

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part
 Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: _____

Date: 12/12/2016

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: \$ 87	Reviewed & Accepted by (DSC Planner): Daniel Skolnick	Date: 12/15/16
Receipt No: 0202375412	Deemed Complete by (Project Planner): [Signature]	Date: 12/15/16
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

ORIGINAL

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March 9, 2015

Via Email srimal.hewawitharana@lacity.org

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Re: Draft EIR for 4051 South Alameda Street Project,
Case No. ENV-2012-920-EIR, AA-2012-919-PMLA,
DIR-02013-887-SPR, State Clearinghouse No. 2014061030

Dear Ms. Hewawitharana:

On behalf of Mr. Tezozomoc of the South Central Farmers, we submit these comments on the draft environmental impact report ("DEIR") prepared for the 4051 South Alameda Street Project ("Project" or "warehouse project"). The Project would authorize construction of four massive warehouse buildings containing nearly one-half million square feet of development on 14 acres formerly occupied by the South Central Farm, a mere 150 feet from the nearest residence. Specifically, the warehouse project would contain 365,945 square feet of warehouse space, 85,181 square feet of office space, and 29,896 square feet of manufacturing space, albeit for undisclosed purposes. Notably, the Project would require significant widening of South Alameda Street, Long Beach Avenue, and 41st Street, reducing the streets' safety and utility for neighborhood pedestrians. It would also develop 2.6 acres of the Project site that had been promised as a park after the City's settlement with the former landowner.

The South Central Farmers are comprised of approximately 350 families residing in the community surrounding the Project site. From 1994 to 2006, the South Central Farmers operated the Project site as the South Central Community Garden. At 14 acres, the garden was one of the largest urban community gardens in the United States, growing 100 to 150 different species of fruits, vegetables, herbs. The garden also grew

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Mesoamerican traditional plants unavailable in local or national markets. The garden served as a focal point for the farmers and their families until the farmers were evicted in 2006. Although the farmers were promised relocation to additional farm sites due to the then-property owner's desire to develop the property, only a portion of the promised acreage has ever been made available, and the Project site has remained vacant. The South Central Farmers now truck in fresh produce grown in Buttonwillow and Lake Hughes, but nothing has been done to alleviate the food desert in their community. The 3-acre soccer field promised by the then-property owner has also never been constructed, leaving the surrounding neighborhood without its beloved community garden and without any other green space to replace this lost community center.

The South Central Farmers are particularly concerned about the warehouse project's contribution to the region's already poor air quality and the corresponding impacts on community health. While the DEIR purports to have analyzed the Project's likely air emissions and to have performed a health risk assessment, these analyses are based upon an inadequate project description and an underestimation of daily truck trips. The Project will also adversely impact the community by foreclosing the opportunity to develop the Project site into much-needed community green space. These impacts could be reduced or avoided entirely by feasible alternatives to the warehouse project. In particular, the South Central Farmers have for years advocated returning the Project site to use as a community garden. In addition to avoiding the Project's admittedly significant impacts on air quality, cultural resources, transportation and traffic, and utilities and service systems, the community garden or a parks and recreation alternative would alleviate the area's park shortage and provide a focal point for community activities and gatherings, while buffering residences from dense industrial uses located to the east.

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decisionmakers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) The South Central Farmers are concerned that the DEIR fails to adequately disclose, analyze, and mitigate many of the warehouse project's significant adverse environmental impacts. Also of great concern is the DEIR's failure to adequately and accurately consider feasible alternatives to the Project that would

reduce the Project's many significant adverse impacts.

I. An Inadequate Project Description Prevents a Complete Analysis of the Project's Potentially Significant Environmental Impacts.

CEQA requires an EIR to contain a project description that gives a "general description of the project's technical, economic, and environmental characteristics." (CEQA Guidelines § 15124(c)). It must also "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390.) Here, the DEIR discloses that the Project would construct four warehouses to be used for garment manufacturing, but it does not specify the aspects of garment manufacturing that would occur. This failure to describe key elements of the Project prevents the public and decisionmakers from fully evaluating the Project's likely impacts and the accuracy of the information presented in the EIR. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35 [the project description cannot fail to describe key elements of the Project].)

For example, the types of activities occurring in the warehouse will impact the number of workers needed onsite, which will impact the number of shifts, the modes of transportation used by employees, and the Project's likely impacts on traffic and noise. The types of activities will also impact the number of truck trips per day due to deliveries and shipping of finished products, which impact the diesel and other pollutant emissions, which impact the Project's affect on community health. If the warehouses will include dyeing of fabrics, chemicals used in the process and measures for containment and disposal must be disclosed in the DEIR. As none of this information is contained in the DEIR, the DEIR lacks much of the required analysis, and the public and City decisionmakers have been denied the opportunity to fully understand the Project and its likely consequences for the community. "Environmental review derives its vitality from public participation." (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.)

II. The EIR Fails to Consider Alternatives to the Project.

A. The EIR Fails to Consider a Reasonable Range of Alternatives.

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the warehouse project, especially in light of its significant acknowledged and unacknowledged adverse impacts. "One of [an EIR's] major functions . . . is to ensure

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that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights I, supra*, 47 Cal.3d at 400, quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; emphasis in original.) Further, “Under CEQA, the public agency bears the burden of *affirmatively demonstrating* that...the agency’s approval of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added.) Just as the EIR is the “heart of CEQA”, the alternatives analysis is the “core of the EIR.” (Guidelines, § 15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.)

The EIR’s alternatives analysis fails to satisfy CEQA’s statutory mandate by analyzing no actual alternative to the Project other than the compulsory “no project” alternative. While the DEIR lists three alternatives, these alternatives consist of (A) No Project Alternative, (B) Use of Clean Fuel Trucks, (C) Reduced Truck Operations. None of these alternatives includes an alternative use to the warehouse project or to its location. None of these alternatives address the Project’s significant impact on utilities and service systems, or on its contribution to the already-severe air quality along the Alameda Corridor.

The unreasonably narrow range of alternatives likely derives from unreasonably narrow project objectives. Use of unduly narrow project objectives violates CEQA. (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4th 1143, 1166 [“a lead agency may not give a project’s purpose an artificially narrow definition”].) The project objectives include a requirement of at least 480,000 square feet of light industrial space, location within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area, location along the Alameda Corridor, and provision of enhanced employment opportunities and tax revenue. No information is given about why 480,000 square feet is necessary, or why it must be located in one place, at the expense of a planned 2.6-acre park.

The lead agency must exercise its independent judgment on project objectives, and must not uncritically accept the applicant’s objectives. (Pub. Resources Code § 21082.1 (c)(1); *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587]; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1460.) The City should take this opportunity to think about what would most benefit this community. The DEIR must be revised to include alternatives to the Project, including alternatives that preserve some of the site’s 14 acres as open space, and the community garden and park alternatives. The revised DEIR should also consider alternative locations to the

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project site for the warehouse project, which could conceivably be located on any industrial zoned land in the area.

B. The EIR Rejects and Fails to Analyze Feasible Park and Community Garden Alternatives.

In order to achieve CEQA's substantive mandate to avoid or reduce adverse environmental impacts, *potentially* feasible alternatives must be analyzed so that the decisionmaking process regarding feasibility can be subject to public review. "If an alternative is identified as at least potentially feasible, an in-depth discussion is required." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1457.)

CEQA imposes a high standard for the rejection of alternatives. A reasonable alternative may only be eliminated from consideration in the EIR if the alternative would not meet most of the basic project objectives, is infeasible, or would not reduce significant environmental impacts. (Guidelines § 15126.6(c); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1457.) An alternative is considered feasible if it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Public Resources Code § 21061.1.) Such alternatives must be discussed "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines § 15126.6(b).) A project need only feasibly attain "most" of the project objectives, not all of them, to require analysis. (CEQA Guidelines §15126.6(a)(f).)

The South Central Farmers, National Resources Defense Council ("NRDC"), Center for Biological Diversity, and other community advocates have proposed several feasible alternatives aimed at increasing community resiliency and quality of life that would reduce or entirely avoid the Project's significant adverse impacts on air quality, traffic and transportation, and utilities and service systems. An in-depth discussion of these alternatives was required in the EIR, but not provided. (*Save Round Valley, supra*, 157 Cal.App.4th 1457; see 3 AR 1066-1192.)

Based on inapplicable limitations, the DEIR asserts that an alternative reinstating the community garden alternative is infeasible because it would not comply with applicable zoning. (DEIR, p. VI-3.) The Light Industrial Zone applicable to the project site allows for agricultural uses by right. (Los Angeles Municipal Code, Chapter 1, Article 2, Section 12.19 ("M2" LIGHT INDUSTRIAL ZONE) [M2 Zone allows "[a]ny open lot use permitted in an 'A' or 'R' Zone, which does not involve the use of buildings

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or structures other than accessory buildings incident to the use of the land.”]; see also DEIR, p. I-5; DEIR, p. II-3.) Further, a community garden alternative would bring economic benefit and community value. Before their removal, 350 families farmed the project site, which produced large amounts of both healthy and economically beneficial produce not otherwise available in the community. The farmers were invested in the community, and thousands of people benefited. Urban parks and gardens are economically beneficial to those located outside of the immediate community, as well. According to the Trust for Public Land (TPL), Long Island’s parks provide \$2.74 billion in annual economic benefits. (See, <http://www.tpl.org/nassau-and-suffolk-counties-park-benefit-report>.) These benefits include health benefits of \$164 million per year due to the use of parks for outdoor exercise, a one-time property value increase of \$5.8 billion due to proximity to open space, benefits due to water filtration, and \$288 million in benefits due to the area’s thriving agriculture industry. (*Ibid.*) Specifically, TPL’s report cited local visits to strawberry fields in the spring and pumpkin patches in the fall, each of which are possible if a community garden alternative is implemented. These benefits will greatly exceed those brought to the community by the creation of low-wage jobs in the warehouse project. The DEIR’s analysis also fails to account for grant funding and the assistance of foundations if a community garden alternative were implemented. Such funding and assistance has been offered to maintain a community garden on this site in the past.

Although suggested during NOP comments and completely feasible, the DEIR improperly omits the park or recreation alternative from complete analysis. Only half of Los Angeles residents live within walking distance of a park. (2014 City Park Facts, Trust for Public Land, p. 12, available at http://www.tpl.org/sites/default/files/files_upload/2014_CityParkFacts.pdf.) Children have even less park access than the typical Angeleno. For example, Los Angeles has only one park playground per 1,000 residents, falling near the bottom of over 100 cities surveyed by the Trust for Public Land in 2014. (2014 City Park Facts, Trust for Public Land, p. 13, available at http://www.tpl.org/sites/default/files/files_upload/2014_CityParkFacts.pdf.) Within the City, the project site’s council district has the least park acreage per child of any district in Los Angeles. (See <http://www.environment.ucla.edu/reportcard/article1455.html>.)

This lack of park access has disastrous results for society and public health. In park-poor neighborhoods, children play in streets, alleyways, or vacant lots instead of on grassy meadows or soccer fields, if they go outside at all. The Trust for Public Land considers this “a national crisis of inactivity that has contributed to higher rates of obesity, diabetes, asthma, anxiety, and depression.” (See, TPL website at <http://www.tpl.org/our-work/parks-for-people>.) Research suggests that parks promote public health and

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revitalize local economies while connecting people and communities. For these reasons, the Southeast Los Angeles Community Plan, within which the project site is located, highlights the need for additional open space in the community. (DEIR, at p. IV.A-11.) The DEIR fails to show why the warehouse project could not be financially and physically feasible if constructed on 11.4 acres of the project site, which would allow the designation of 2.6 acres of the project site as a much need community park. This alternative should be combined with analysis of an off-site alternative and analyzed in a recirculated DEIR.

III. The Project's Mitigation Measures are Impermissibly Vague.

CEQA requires that a project not be approved when there are significant adverse impacts if there are feasible alternatives or mitigation measures that can reduce those impacts. (Publ. Resources Code § 21002; 21002.1(b); CEQA Guidelines 15091(a); 15092(b).) As the DEIR failed to analyze any true alternatives to the Project that would avoid or reduce its disclosed and undisclosed significant impacts, the EIR was required to incorporate mitigation measures. (Pub. Resources Code § 21002.2; Guidelines § 15126.4.)

Specifically, the CEQA Guidelines require any mitigation measure to be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines § 15126.4(a)(2);(CEQA Guidelines § 15097; see also *Lincoln Place Tenants Ass'n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 [“Mitigating conditions are not mere expressions of hope.”].) Unfortunately, many of the mitigation measures included in the warehouse project are vague and unenforceable or do not require the most effective mitigation measures feasible to reduce adverse impacts.

For example, mitigation measure Air-4, states that the developer “shall establish incentives for increased transit frequency”, but no description is given of what incentives will be given and who they will be offered to. As a result, it is impossible for decisionmakers and the public to evaluate whether this proposed mitigation measure will be effective. Without the incorporation of performance standards, it is also impossible for the City or the community to determine if the developer has complied with the measures. Mitigation measure Air-6 is similarly vague, reading that the developer “shall provide traffic calming measures through street improvements,” but these street improvements are never disclosed. In addition to preventing the public and decisionmakers from evaluating the effectiveness of this measure, the failure to provide sufficient information prevents the City from evaluating whether the street calming measures will actually reduce traffic impacts or if they will result in unintended adverse impacts.

Mitigation measure Traffic-3 would reclassify 41st street as a “Collector Street” and requires its widening by 22 feet. However, 41st street west of the Project site is surrounded by residences and passes through a recreation center. Would this conversion to a collector street be accompanied by higher speeds? If so, the DEIR must evaluate the safety and desirability of such a change to this neighborhood.

Other mitigation measures are impermissibly deferred and this too violates CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; Guidelines Section 15126.4(a)(1)(B).) CEQA requires all mitigation measures for a project to be formulated during the environmental review process so their efficacy can be analyzed in the EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-670.) Courts have prohibited the deferral of mitigation measures because “[t]here cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884.) Deferral of the development of mitigation is only allowable where “specific performance criteria” are required at the “time of project approval.” (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029.)

Mitigation measure Utilities and Service Systems-1 requires the applicant to either “have further sewer system gauging obtained to identify specific sewer connection point based on the capacity of the public sewer or build sewer lines to a point in the system with sufficient capacity.” As this mitigation measure makes it clear that the necessary analysis has not yet been conducted, the DEIR proposes impermissibly deferred mitigation. The sewer gauging should be done prior to project approval so that the EIR may mitigate the potential impacts of constructing new sewer lines. At the very least, construction of new sewer lines requires ground disturbance and often impacts roads such that they must be closed during construction of sewer lines and afterward for repair. CEQA requires these impacts to be disclosed now.

IV. The Greenhouse Gas Analysis and Mitigation is Inadequate.

Based on the unsupportable conclusion that the Project will not generate significant greenhouse gas (“GHG”) emissions, the DEIR fails to incorporate any mitigation measures for greenhouse gases. (DEIR p. I-12.) Given that the Project would construct nearly one-half million square feet of building space from raw materials, that it would require the use of electricity to operate, and that it would depend on trucks for the delivery of raw materials and the shipment of finished goods, this conclusion lacks substantial evidence. The DEIR must be revised to analyze the GHG emission that would be generated by the Project and to include specific and enforceable mitigation measures to

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reduce those emissions. We hereby incorporate the comments submitted by the Center for Biological Diversity on the 2008 project proposed for this site.

V. The EIR's Air Quality Analysis Understates Project Impacts and the Project's Likely Impacts to Human Health.

CEQA requires environmental review of a Project's potentially adverse impacts on human beings. (Guidelines § 15065 subd. (a)(2).) The project site is located along the Alameda Corridor connecting the Ports of Los Angeles and Long Beach to downtown heavy rail lines and is heavily traversed by diesel trucks and railroads. Existing air quality is among the worst in the South Coast Air Basin, and childhood asthma rates far exceed the average. Under these existing conditions, any Project contributions to poor air quality are cumulatively considerable. "One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources." (*King County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) This is particularly true with regard to air quality.

The health hazards of poor air quality are well documented. Countless peer-reviewed studies have been published documenting the dangers of living near freeways due to their emissions of ultra fine diesel particulate matter and other air pollutants. Ultra fine particulate matter causes cardiovascular and neuron damage. (See <http://www.arb.ca.gov/research/health/healthup/jan03.pdf>; see also <http://ehp03.niehs.nih.gov/article/fetchArticle.action?articleURI=info%3Adoi%2F10.1289%2Fehp.1002973>, both incorporated by reference.) Life expectancy rises as fine particle pollution drops. (See, <http://articles.latimes.com/2012/dec/04/science/la-sci-sn-fine-particle-pollution-20121204>, citing Harvard School of Public Health Study published in *Epidemiology*.) More than 90 percent of the particles in diesel exhaust are ultra fine particles, which are easily inhaled into the lung. (Matsuoka, Hricko, et al. *Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities*, March 2011, p. 17, available at <http://departments.oxy.edu/uepi/>, herein incorporated.) Diesel particulate matter also contains gases such as acetaldehyde, acrolein, benzene, 1,3-butadiene, formaldehyde and polycyclic aromatic hydrocarbons, increasing the hazards to human health. (Matsuoka, Hricko, et al. *Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities*, March 2011, p. 17, available at <http://departments.oxy.edu/uepi/>, herein incorporated.) Consequently, diesel particulate matter was declared a toxic air contaminant by the California Air Resources Board in 1998. According to the Air Resources Board, "Diesel particulate matter may cause cancer, premature death, and other health problems." (See <http://www.arb.ca.gov/enf/hdvp/ccdet/saej1667.htm>; see also,

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<http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/factsheet0308.pdf>.)

These other health problems include asthma, bronchitis, and heart disease. (Miller et al., Long Term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women, New England Journal of Medicine, 356:5 (2007) 447-458, available at <http://burningissues.org/car-www/pdfs/miller-women-cv-NEJM4-2007.pdf>, herein incorporated; see also http://www.ehib.org/page.jsp?page_key=90#pm_health.)

These pollutants have been correlated with asthma, congestive heart failure, autism, and other ailments, with the greatest impact on sensitive receptors such as children and the elderly, many of whom live near the Project site.

A study released just last week linked chronic exposure to microscopic air pollutants in vehicle exhaust, such as that experienced by the residents of this community, to deaths from heart disease. (Associations of Mortality with Long-Term Exposures to Fine and Ultrafine Particles, Species and Sources: Results from the California Teachers Study Cohort, Ostro et al., available online at <http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2015/1/ehp.1408565.acco.pdf>, herein incorporated.) According to the *Los Angeles Times*' coverage of the study, "The finding bolsters evidence that ultrafine particles... contributor to health problems among people living near traffic." (LA Times, Feb. 25, 2015 <http://www.latimes.com/local/lanow/la-tn-pollutants-linked-to-heart-disease-deaths-20150225-story.html>.) Major roadways were among the most ubiquitous of hundreds of sources of ultrafine particle pollution examined in the study.

Given the environmental baseline, the DEIR's air quality analysis and health risk assessment are of particular importance to the City's evaluation of the Project and to the surrounding community. As the Project's truck trips will likely comprise the majority of the Project's air pollution emissions, these analyses are based on the developer's estimated numbers of daily truck trips. Unfortunately, the numbers reported appear to underestimate the Project's true contributions to poor air quality – and especially to diesel emissions – and therefore appear to understate the significance of the Project's air quality impacts.

The EIR assumes that the nearly one-half million square feet of industrial warehouse space will draw only 75 diesel trucks per day. By contrast, a similar, but slightly smaller project evaluated by the city in 2008 at the project site assumed generation of 264 truck trips per day. (Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR.) The DEIR fails to include sufficient information about the Project to justify the claimed 70 percent *reduction* in diesel truck trips that accompany the Project's 10 percent *increase* in size. The DEIR's analysis of air quality impacts and

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health risks must be repeated in a revised DEIR that provides substantial evidence for its conclusions. This EIR must also include feasible and enforceable mitigation measures for the operation of the trucks. If this EIR purports to rely on cleaner technologies or other methods of shipping and receiving than diesel trucks, it must be demonstrated that these technologies and methods are both feasible and available to the Project.

VI. The EIR Fails to Adequately Consider the Project's Noise Impacts on Surrounding Residential Neighborhoods.

The Initial Study found the Project's noise impacts insignificant resulting in the DEIR's failure to analyze and mitigate the Project's noise impacts on the community. (Initial Study, Exhibit B, p. 116, 124.) However, this conclusion lacks substantial evidence. First, the project description provides insufficient information about the project to accurately evaluate its proposed noise impacts. This is important, given that homes are located within 153 feet of the Project site. The Initial Study contemplates heating and air conditioning equipment and traffic, but none of the operations of the proposed warehouse itself. (*Id.* at 124.) Second, existing community noise levels are so high that any additional noise levels are considered cumulatively considerable and require mitigation.

According to the U.S. Environmental Protection Agency, exposure to high noise levels presents a "health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches... Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances." (EPA Noise Effects Handbook, <http://www.nonoise.org/library/handbook/handbook.htm>, incorporated by reference; see also EPA *Noise: A Health Problem* <http://www.nonoise.org/library/epahlth/epahlth.htm#heart%20disease>, incorporated by reference.)

Potentially deadly cardiovascular impacts can be triggered by long-term average exposure to noise levels as low as 55 decibels. (See, World Health Organization Media Centre, http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.) Exposure to even

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moderately high levels of noise during a single eight-hour period triggers the body's stress response. In turn, the body increases cortisol production, which stimulates vasoconstriction of blood vessels that results in a five to ten point increase in blood pressure. Over time, this noise-induced stress can result in hypertension and coronary artery disease, both of which increase the risk of heart attack death. (World Health Organization Media Centre, http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.) Studies on the use of tranquilizers, sleeping pills, psychotropic drugs, and mental hospital admission rates suggest that high noise levels cause adverse impacts on mental health.

High noise levels also have dramatic developmental impacts on small children, many of whom might reside near the Project. Children who are exposed to higher average noise levels have heightened sympathetic arousal, expressed by increased stress hormone levels, and elevated resting blood pressure. Without mitigation, the Project might expose community members to levels of noise that are unsafe for cardiovascular health, mental health, societal well being, and child development.

The noise study performed with the Initial Study concluded that the existing ambient noise levels in the community already vastly exceed those at which residential development is permitted in the City of Los Angeles. (Initial Study, Exhibit B, pp. 118, 121.) The State of California does not consider areas with ambient noise levels above 60 dbA acceptable for residential use. (*Id.* at p. 118.) Multi-family residential uses are "normally acceptable" only below 65 dBA. (*Ibid.*) Residential uses up to 70 dBA are permitted only when precautions are taken to reduce indoor noise levels. (*Ibid.*) Even so, the noise study reported average ambient noise levels of 63-75 dBA Leq with maximum noise levels of up to 94 dBA Leq. If the Project will contribute to *any* increase in community noise levels, the Project will have significant cumulative impacts that must be disclosed, analyzed, and mitigated in the EIR. (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1026.) This EIR has failed to do so. The DEIR must be revised to include analysis of the proposed warehouse operations and to include specific, feasible and enforceable mitigation that protects sensitive receptors that reside as close as 153 feet away.

Conclusion

As proposed, the warehouse project would have significant and unavoidable

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Ms. Srimal Hewawitharana
March 9, 2015
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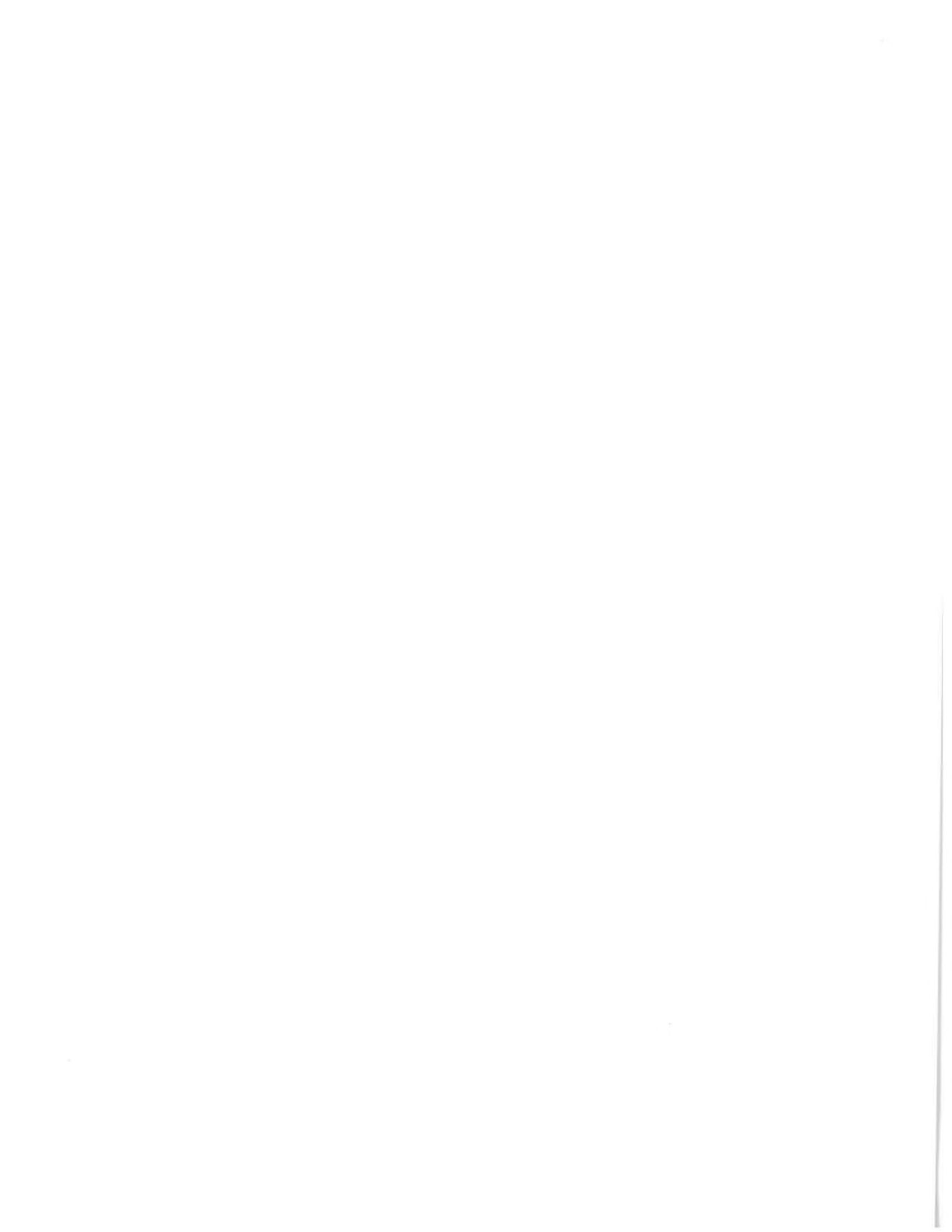
adverse impacts on a community already facing the noise and air pollution of the Alameda Corridor and the City's densest industrial development. Even so, the DEIR fails to consider alternatives to the Project such as a community garden that have broad community support and that would meet the City's economic objectives. Due to the deficiencies outlined above, the DEIR requires revision and recirculation. The South Central Farmers hope that the City's revised DEIR more accurately discloses, analyzes, and mitigates the Project's likely impacts and that it considers alternatives to the Project that will increase, *not decrease*, the quality of life for local families.

Thank you for your consideration of these comments. We join in the comments submitted by the Natural Resources Defense Council and Public Counsel on this draft EIR and hereby incorporate them by reference. In addition, pursuant to Public Resources Code section 21092.2, we hereby request notice of all future meetings and environmental notices issued pursuant to CEQA at this site. We look forward to reviewing the revisions to this draft environmental impact report.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle N. Black", written in a cursive style.

Michelle N. Black



Office: Van Nuys
Applicant Copy
 Application Invoice No: 33818

City of Los Angeles
 Department of City Plan



City Planning Rec

NOTICE: The staff of the Planning Department will analyze your request at your application, regardless of whether or not you obtain th

This filing fee is required by Chapter 1,



LA Department of Building and Safety
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 Receipt #: 0202375413

Total: \$107.69
 Check \$107.69

Applicant: SOUTH CENTRAL FARMERS - MR. TEZOMOC, (B:800-2495240)
Representative: CHATTEN-BROWN & CARSTENS - BLACK, MICHELLE (B:310-7982402)
Project Address: 4051 S ALAMEDA ST, 90058 ENV-2012-920-EIR

NOTES: Pursuant to Government Code section 21151.(c) an appeal by a person, other than the application, claiming to be aggrieved.

ENV-2012-920-MND-EIR			
Item	Fee	%	Charged Fee
Other with Surcharges (per Ordinance No. 182,106) *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (5%)	\$4.45
Grand Total	\$107.69
Total Invoice	\$107.69
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$107.69

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PLAN & LAND USE \$107.69

Sub Total: \$107.69

Receipt #: 0202375413

Council District: 9
 Plan Area: Southeast Los Angeles
 Processed by SKOLNICK, DANIEL on 12/15/2016

Signature:

