



DEPARTMENT OF PUBLIC WORKS

BUREAU OF ENGINEERING

GARY LEE MOORE, PE, ENV SP
CITY ENGINEER

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06/05/2017

**TONY LOCACCIATO**
**910 HAMPSHIRE RD SUITE V**
**WESTLAKE VILLAGE, CA, 91361**

Dear TONY LOCACCIATO,

**SEWER AVAILABILITY: 3407 E 1ST STREET**

The Bureau of Sanitation has reviewed your request of 06/02/2017 for sewer availability at **3407 E 1ST STREET**. Based on their analysis, it has been determined on 06/05/2017 that there is capacity available to handle the anticipated discharge from your proposed project(s) as indicated in the attached copy of the Sewer Capacity Availability Request (SCAR) .

This determination is valid for 180 days from the date shown on the Sewer Capacity Availability request (SCAR) approved by the Bureau of Sanitation.

While there is hydraulic capacity available in the local sewer system at this time, availability of sewer treatment capacity will be determined at the Bureau of Engineering Public Counter upon presentation of this letter. A Sewer Connection Permit may also be obtained at the same counter provided treatment capacity is available at the time of application.

A Sewerage Facilities Charge is due on all new buildings constructed within the City. The amount of this charge will be determined when application is made for your building permit and the Bureau of Engineering has the opportunity to review the building plans. To facilitate this determination a preliminary set of plans should be submitted to Bureau of Engineering District Office, Public Counter.

Provision for a clean out structure and/or a sewer trap satisfactory to the Department of Building and Safety may be required as part of the sewer connection permit.

Sincerely,

Adrian Sanchez

Central District, Bureau of Engineering

Scar Request Number: 1885

City of Los Angeles
Bureau of Engineering

# Sewer Capacity Availability Request (SCAR)

To: Bureau of Sanitation
The following request is submitted to you on behalf of the applicant requesting to connect to the public sewer system. Please verify that the capacity exists at the requested location for the proposed developments shown below. The results are good for 180 days from the date the sewer capacity approval from the Bureau of Sanitation.

| | | | |
|---|---|---|---|
| Job Address: | **3407 E 1ST STREET** | Sanitation Scar ID: | **61-3715-0617** |
| Date Submitted | 06/02/2017 | Request Will Serve Letter? | Yes |
| BOE District: | Central District | | |
| Applicant: | TONY LOCACCIATO | | |
| Address: | 910 HAMPSHIRE RD SUITE V | City : | WESTLAKE VILLAGE |
| State: | CA | Zip: | 91361 |
| Phone: | 805.367.5725 | Fax: | |
| Email: | TLOCACCIATO@meridianconsultantsllc.com | BPA No. | N/A |
| S-Map: | 51516 | Wye Map: | 124-5A227<br>126A227 |

**SIMM Map - Maintenance Hole Locations**

| No. | Street Name | U/S MH | D/S MH | Diam. (in) | Approved Flow % | Notes |
|---|---|---|---|---|---|---|
| 1 | 1ST ST | 51516001 | 51515018 | 10 | 50.00 | 3,640 GPD |
| 2 | ALLEY | 51512034 | 51516001 | 8 | 50.00 | 3,640 GPD |

**Proposed Facility Description**

| No. | Proposed Use Description | Sewage Generation (GPD) | Unit | Qty | GPD |
|---|---|---|---|---|---|
| 1 | RESIDENTIAL: APT - 1 BDRM. *6 | 110 | DU | 18 | 1,980 |
| 2 | RESIDENTIAL: APT - 2 BDRMS *6 | 150 | DU | 21 | 3,150 |
| 3 | RESIDENTIAL: APT - 3 BDRMS *6 | 190 | DU | 10 | 1,900 |
| 4 | RETAIL AREA (LESS THAN 100,000 SF) | 25 | KGSF | 10,000 | 250 |
| | | | **Proposed Total Flow (gpd):** | | **7,280** |

Remarks: 1] Approved for the maximum allowable capacity of 7,280 GPD (5.06 gpm). 2] Discharge as indicated on SCAR notes.

Note: Results are good for 180 days from the date of approval by the Bureau of Sanitation

Date Processed: 06/05/2017 Expires On: 12/02/2017

Processed by: CHRIS DEMONBRUN
Bureau of Sanitation
Phone: 323-342-6207
Sanitation Status: Approved
Reviewed by: Marisol Ibarra
on 06/02/2017

Submitted by: Adrian Sanchez
Bureau of Engineering
Central District
Phone: 213-482-7030

Scar Request Number: 1885

City of Los Angeles
Bureau of Engineering

**SEWER CAPACITY AVAILABILITY REVIEW FEE (SCARF) - Frequently Asked Questions**

SCAR stands for Sewer Capacity Availability Review that is performed by the Department of Public Works, Bureau of Sanitation. This review evaluates the existing sewer system to determine if there is adequate capacity to safely convey sewage from proposed development projects, proposed construction projects, proposed groundwater dewatering projects and proposed increases of sewage from existing facilities. The SCAR Fee (SCARF) recovers the cost, incurred by the City, in performing the review for any SCAR request that is expected to generate 10,000 gallons per day (gpd) of sewage.

The SCARF is based on the effort required to perform data collection and engineering analysis in completing a SCAR. A brief summary of that effort includes, but is not limited to, the following:

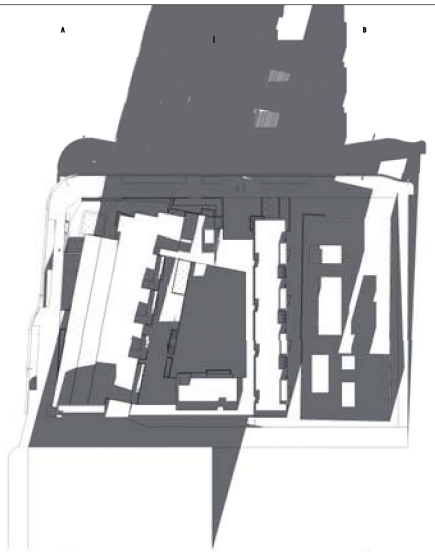
1. Research and trace sewer flow levels upstream and downstream of the point of connection.
2. Conduct field surveys to observe and record flow levels. Coordinate with maintenance staff to inspect sewer maintenance holes and conduct smoke and dye testing if necessary.
3. Review recent gauging data and in some cases closed circuit TV inspection (CCTV) videos.
4. Perform gauging and CCTV inspection if recent data is not available.
5. Research the project location area for other recently approved SCARs to evaluate the cumulated impact of all known SCARs on the sewer system.
6. Calculate the impact of the proposed additional sewage discharge on the existing sewer system as it will be impacted from the approved SCARs from Item 6 above. This includes tracing the cumulative impacts of all known SCARs, along with the subject SCAR, downstream to insure sufficient capacity exist throughout the system.
7. Correspond with the applicant for additional information and project and clarification as necessary.
8. Work with the applicant to find alternative sewer connection points and solutions if sufficient capacity does not exist at the desired point of connection.

## Questions and Answers:

1. **When is the SCARF applied, or charged?**
   *It applies to all applicants seeking a Sewer Capacity Availability Review (SCAR). SCARs are generally required for Sewer Facility Certificate applications exceeding 10,000 gpd, or request from a property owner seeking to increase their discharge thru their existing connection by 10,000 gpd or more, or any groundwater related project that discharges 10,000 gpd or more, or any proposed or future development for a project that could result in a discharge of 10,000 gpd.*
2. **Why is the SCARF being charged now when it has not been in the past?**
   *The City has seen a dramatic increase in the number of SCARs over 10,000 gpd in the last few years and has needed to increase its resources, i.e., staff and gauging efforts, to respond to them. The funds collected thru SCARF will help the City pay for these additional resources and will be paid by developers and property owners that receive the benefit from the SCAR effort.*
3. **Where does the SCARF get paid?**
   *The Department of Public Works, Bureau of Engineering (BOE) collects the fee at its public counters. Once the fee is paid then BOE prepares a SCAR request and forwards it to the BOS where it is reviewed and then returned to BOE. BOE then informs the applicant of the result. In some cases, BOS works directly with the applicant during the review of the SCAR to seek additional information and work out alternative solutions*

Scar Request Number: 1885

# ATTACHMENT 4



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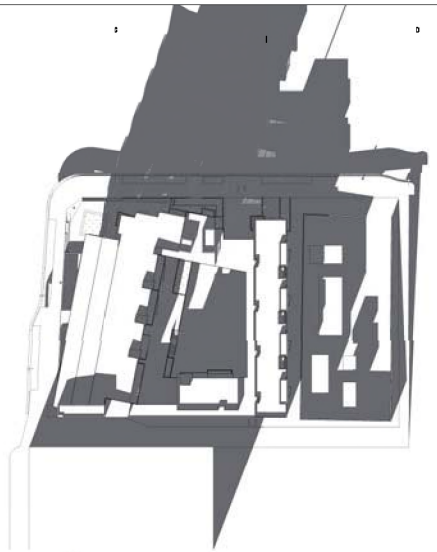

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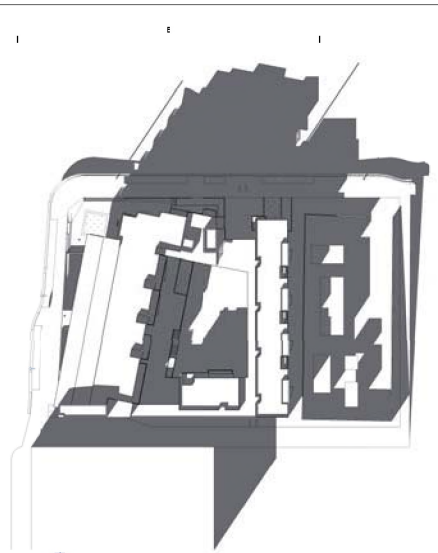

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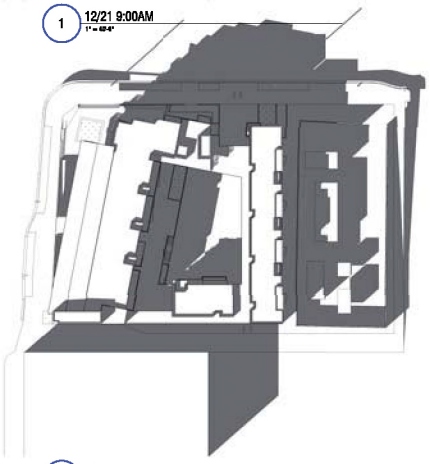

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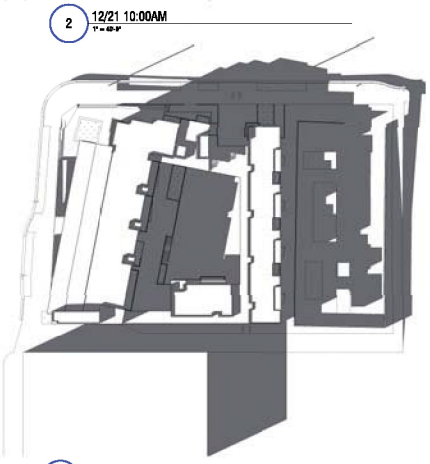

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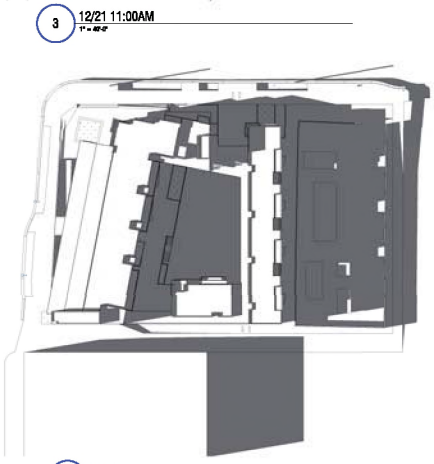

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7 12/21 3:00PM
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If this sheet is smaller than 36" High by 42" wide then it has been reduced.


gonzalez GOODALE

135 WEST GREEN ST
SUITE 200
PASADENA CA 91105
T 626 356 1428
F 626 356 8026


LORENA PLAZA
MIXED USED DEVELOPMENT

Client Project No.

Project Address
114, 116, 122 NORTH LORENA STREET
3407, 3407, 3411, 3413 EAST FIRST STREET
LOS ANGELES, CALIFORNIA 90063

SCHEMATIC DESIGN

LICENSED ARCHITECT
NO. C-33004
REN. 1-31-17
STATE OF CALIFORNIA



client approval

principal in charge

Issues / Revisions

| Issue Date | Description |
|---|---|

drawing title

12/21 WINTER SOLAR STUDY

scale
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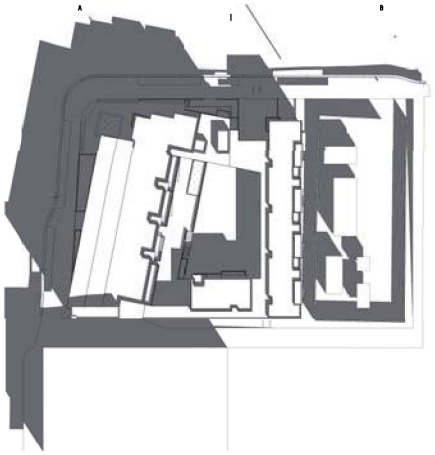
project number
13007

date
4-15-2015

A3.22

Plot Date:
File Path:



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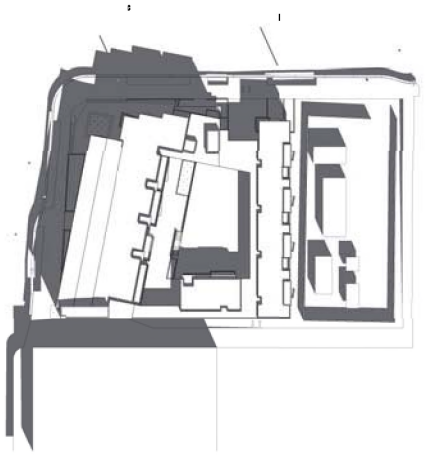

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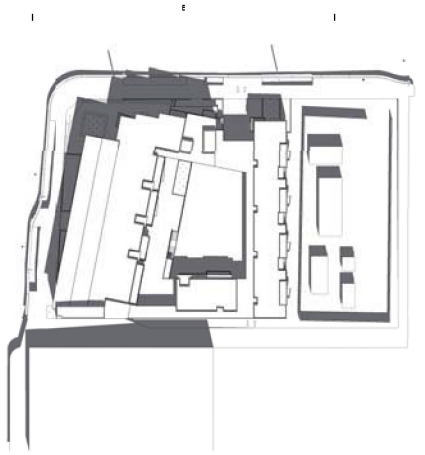

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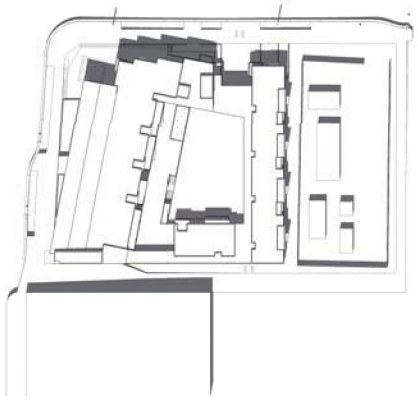

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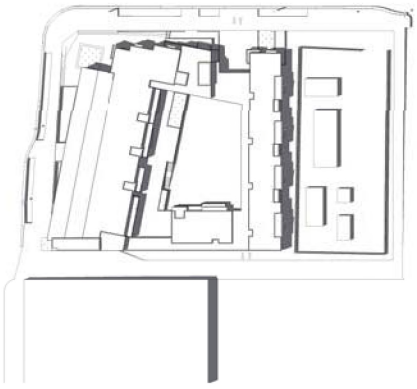

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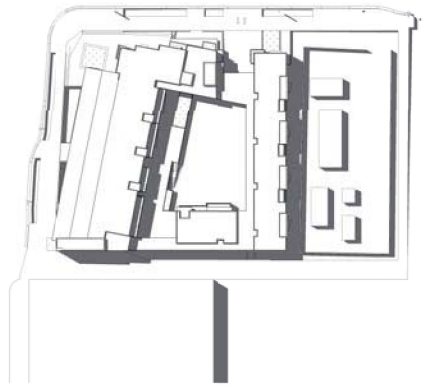

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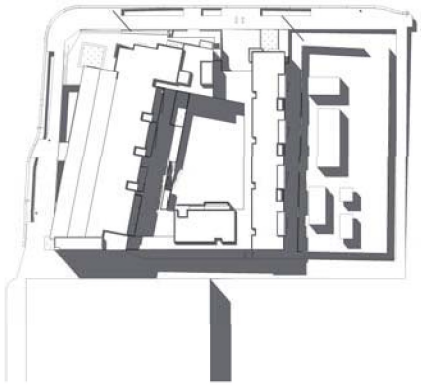

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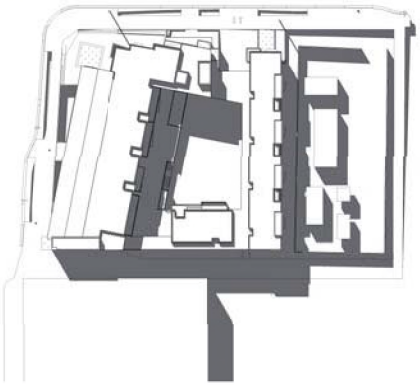

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