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Via Electronic and First Class Mail

February 14, 2017

Chair Jose Huizar
Vice-Chair Marqueece Harris-Dawson
Councilmember Gil Cedillo
Councilmember Mitchell Englander
Councilmember Curren D. Price, Jr.
c/o City Clerk
City of Los Angeles
200 North Spring Street, Room 395
Los Angeles, California 90012

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CITY CLERK

**Re: Council File No. 16-1411-S1;
Case Nos. AA-2012-919-PMLA; DIR-2013-887-SPR; ENV-2012-
920-EIR (SCH No. 2014061030)**

Dear Members of the City Council Planning and Land Use Management Committee:

This firm represents PIMA Alameda Partners, LLC ("PIMA") in connection with its application for approval of the above-referenced cases to permit the construction of four industrial buildings containing a total of 480,120 square feet of floor area (the "Project") on the undeveloped property located at 4051 South Alameda Street (the "Property"). Case Nos. AA-2012-919-PMLA and DIR-2013-887-SPR were approved on September 23, 2016 following a public hearing on July 6, 2016. The approvals were appealed on October 7, 2016 to the City Planning Commission on the ground that the final environmental impact report ("FEIR") that was certified in connection with the approval of the Project is not adequate, and the Planning Commission denied the appeal following a hearing on November 10, 2016. The certification of the FEIR has now been appealed to the City Council, and the Planning and Land Use Management Committee is scheduled to hear the further appeal on February 21, 2017.

Enclosed without attachments for your reference are letters submitted to the Department of City Planning and to the City Planning Commission on PIMA's behalf on June 27, 2016 and October 31, 2016, respectively, providing arguments in favor of Project approval. The current appeal does not present any new evidence that was not presented to the City prior to approval of the Project or the denial of the previous appeal. The only arguments submitted in connection with the

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Attorneys at Law

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present appeal consist of a letter dated March 9, 2015 which was submitted during the public comment period for the draft environmental impact report for the Project. Each of these arguments was fully addressed in the FEIR and elsewhere in the record of proceedings, including in the enclosed letters. For all of the reasons set forth in the FEIR and the entire record of proceedings, you are accordingly respectfully requested to deny the appeal and uphold the prior determinations by the Director of Planning, the Advisory Agency, and the City Planning Commission approving the Project and certifying the FEIR and the accompanying Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

Your careful attention to this request is greatly appreciated. Please contact me with any questions or if I can provide additional information with respect to this matter.

Very truly yours,



Patrick A. Perry

PAP
Enclosures

Allen Matkins

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Via Overnight Mail

June 27, 2016

Ms. Jenna Monterrosa
City of Los Angeles
Department of City Planning
200 North Spring Street, Room 750
Los Angeles, California 90012

Re: Case Nos. AA-2012-919-PMLA; DIR-2013-887-SPR

Dear Ms. Monterrosa:

This firm represents PIMA Alameda Partners, LLC ("PIMA") in connection with its applications for approval of the above-referenced cases to permit the construction of four industrial buildings containing a total of 480,120 square feet of floor area (the "Project") on the undeveloped property located at 4051 South Alameda Street (the "Property"). As discussed in more detail below, the proposed Project complies with all applicable use and development standards, will develop an underutilized industrial property for productive use, and will provide community benefits including the creation and preservation of manufacturing jobs. You are accordingly encouraged to approve the Project as proposed.

A. History and Background.

The Property is generally known as the LANCER site because it was acquired by the City of Los Angeles (the "City") through eminent domain in 1986 for the purpose of constructing a trash incinerator known as the Los Angeles City Energy Recovery ("LANCER") project. The condemnation judgment provided that the Alameda-Barbara Investment Company, which owned 11 acres of the approximately 13-acre site, would have a first right to repurchase the Property should the City determine that the Property was no longer needed for public use. The LANCER project was terminated due to community opposition, and in 1994 the Property was transferred to the City Harbor Department for \$13.3 million. The Harbor Department granted a revocable permit to the Los Angeles Regional Food Bank (the "Food Bank") to occupy and use the site as a community garden.

In late 1994, the Harbor Department commenced negotiations with the Libaw-Horowitz Investment Company ("Libaw-Horowitz"), the successor-in-interest to the Alameda-Barbara

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Investment Company, with regard to the repurchase of the Property, and by October 1996 a purchase and sale agreement had been signed by Libaw-Horowitz with the understanding that the agreement would be presented to the Board of Harbor Commissioners and City Council for consideration. In 2001, the Harbor Department informed Libaw-Horowitz that it would not sell the Property, instead offering it publicly for development under a long-term lease. In response, Libaw-Horowitz filed suit against the City for breach of contract.

The City settled the lawsuit with Libaw-Horowitz in 2003, and the land was sold to Libaw-Horowitz. As part of the settlement agreement, Libaw-Horowitz agreed to dedicate 2.6 acres of the Property for park and recreational purposes. In January 2004, Libaw-Horowitz gave written notice to the Food Bank that its revocable permit to occupy the land would terminate on February 29, 2004. Occupants of the community garden filed a lawsuit arguing that the City's settlement with Libaw-Horowitz violated their rights, and they were granted an injunction allowing them to remain on the land until the case was resolved in favor of Libaw-Horowitz in June 2005. Use of the Property as a community garden ceased in 2006 when the community garden was vacated. The Property has remained vacant ever since.

In 2008, the Horowitz Group, as successor-in-interest to Libaw-Horowitz, proposed to sell the Property to a major Los Angeles-based garment manufacturer that expressed interest in purchasing the Property to develop a 46-foot high, two-story structure containing approximately 643,000 square feet of warehouse and ancillary support space with subterranean parking for 306 cars. The City circulated a mitigated negative declaration to evaluate the proposed development of the Property, but the Horowitz Group did not finalize the sale to the proposed developer and did not seek final approval of the proposed project.

In the meantime, the Horowitz Group worked with the City to amend the settlement agreement to substitute a cash pledge for the dedication of the 2.6 acres of the Property for park and recreational purposes. In 2011, the City Council accordingly adopted Ordinance No. 181949 authorizing execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made, and a special trust fund was created to provide and improve recreational and park facilities in the vicinity of the Property. The amendment allows for development of the Property consistent with the land use designation and zoning and provides the City with the funds to create or make improvements to recreational facilities in a more appropriate location than the Property, which is industrially zoned and isolated to the east and west by major rail lines. In 2012, the City Council adopted a motion authorizing the City Controller to transfer the funds from the special trust fund in order to fund improvements at the Pueblo Del Rio housing project, Fred Roberts Park, and Ross Snyder Park. In the meantime, the Los Angeles Community Garden Council was successful in establishing a new seven-acre community garden with 190 plots at 110th Street and Avalon Boulevard, to which many of the community gardeners formerly using the Property were able to

relocate.¹ Copies of Ordinance No. 181949 and the City Council motion authorizing transfer of the funds are attached as Attachment 1.

In March 2012, the Horowitz Group sold the property to PIMA. In February 2013, PIMA submitted its application to develop the Project on the Property, and in May 2013, the City circulated a mitigated negative declaration ("MND") for the Project in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The City received many letters of comment in response to the MND. The City, with input from PIMA, agreed that, in light of the comments received from the public, preparation of an environmental impact report ("EIR") was warranted. The draft EIR for the Project was prepared and circulated for public review and comment from January 22, 2015 through March 9, 2015. The final EIR for the Project was completed on June 16, 2016.

B. The Project Complies with Applicable Use and Development Standards.

The Property comprises 562,314 square feet of buildable area which is designated Light Manufacturing in the Southeast Los Angeles Community Plan ("Community Plan") and is zoned M2-2, Light Industrial in Height District No. 2. Case No. AA-2012-919-PMLA proposes to subdivide the Property into four parcels, each of which will be owned by a separate member of PIMA² and developed with a single building to be occupied by garment manufacturing, warehouse, and office uses, all of which are permitted by right in the M2 zone. The distribution of uses within each building is as follows:

Building No.	Office Area	Mfg. Area	Warehse. Area	Total
Building 1 (Impact)	32,173 sq. ft.	14,000 sq. ft.	69,800 sq. ft.	115,973 sq. ft.
Building 2 (Active)	31,526 sq. ft.		102,154 sq. ft.	133,680 sq. ft.
Building 3 (Poetry)	11,672 sq. ft.		105,052 sq. ft.	116,724 sq. ft.
Building 4 (MissMe)	37,374 sq. ft.		76,369 sq. ft.	113,743 sq. ft.
Total	112,745 sq. ft.	14,000 sq. ft.	353,375 sq. ft.	480,120 sq. ft.

The allowable floor area ratio ("FAR") for properties in Height District No. 2 is six times the buildable area of the lot. The FAR for each of the four parcels resulting from the proposed

¹ See, Letter from Councilmember Jan Perry to Los Angeles Board of Harbor Commissioners, dated July 12, 2011, a copy of which is provided as Attachment 1.

² PIMA is comprised of four separate garment manufacturing companies—Poetry Clothing, Impact Manufacturing Corp., MissMe, and Active Basic. PIMA currently owns the Property in common, but upon completion of the subdivision of the Property into four separate parcels, each of the members of PIMA will acquire its own separate parcel. Upon completion, each building will be self-contained with regard to access and parking, and no portions of the Property will be shared among the owners.

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subdivision is as follows:

Parcel No.	Buildable Area	Floor Area	FAR
Parcel 1	140,573 sq. ft.	115,973 sq. ft.	0.83
Parcel 2	140,563 sq. ft.	133,680 sq. ft.	0.95
Parcel 3	140,592 sq. ft.	116,724 sq. ft.	0.83
Parcel 4	140,586 sq. ft.	113,743 sq. ft.	0.81
Total	562,314 sq. ft.	480,120 sq. ft.	0.85

A minimum of one parking space is required for every 500 square feet of the first 10,000 square feet of warehouse use, and one parking space is required for every 5,000 square feet of warehouse use in excess of the first 10,000 square feet. One parking space is required for every 500 square feet of manufacturing use. The required number of parking spaces for office use auxiliary to warehouse or manufacturing use shall be calculated at the same ratio as the industrial use unless the office use exceeds 10 percent of the gross floor area, in which case one parking space is required for every 500 square feet of office use in excess of 10 percent. The number of parking spaces required and provided for the Project is as follows:³

Building No.	Office ⁴	Manufacturing	Warehouse	Total	
				Req'd	Provided
Building 1 (Impact)	42	28	52	122	123
Building 2 (Active)	37		42	79	79
Building 3 (Poetry)	0		96	96	96
Building 4 (MissMe)	52		54	106	106
Total	131	28	244	403	404

The Project is also consistent with Goal 3 of the Community Plan, which supports sufficient land for a variety of industrial uses with maximum employment opportunities, that are safe for the environment and the work force, and which have minimal adverse impacts on adjacent uses. The Community Plan further supports the retention and redevelopment of the industrial sector through Objective 3-1, Policy 3-1.1, Objective 3-2, and Policy 3-2.1 which provide as follows:

³ In order to provide flexibility for future use and accommodate concerns regarding adequate parking should multiple tenants occupy certain of the buildings in the future, Building Nos. 1 and 3 have been designed to accommodate up to four tenant spaces, and the parking counts for each building have been calculated accordingly.

⁴ Parking for office uses that do not exceed 10 percent of the gross floor area of warehouse use are included in the parking calculation for warehouse use.

Objective 3-1: To provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community.

Policy 3-1.1: Designate lands for the continuation of existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses which provide employment opportunities.

Objective 3-2: To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.

Policy 3-2.1: The significant, large industrially planned parcels located in predominantly industrial areas associated with the railroad transportation facilities along Alameda and in the Slauson area should be protected from development by other uses which do not support the industrial base of the community, and the City.

The Project is an industrial development in an industrially zoned area and is therefore fully consistent with the goals and policies of the Community Plan and the zoning designation for the Property. The design of the Project is also consistent with the policies of the Urban Design chapter of the Community Plan and with the City's Green Streets Policy. In compliance with the Circulation Element of the Community Plan, the recently adopted Mobility Element of the City's General Plan, and recommendations of the Los Angeles Department of Transportation, the following dedications will be made to widen certain of the streets adjacent to the Property:

Martin Luther King Jr. Blvd.	5 feet
South Alameda Street	8.5 feet to 12.5 feet
East 41 st Street	22 feet

The Project therefore complies with all applicable use and development standards and does not require any variances or other discretionary approvals aside from the proposed parcel map to subdivide the Property into four parcels and Site Plan Review for the development of more than 50,000 square feet of non-residential floor area.

In addition to the foregoing use and development standards, the Project complies with the applicable Citywide Design Guidelines for industrial development. As stated above, the Project is a light industrial development in an area zoned for light industrial use. Surrounding properties are all developed for industrial purposes. The nearest residential uses to the Property are located across Long Beach Avenue to the west and are separated from the western portion of the Property by the 140 feet of right-of-way for Long Beach Avenue and the Blue Line light rail line. Building No. 1 will be set back approximately 80 feet from the western Property line further buffering the nearby

residential uses from the Project by means of an approximately 20-foot wide landscaped area and 60-foot wide parking area.

In addition to the street dedications identified above, the right-of-way surrounding the entire Property will be improved with new curb and gutter, sidewalks, street trees, and street lights. New sidewalks will vary in width from eight feet along Martin Luther King, Jr. Boulevard to 12 feet along 41st Street. New sidewalk widths along Long Beach Avenue and Alameda Street will be 10 feet and 11.5 feet, respectively. Direct pedestrian access will be provided from the adjacent public right-of-way to all building entrances. The site will be surrounded by a decorative wrought iron fence above textured concrete block. A landscape buffer, including trees, vines, and hedges, will be provided along all interior site areas adjacent to the perimeter fence except for areas reserved for pedestrian and vehicular access. Approximately 14.6 percent of the parking area and 5.4 percent of the site area of the Property will be landscaped, and one tree will be provided for every four parking spaces. Landscaped areas that vary in width from approximately 15 to 20 feet will be provided along the length of the eastern and western portions of the Property with outdoor seating and eating areas for employees.

Each of the four buildings has been designed with pedestrian-scale features such as decorative concrete panels in different shades of beige with gray trim and glazing to break up the building facades, operable windows on the mezzanine level, and enclosure of trash areas. Building entrances will be clearly defined through the use of projecting features, recessed doorways, and decorative concrete paving. Carpool and vanpool spaces will be located adjacent to building entrances, and future EV charging stations will be provided with underground electrical conduit. Bicycle parking will be provided in the following amounts, and showers and lockers will be provided for employees in each of the four buildings.

- Building 1: 12 short term, 14 long term
- Building 2: 14 short term, 17 long term
- Building 3: 12 short term, 14 long term
- Building 4: 12 short term, 14 long term

Section 12.21A.4 of the Los Angeles Municipal Code provides that automobile parking spaces for new uses may be replaced by bicycle parking spaces at a ratio of one automobile space for every four bicycle spaces up to a maximum of 20 percent of the required automobile parking spaces. The number of automobile parking spaces could therefore be reduced by 27 parking spaces; however, the number of bicycle spaces has not been used to reduce the number of automobile spaces. The Property is also located adjacent to the Blue Line light rail line, which will provide a public transit option for employees, thereby further reducing the need for on-site parking.

The lighting, HVAC, and electrical systems in each building will meet or exceed the requirements of the City's Green Building Code. Each building will have operable windows on

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upper levels to reduce reliance on HVAC systems, and skylights will be provided over two percent of the roof surface to reduce the need for artificial lighting. All buildings will be provided with 4,000 amp electrical service to allow for future installation of rooftop solar panels and EV charging stations. Landscaped areas adjacent to the perimeter fence will function as bioswales to capture and filter a minimum of the first ¾ inch of stormwater on site.

C. The Project Will Not Result in Any Potentially Significant Impacts on the Environment that Cannot Be Fully Mitigated or Otherwise Avoided.

In response to comments received in connection with the MND originally proposed for the Project, the City determined in consultation with PIMA to prepare the EIR for the Project. The City accordingly circulated an Initial Study pursuant to the requirements of CEQA, which determined that the potential impacts of the Project will be less than significant except with respect to the issues of air quality, cultural resources, greenhouse gas emissions, and hazards and hazardous materials.

According to the EIR, all potential impacts relating to the four areas outlined above could be mitigated to a less than significant level except with respect to potential traffic impacts at the intersection of Washington Boulevard and Alameda Street. Such impacts would be less than significant, however, if the number of daily truck trips serving the Project were reduced to no more than 75. Because PIMA's current operations typically involve no more than 33 truck trips per day, PIMA has voluntarily agreed to limit the number of daily truck trips at the Property to no more than 75. The EIR has analyzed an alternative limiting the number of daily truck trips to no more than 75, and concludes that it is the environmentally superior alternative. Most, if not all, of the trucks serving the Project are expected to be box trucks fueled by gasoline or alternative fuels rather than diesel, further reducing potential adverse impacts on air quality.

The adoption of the reduced truck trip alternative and implementation of the proposed mitigation measures will reduce any and all potential significant environmental impacts of the Project to a less than significant level.

C. The Project Will Provide Multiple Community Benefits.

In addition to the cash pledge provided by PIMA's predecessor-in-interest to fund improvements at the Pueblo Del Rio housing project, Fred Roberts Park, and Ross Snyder Park, PIMA will provide the following benefits to the surrounding community:

1. The construction contractor for the Project has entered into a Construction Local Hire Agreement for each of the proposed buildings with Playa Vista Job Opportunities and Business Services, according to which an assertive effort will be made such that 20 percent of all hours worked in construction on the Project will be performed by local residents. Priority will be given to local residents in the following order: (i) those living within one mile of the Property, (ii) those living more than one mile but within three

miles of the Property, and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates. An assertive effort will also be made such that included within the 20 percent local hire goal, 10 percent of all hours worked in construction on the Project will be performed by at-risk individuals, who are described in the agreement as a local resident who lacks a high school diploma or GED, has a history of substance abuse, has a household income below 50 percent of median, is homeless, a welfare recipient, has a history of involvement with the justice system, is chronically unemployed, or a single parent. Copies of the Construction Local Hire agreements and the Construction Local Hire Policy Procedures for the Project are provided as Attachment 2.

2. The four members of PIMA have entered into a Local Hire Agreement with the Coalition for Responsible Community Development and the Los Angeles Job Corps, according to which an assertive effort will be made to hire local residents for new employment positions and/or employment positions for which local residents are qualified that become vacant during the term of the agreement. Priority will be given to local residents in the following order: (i) those living within one mile of the Property, (ii) those living more than one mile but within three miles of the Property, and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates. PIMA also agrees to use commercially reasonable efforts to locally hire at least 50 percent of its workforce from high unemployment areas. PIMA will also pay a one time fee of \$250,000 to the Coalition for Responsible Community Development and the Los Angeles Job Corps. A copy of the Local Hire Agreement is provided as Attachment 3.

The Project will employ approximately 994 permanent employees, which is almost double the number of employees currently employed by the members of PIMA. PIMA shall pay no less than minimum wage and will make every attempt to create a pay scale for employees similar to the staff format attached to the Local Hire Agreement, all of whom are compensated at and in many cases well above minimum wage.

D. The Project Has Widespread Community Support.

PIMA has conducted widespread community outreach to address potential concerns of members of the community. The Property is located on the southern boundary of the South Central Neighborhood Council immediately adjacent to the northern boundary of the Central Alameda Neighborhood Council. Representatives of PIMA accordingly presented the Project to the South Central Neighborhood Council on January 17, 2015, February 17, 2015, and February 24, 2015, and made a courtesy presentation to the Central Alameda Neighborhood Council on March 3, 2015. The South Central Neighborhood Council declined to take a position with respect to the Project.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

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June 27, 2016
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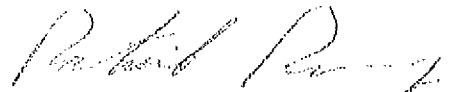
Copies of the Neighborhood Council agendas and the communication from the South Central Neighborhood Council regarding the Project are provided as Attachment 4.

PIMA has also presented the Project to members of the community and circulated petitions in support of the Project in both English and Spanish, which were signed by more than 1,300 residents of the local community and other stakeholders. A total of 44 letters from employees of the four companies comprising PIMA were also received in support of the Project in connection with the circulation of the EIR. Copies of the petitions and letters from employees are provided as Attachment 5.

E. Conclusion.

PIMA has accordingly complied with all applicable requirements for the development of a currently underutilized property for industrial use that is fully consistent with City goals, policies, and regulations in a manner that is responsive to community concerns. PIMA therefore respectfully requests approval of Case Nos. AA-2012-919-PMLA and DIR-2013-887-SPR for the development of the Property as proposed. Representatives of PIMA will provide additional documentation regarding the development of the Property at the public hearing to consider approval of the Project. In the meantime, please call with any questions or if I can provide additional information with regard to this matter.

Very truly yours,



Patrick A. Perry

PAP

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Via Electronic and First Class Mail

October 31, 2016

President David Ambroz
Vice-President Renee Dake-Wilson
Commissioner Robert Ahn
Commissioner Carolyn Choe
Commissioner Richard Katz
Commissioner John Mack
Commissioner Samantha Millman
Commissioner Veronica Padilla
Commissioner Dana M. Perlman
City of Los Angeles
Planning Commission
200 North Spring Street
Los Angeles, California 90012

Re: Case Nos. AA-2012-919-PMLA; DIR-2013-887-SPR

Dear President Ambroz and Members of the Planning Commission:

This firm represents PIMA Alameda Partners, LLC ("PIMA") in connection with its applications for approval of the above-referenced cases to permit the construction of four industrial buildings containing a total of 480,120 square feet of floor area (the "Project") on the undeveloped property located at 4051 South Alameda Street (the "Property"). Case Nos. AA-2012-919-PMLA and DIR-2013-887-SPR were approved on September 23, 2016 following a public hearing on July 6, 2016. The approvals were appealed on October 7, 2016 on the ground that the final environmental impact report ("FEIR") that was certified in connection with the approval of the Project is not adequate, and you are scheduled to hear the appeal on November 10, 2016. Enclosed without attachments for your reference is a letter submitted to the City on PIMA's behalf on June 27, 2016 providing arguments in favor of Project approval. The purpose of the present letter is to respond to the unfounded arguments put forward by the appellant in support of the appeal. As set forth in more detail below, the appeal does not present any new evidence that was not presented to the City prior to approval of the Project. You are accordingly respectfully requested to deny the appeal and uphold the prior determinations approving the Project.

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1. The FEIR adequately describes the Project and provides sufficient detail about Project operations to permit a thorough analysis of Project operations and environmental impacts.

As described in Chapter IV, *Corrections and Additions to the Draft EIR*, of the FEIR, the Project includes the construction of a new industrial development consisting of four buildings. Building 1 consists of a single story with a mezzanine that occupies approximately 115,973 total square feet and provides 123 parking spaces; Building 2 consists of two stories that occupy approximately 133,680 total square feet and provides 79 parking spaces; Building 3 consists of a single story with a mezzanine that occupies approximately 116,724 total square feet and provides 96 parking spaces; and Building 4 consists of a single story with a mezzanine that occupies approximately 113,743 total square feet and provides 106 parking spaces. In total, the Project would occupy approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space. The heights of each of the four buildings range from 37 feet to a maximum building height of 40 feet.

In response to the Draft EIR, a letter was submitted on behalf of the appellant dated March 9, 2015 (the "March 9 Letter"), in which the appellant claimed that the Draft EIR

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. . . . 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 [*sic*] 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.

This comment was addressed as follows in Response No. E7-4 at pages III-70 and III-71 in Chapter III, *Responses to Comments*, of the FEIR.

The EIR project description is consistent with the guidelines provided in Section 15124 of the State CEQA Guidelines:

- The project is located in an industrial zoned M2 area, under which a variety of industrial and warehouse uses are permitted per [Los Angeles Municipal Code] § 12.19. The project description and level of detail concerning the type of industrial use based on the

ITE traffic rates for the corresponding land use category is sufficient to be used to evaluate impacts on traffic, noise, and inputs to the air quality model. Additionally the project will have to comply with regulations regarding handling of hazardous materials, as specified in the Draft EIR. The location and boundary are described in Section B of the Project Description. Project address is at 4051 South Alameda Street, consisting of four proposed buildings containing approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, 14,000 square feet of manufacturing space, and 404 surface parking spaces. Heights, size, and parking space allocation for each of the buildings, and a Project Location Map showing the precise boundary of the project, are included as Figure II.A-3 of the Draft EIR. The Project Objectives sought by the proposed project are discussed in Section III.C, Project Objectives of the Draft EIR. The underlying goal of the proposed project is to enhance the industrial sector of the Southeast Los Angeles Community Plan Area by enhancing the employment base.

- A general description of the project's technical and environmental characteristics can be found in Section III.B, Project Characteristics of the Draft EIR. This section provides a summary of site-specific recommendations, local hire agreement, and construction scenario and phasing plan. Site ingress and egress locations for construction, emergency evacuation planning, and safety and security issues are described. The intended use of the Draft EIR is discussed in Section I.A, Introduction.

Sufficient information has been provided in the project description, including the construction scenario, to allow a detailed analysis of the environmental consequences of the proposed project. The routine use, storage, and transport of hazardous materials was evaluated in Section IV.E, *Hazards and Hazardous Materials*, of the Draft EIR. The routine use and storage of chemicals is regulated pursuant to 42 U.S. Code Section 11021 that requires the facility owner to prepare a list of available Material Safety Data Sheets. The proposed project would be required to comply with all relevant federal, state, and local statutes and regulations.

Section 15124 of the CEQA Guidelines provides as follows:

- The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.
- (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
 - (b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement

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of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.

(d) A statement briefly describing the intended uses of the EIR.

(1) This statement shall include, to the extent that the information is known to the lead agency,

(A) A list of the agencies that are expected to use the EIR in their decision-making, and

(B) A list of permits and other approvals required to implement the project.

(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

(2) If a public agency must make more than one decision on a project, all its decisions subject to CEQA should be listed, preferably in the order in which they will occur. On request, the Office of Planning and Research will provide assistance in identifying state permits for a project.

The information required pursuant to Section 15124 of the CEQA Guidelines is provided in Chapter III, *Project Description*, of the Draft EIR and in Chapter IV, *Corrections and Additions to Draft EIR*, in the FEIR. The total number of employees is identified at page IV.A-9 in Section IV.A, *Impacts Found to Be Less Than Significant*, of the Draft EIR as 990, which consist of 580 employees transferred from existing nearby facilities and 410 new employees. There will be only one shift that will operate during normal business hours between approximately 8:00 a.m. and 5:00 p.m. Monday through Friday.

A thorough analysis of potential traffic impacts associated with the Project is set forth in the *Addendum to Traffic Impact Study* attached as Appendix IX to the Draft EIR, and Chapter IV.G, *Traffic and Transportation*, of the Draft EIR.

In order to accurately assess future traffic conditions with the proposed project and potential impacts to the applicable plans related to transportation, trip generation estimates were developed for the proposed project. Trip generation rates for the proposed project are based on the nationally recognized recommendations of the Institute of Transportation Engineers (ITE). ITE also provides information on percentage of truck traffic associated with this type of land use. Approximately 20 percent of all vehicular trips generated by a warehouse are designated as truck trips to allow evaluation of a reasonable worst-case scenario. A truck trip is generally equivalent to two (2) passenger car trips on average. Therefore, a 2.0 factor was applied to the number of truck trips to estimate passenger car equivalent (PCE) trips generated by the trucks.

Based on the vehicle trip generation rates in the ITE Manual for the proposed uses, the Project will generate approximately 1,968 net PCE trips per average day, 351 of which would be truck trips. As set forth in Response No. E7-2 at page III-64 in Chapter III, *Responses to Comments*, of the FEIR, truck traffic for the Project will consist of box trucks and cargo vans. As set forth at page 3 of the *Air Quality Health Risk Assessment* attached as Appendix V to the Draft EIR (the "HRA"), the cargo vans used at the facility are categorized in the EMFAC 2011 emissions model as Light Duty Truck 2 (LDT2) and Light Heavy Duty Truck 1 (LHD1). The box trucks are categorized as Light Heavy Duty Truck 2 (LHD2). These three categories of trucks can be either gasoline or diesel fueled. The fraction of diesel-fueled vehicles at the Project was determined from EMFAC for Los Angeles County. Of the box trucks, approximately 17.03% are diesel fueled, while 1.46% of LDT2 and 0.20% of LHD1 are diesel fueled. It was assumed that one-half of the trucks are box trucks, so the total percentage of the 351 trucks per day that visit the facility that are diesel-fueled will be about 9%, or approximately 31 diesel-fueled trucks per day. According to the PIMA, current operations involve approximately 33 truck trips per day, and the number of truck trips is not expected to significantly increase above that number in connection with the operation of the Project. The HRA analyzed potential health risks associated with diesel emissions based on 351 daily truck trips and concluded that potential risks are well below established thresholds and therefore constitute a less than significant impact. The health risks associated with only 33 daily truck trips would be substantially less than what was determined to be a less than significant impact in the HRA.

As set forth in Chapter VIII of the Initial Study attached as Appendix III to the Draft EIR and Chapter IV.E, *Hazards and Hazardous Materials*, of the Draft EIR and Chapter IV, *Corrections and Additions to the Draft EIR*, of the FEIR, the Project will occupy 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space for the manufacture of clothing, which will not involve the routine transport, use, or disposal of hazardous materials. Project manufacturing operations will consist of sewing, cutting, and packaging activities only. PIMA's members will be handling garments but will not dye any fabric or garment in any of facilities and therefore will not be using any dyes or other chemicals in connection with their garment manufacturing activities.

As set forth in Section XII of the Initial Study attached as Appendix III to the Draft EIR, the City's CEQA Threshold Guide states that a project would have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a sensitive receptor. The loudest phases of construction (excavation/grading and finishing) will generate noise levels upwards of 79.3 dBA at the nearest sensitive receptor located 153 feet to the west of the Project site. Therefore, construction noise related to the Project has the potential to exceed the City's existing noise regulation by 6.0 dBA at sensitive receptors. In order to reduce noise impacts to below the City's existing noise regulation, the Project would incorporate a temporary noise barrier as a Project design element during outdoor construction activities that would exceed allowable levels. The

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temporary noise barrier would be installed at the western boundary of the Project site, along Long Beach Avenue. The temporary noise barrier would reduce construction noise levels at the nearest sensitive receptor by more than 6.0 dBA and would therefore avoid the need to implement noise mitigation measures pursuant to the existing noise regulation.

The greatest noise level generated by typical building equipment at a distance of 50 feet is 61 dBA, which is well below the significance threshold of 73.3 dBA. Furthermore, noise generated from mechanical equipment is generally absorbed and/or sheltered by on-site structures and buildings, further reducing noise levels. Because the nearest sensitive receptor is 153 feet away from the Project site, operational noise impacts associated with mechanical equipment would be less than significant. The greatest potential noise level generated by typical parking lot sources at a distance of 50 feet is 66 dBA, which is also below the significance threshold of 78.3 dBA. Therefore, the Project would not result in significant impacts to noise in relation to construction or operation, and no further analysis related to permanent increases in ambient noise levels is warranted.

The appellant ignores clear substantial evidence in the record that the Project will not result in significant impacts on traffic, air quality, hazardous materials, or noise and does not provide any evidence, substantial or otherwise, to demonstrate that there will be significant impacts on the environment other than those that have been analyzed and mitigated in the FEIR. The appellant's arguments in this regard are therefore without merit and should be disregarded.

2. The EIR analyzes a reasonable range of alternatives that would avoid or reduce the Project's significant environmental impacts, especially impacts on air quality.

Section 15126.6 of the CEQA Guidelines requires an EIR to

describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. . . . The EIR should briefly describe the rationale for selecting alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. . . . Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects. . . . The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

The FEIR considered the following three alternatives:

- Alternative A: No Project Alternative
- Alternative B: Use of Clean Fuel Trucks
- Alternative C: Reduced Truck Operations

The FEIR also considered two alternate land use alternatives, the Community Garden Alternative and the Park or Recreational Use Alternative, but withdrew these alternatives from further consideration because the two alternatives were inconsistent with the goals and policies of the adopted Southeast Los Angeles Community Plan and did not meet the basic Project objectives.

With respect to impacts on air quality, Section IV.B, *Air Quality*, of the Draft EIR and Response No. 7-2 at page III-65 in Chapter III, *Responses to Comments*, of the FEIR, criteria pollutants generated during construction and operation of the Project are calculated to be well below acceptable thresholds except with respect to PM₁₀ emissions during construction, which can be fully mitigated through implementation of the following mitigation measures:

- Air-1: During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM_{2.5} and PM₁₀ emissions).
- Air-2: During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM_{2.5} and PM₁₀ emissions).
- Air-3: During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Emissions of VOCs will be further reduced below acceptable levels through implementation of the following mitigation measure:

- Air-7: The project applicant shall ensure low VOC paint is applied for interior and exterior uses [250 EF (g/L)].

Construction-related toxic air contaminants ("TACs") from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment from the Office of Environmental Health Hazard Assessment ("OEHHA") because diesel particulate emissions only affect the population on a longterm (70-year) basis for cancer impacts, so the impacts of short-term TACs from the construction of the Project are considered less than significant and were not quantified as part of the Draft EIR. For operations of the Project, there will be an estimated 31 diesel fueled trucks/day out of a total 351 total truck trips/day under the most conservative scenario. Because the total of 351 is greater than 100 daily truck trips, a refined *Air Quality Health Risk Assessment* for operational impacts was conducted that identified sensitive receptors and individual cancer risk (Appendix V in Volume IV of the Draft EIR). The maximum potential cancer risk is 0.3 in one million. This is only 3 percent of the cancer risk threshold of 10 in one million. Therefore, the Project would not result in significant human health risks related to diesel emissions. The alternatives with clean fuel trucks and reduced truck operations would result in even fewer diesel

emissions. Operational emissions generated from mobile sources will be further reduced below acceptable levels through implementation of the following mitigation measures:

- Air-4: The project applicant shall establish incentives for increased transit frequency in compliance with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code, which include the following requirements for nonresidential projects with more than 100,000 square feet of floor area.
 - (a) **Development in excess of 25,000 square feet of gross floor area.** The owner shall provide a bulletin board, display case, or kiosk (displaying transportation information) where the greatest number of employees are likely to see it. The transportation information displayed should include, but is not limited to, the following:
 - 1) Current routes and schedules for public transit serving the site;
 - 2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;
 - 3) Ridesharing promotion material supplied by commuter-oriented organizations;
 - 4) Regional/local bicycle route and facility information;
 - 5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.
 - (b) **Development in excess of 50,000 square feet of gross floor area.** The owner shall comply with Paragraph (a) above and in addition shall provide:
 - 1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
 - 2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
 - 3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
 - 4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
 - 5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

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- 6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
 - 7) Bicycle parking shall be provided in conformance with Section 12.21A16 of the LAMC.
- (c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:
- 1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
 - 2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
 - 3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
 - 4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.
- Air-5: The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.
 - Air-6: The project applicant shall provide traffic calming measures through street improvements. The applicant will be dedicating additional right-of-way along 41st Street, Alameda Street, and Martin Luther King, Jr. Boulevard. In connection with the street dedications and development of the proposed project, the applicant will be upgrading existing sidewalks, curb and gutter, as well as street trees, street lighting, and street furniture around the entire perimeter of the property in consultation with the City Department of Transportation and Department of Public Works. Upgrades to the existing sidewalks will require new curb cuts and crosswalks and the replacement of existing traffic signals at intersections. Additional traffic control devices will be installed as necessary and required to facilitate safe traffic circulation in and around the proposed project site.

In addition to the above mitigation measures, emissions generated from mobile sources will be further reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by the California Air Resources Board ("CARB") in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and

buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. As a result of the various measures required to reduce impacts on air quality, the Project will have a less than significant effect on air quality.

As set forth in Chapter VI, *Alternatives*, of the Draft EIR, under the No Project Alternative, the Project would not be constructed, and the existing conditions at the Project site would remain unchanged until a future project is proposed for development consistent with the existing zoning. The No Project Alternative would not meet any of the basic Project objectives. More importantly, the failure to develop the property for its designated purpose as light manufacturing would be inconsistent with land use planning objectives articulated in the adopted Southeast Los Angeles Community Plan.

The Use of Clean Fuel Trucks Alternative is capable of achieving the six basic Project objectives but would entail the same construction scenario and level of operation as the Project. The Use of Clean Fuel Trucks Alternative affects only the operational phase of the Project, and the construction scenario would be the same as that described for the Project. Because the grading area and the number of days of construction are the primary drivers of PM₁₀ emissions during the construction phase of the Project, under this alternative, the grading area and duration of the construction scenario would be the same as the Project and require implementation of Mitigation Measures Air-1 through Air-7 but would not achieve a greater reduction in construction emissions relative to the Project. The Use of Clean Fuel Trucks Alternative would also have the same trip generation as the Project and would result in significant impacts with regard to traffic and transportation at the intersection of Alameda Street and Washington Boulevard which would operate at LOS E during the p.m. peak hour. The Use of Clean Fuel Trucks Alternative would therefore not eliminate the significant and unavoidable impact resulting from the Project.

The Reduced Truck Operations Alternative would also achieve the six basic objectives of the Project. Moreover, because it proposes to reduce the number of daily truck trips for the Project to no more than 75, it would avoid the significant unavoidable impact on p.m. peak hour trips at the intersection of Alameda Street and Washington Boulevard. The City nevertheless found that the Reduced Truck Trip Alternative is infeasible because although the Project would not generate more than 50 truck trips per day, the imposition of a condition which sets a permanent cap or limit on truck trips limits the potential economic growth and long term viability of industrial-zoned site. In the event that the Project remains the same but the nature of the operations on the property change or PIMA's business expands, there would not be an opportunity to revisit the trip cap and reassess the possibility of an adjusted limit. In addition, an alternative that would limit truck operations presents practical difficulties with respect to long term enforcement following the construction of

the Project. Neither the parcel map or site plan review avail themselves of an inherent plan approval process that would allow the City to revisit compliance with conditions and potentially revoke a grant if a condition is not appropriately followed in perpetuity. The challenge of ongoing monitoring would be potentially further complicated due to the fact that the lots created by the recorded parcel map will each be owned by one of the four separate members of PIMA, and the number of truck trips would be required to be allocated among the four owners, each of which would be required to be monitored. The City accordingly rejected the Reduced Truck Operations Alternative as infeasible.

As set forth in Response No. E7-3 and elsewhere throughout Chapter III, *Responses to Comments*, in the FEIR, the Community Garden Alternative and the Park or Recreational Use Alternative were withdrawn from consideration for the following reasons:

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. However, this alternative was withdrawn from consideration as it does not meet the basic project objectives:

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.
- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

The proposed use of the property as light manufacturing is consistent with land use planning objectives articulated in the Southeast Los Angeles Community Plan. The City of Los

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Angeles Southeast Los Angeles Community Plan has designated the project site as light industrial. The land use designation discourages nonindustrial uses and uses that compromise job-producing potential. Plan Goal 3 supports sufficient land for a variety of industrial uses with maximum employment opportunities, which are safe for the environment and the work force, and which have minimal adverse impacts on adjacent uses. The South East Los Angeles Community Plan further supports the retention and redevelopment of the industrial sector through Objective 3-1, Policy 3-1.1, and Objective 3-2, Policy 3-2.1:

Objective 3-1 To provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community.

Policies 3-1.1 Designate lands for the continuation of existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses which provide employment opportunities.

Objective 3-2 To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.

Policies 3-2.1 The significant, large industrially planned parcels located in predominantly industrial areas associated with the railroad transportation facilities along Alameda and in the Slauson area should be protected from development by other uses which do not support the industrial base of the community, and the City.

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project.

As further documented throughout the Draft EIR and FEIR, the former interim use of the Project site as a community garden that occurred under previous ownership was acknowledged. However, the use was discontinued in 2006, and the Project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E, *Background*, of the Draft EIR

provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the Project site for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow a proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the Project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the Project site would be inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the Project site. The City Council subsequently authorized release of the funds to finance improvements at the Pueblo Del Rio Housing Project, Fred Roberts Park, and Ross Snyder Park (see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR*, of the FEIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR).

The FEIR therefore considered a reasonable range of alternatives, especially with regard to the Project's impacts on air quality, which were determined on the basis of substantial evidence to be less than significant with the incorporation of feasible mitigation measures.

3. The EIR does not foreclose the consideration of alternatives based on impermissibly narrow Project objectives.

Section 15124(b) of the CEQA Guidelines requires the project description for an EIR to include a statement of objectives sought by the proposed project in order to help the Lead Agency develop a reasonable range of alternatives to evaluate in the EIR and aid decisionmakers in preparing findings or a statement of overriding considerations. The statement of objectives should include the underlying purpose of the project. Section 15126.6(f)(1) of the CEQA Guidelines states that site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site are among the factors to be considered when addressing the feasibility of alternatives. Feasibility of alternatives therefore does not depend solely on consistency with project objectives.

As set forth in Chapter III, *Project Description*, of the Draft EIR, the Project objectives are as follows:

- Construct a new industrial park that provides a minimum of 480,000 square feet of light industrial space to facilitate garment manufacturing.

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- Locate a new industrial park within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- Develop an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- Provide opportunities for the proposed project's labor force to utilize existing public transit systems and other multi-modal transportation opportunities in the vicinity of the proposed project.
- Preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- The Southeast Los Angeles Community Plan Area population stands to benefit from the proposed project due to economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City.

The appellant does not describe how the EIR forecloses the consideration of alternatives based on impermissibly narrow Project objectives. Instead, the appellant has attached the March 9 Letter, which asserted that the Project alternatives allegedly precluded consideration of additional alternatives, including a community garden alternative, a park alternative, preservation of a portion of the Project site as open space, and an alternative location. The appellant has also attached a letter dated July 5, 2016 (the "July 5 letter"), which asserts that the response to the assertions in the March 9 Letter were inadequate.

Contrary to the Appellant's unsupported claims, the Project objectives did not preclude the consideration of any alternatives. As described above, the FEIR considered the No Project Alternative, the Use of Clean Fuel Trucks Alternative, and the Reduced Truck Operations Alternative. The Community Garden Alternative and the Park or Recreational Use Alternative were withdrawn from consideration because they did not satisfy the basic Project objectives but also because they would be inconsistent with the goals and policies of the Southeast Los Angeles Community Plan. As set forth above, the Draft EIR and FEIR describe in detail how the City Council determined that use of a portion of the Project site for park purposes would be inappropriate due to the property's location in an industrial corridor and isolated to the west and east by major rail lines, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property. The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the Project site. The City Council subsequently authorized release of the funds to finance improvements at the Pueblo Del Rio Housing Project, Fred Roberts Park, and Ross Snyder Park (see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of the FEIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR).

As set forth in Response No. E7-5 at page III-72 in Chapter III, *Responses to Comments*, of the FEIR, the significant impacts of the Project are related to traffic trip generation. The Project has mitigated all significant impacts to below a level of significance through mitigation measures with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. Relocation to an alternative site would not change the trip generation; therefore, the consideration of alternative locations is not an effective means of avoiding or substantially lessening any significant effects of the Project. An alternative location would also likely not achieve the Project goals and objectives related to minimizing worker travel because locating the Project in close proximity to the existing public transit system and other multimodal transportation alternatives would likely decrease average vehicle miles travelled per employee. The Reduced Truck Operations Alternative would avoid and substantially lessen the effects of the Project by limiting the number of daily truck trips and thus meet the requirements of Section 15126.6(b) of the State CEQA Guidelines, which requires the consideration of alternatives to avoid or substantially lessen the effects of the Project. The FEIR did not identify any significant effects of the Project on recreation or open space that would be avoided or substantially lessened by relocating the Project to an alternative location in order to preserve the Project site for use as a park or community garden. Consideration of an alternative site was therefore not precluded solely by its inconsistency with the Project objectives, but also by its failure to avoid or substantially lessen any Project impacts.

4. The EIR requires concrete and enforceable mitigation measures.

The appeal provides no support whatsoever for its assertion that the FEIR fails to require concrete and enforceable mitigation measures. Prior comments submitted on behalf of the appellant had asserted that the Project's mitigation measures were impermissibly vague but not that the mitigation measures were not concrete or enforceable. Those mitigation measures that were identified as vague were Mitigation Measures Air-4, Air-6, and Traffic-3, and Mitigation Measure Utilities and Service Systems-1 was described as requiring deferred mitigation. To the extent that these comments are intended to represent appellant's contention that the Project's mitigation measures are not concrete and enforceable, such comments were adequately addressed in Response No. E7-8 in Chapter III, *Responses to Comments*, of the FEIR.

As set forth in Response No. E7-8, the Draft EIR did not identify any impacts on air quality due to Project operation. Mitigation Measures Air-4 and Air-6 are therefore unnecessary and could have been omitted without any violation of CEQA. Mitigation Measures Air-4 and Air-6 were nevertheless included in order to further reduce air quality emissions below already acceptable levels. As set forth in the Draft EIR, Mitigation Measures Air-4 and Air-6 provide as follows:

Air-4: The project applicant shall establish incentives for increased transit frequency.

Air-6: The project applicant shall provide traffic calming measures through street improvements.

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In response to comments made on behalf of appellant, Mitigation Measures Air-4 and Air-6 were modified to read as follows (see pages III-80 and III-81 in Chapter III *Responses to Comments*, and pages IV-4 through IV-6 in Chapter IV *Corrections and Additions to Draft EIR*, in the FEIR):

Air-4: The project applicant shall establish incentives for increased transit frequency in compliance with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code ("LAMC"), which include the following requirements for nonresidential projects with more than 100,000 square feet of floor area.

(a) Development in excess of 25,000 square feet of gross floor area. The owner shall provide a bulletin board, display case, or kiosk (displaying transportation information) where the greatest number of employees are likely to see it. The transportation information displayed should include, but is not limited to, the following:

- 1) Current routes and schedules for public transit serving the site;
- 2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;
- 3) Ridesharing promotion material supplied by commuter-oriented organizations;
- 4) Regional/local bicycle route and facility information;
- 5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.

(b) Development in excess of 50,000 square feet of gross floor area. The owner shall comply with Paragraph (a) above and in addition shall provide:

- 1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- 2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- 3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- 4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

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- 5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
 - 6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
 - 7) Bicycle parking shall be provided in conformance with Section 12.21A16 of the LAMC.
- (c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:
- 1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
 - 2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
 - 3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
 - 4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

Air-6: The project applicant shall provide traffic calming measures through street improvements. The applicant will be dedicating additional right-of-way along 41st Street, Alameda Street, and Martin Luther King, Jr. Boulevard. In connection with the street dedications and development of the proposed project, the applicant will be upgrading existing sidewalks, curb and gutter, as well as street trees, street lighting, and street furniture around the entire perimeter of the property in consultation with the City Department of Transportation and Department of Public Works. Upgrades to the existing sidewalks will require new curb cuts and crosswalks and the replacement of existing traffic signals at intersections. Additional traffic control devices will be installed as necessary and required to facilitate safe traffic circulation in and around the proposed project site.

With respect to Mitigation Measure Traffic-3, as stated in Response No. E7-8, 41st Street will be classified as a collector street (with 44 feet roadway width and 64 feet right-of-way width) per recommendation of the City's Southeast Los Angeles Community Plan. This condition has been required by the City Department of Transportation as stated in its approval letter dated October 4, 2013 (Appendix XI of the Draft EIR). Therefore, the Project is required to dedicate land along its 41st Street frontage so that 41st Street is upgraded to a collector street width standard between Alameda Street and Long Beach Avenue. Because the street width west of Long Beach Avenue cannot be upgraded to new collector street standards under current conditions, there is no reason to have an increased speed limit on 41st Street, and existing safety features of the street will continue to be maintained.

The City has adopted a Mitigation Monitoring Plan which is included as Chapter V of the FEIR and which will ensure that the mitigation measures for the Project are enforced. Any assertions by the appellant in this regard are therefore unsupported and without merit.

5. The EIR does not defer analysis and mitigation of environmental impacts to post-approval processes.

The appeal again provides no support whatsoever for its assertion that the FEIR impermissibly defers analysis and mitigation of environmental impacts to post-approval processes. Prior comments submitted on behalf of the appellant had asserted that Mitigation Measure Utilities and Service Systems-1 required deferred mitigation. To the extent that this comment is intended to represent appellant's contention that the FEIR impermissibly defers analysis and mitigation of environmental impacts to post-approval processes, this comment was adequately addressed in Response No. E7-8 in Chapter III, *Responses to Comments*, of the FEIR.

Mitigation Measure Utilities and Service Systems-1 provides as follows:

Utilities and Service Systems-1: The project applicant shall either have further sewer system gauging obtained to identify a specific sewer connection point based on the capacity of the public sewer or build sewer lines to a point in the sewer system with sufficient capacity if the public sewer has insufficient capacity.

Contrary to appellant's unsupported assertion, the Draft EIR determined that the existing storm water and sewer capacity would be adequate to accommodate the Project, and there would accordingly be no significant impact. Therefore, the additional gauging to support the sizing and location of sewer connections provide an additional check that is part of standard City review processes, and should not be considered deferred mitigation. Appellant's assertion in this regard is again without merit and should be disregarded.

6. The EIR adequately analyzes and mitigates greenhouse gas emissions.

Comments submitted on behalf of appellant regarding the greenhouse gas analysis were addressed in the FEIR. As set forth in Section IV.D, *Greenhouse Gas Emissions*, of the Draft EIR and Response No. E7-9 at pages III-84 and III-85 in Chapter III, *Responses to Comments*, of the FEIR, the modeling for direct, indirect, and cumulative greenhouse gas ("GHG") emissions was conducted in accordance with CalEEMod2013.2.2, which is a statewide model, accepted by the South Coast Air Quality Management District ("SCAQMD"), to calculate air quality and GHG emissions in land use projects. The model incorporates multiple components of the Project including the construction scenario with its heavy construction equipment, landscaping, mobile trips (car and truck), architectural coatings, and potential energy and water efficiency savings. Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO₂e. Operational emissions equal approximately 2,090.25 metric tons of CO₂e per year. The

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operational GHG emissions can be attributed to mobile sources associated with the Project's approximate 353,375 square feet of warehouse space. In the absence of regional thresholds adopted for GHG emissions, the California Air Resources Board ("CARB") has suggested a threshold of 25,000 metric tons of CO₂e per year for the quantitative analysis of GHG emissions. Additionally, based on the suggested thresholds proposed by the California Air Pollution Control Officers Association ("CAPCOA"), the Project would be expected to have the potential to result in significant impacts related to global climate change if the Project emits more than 25,000 metric tons of CO₂e per year. Because the Project's construction and operational emissions are not expected to exceed the CARB recommended threshold of 25,000 metric tons of CO₂e per year, mitigation measures are not required. Compliance with the following mandatory measures in the Los Angeles Green Building Code will further reduce the Project's direct GHG emissions below acceptable levels:

- **99.05.106.5.3.1.** Electric Vehicle Supply Wiring. Provide a minimum number of 208/240 V 40 amp, ground AC outlet(s), that is equal to 5 percent of the total number of parking spaces, rounded up to the next whole number. The outlet(s) shall be located in the parking area.
- **99.05.203.1.3.** Energy Efficiency. Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 15 percent.
- **99.05.210.1.** ENERGY STAR Equipment and Appliances. Residential grade equipment and appliances provided and installed shall be ENERGY STAR labeled if ENERGY STAR is applicable to the equipment or appliance.
- **99.05.211.4.** Prewiring for Future Electrical Solar System. Install conduit from building roof, eave, or other locations approved by the Department to the electrical service equipment. The conduit shall be labeled as per the Los Angeles Fire Department requirements.
- **99.05.303.2.** Twenty Percent Savings. A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20 percent shall be provided. The reduction shall be based on the maximum allowable water use per plumbing fixture, and fittings as required by the California Building Standards Code.
- **99.05.410.1.** Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals

Substantial evidence therefore supports the conclusion that the Project will not result in any impacts due to GHG emissions. Appellant has not provided any evidence, substantial or otherwise, to the contrary. Appellant's assertion that the GHG analysis in the FEIR is inadequate should therefore be disregarded.

7. The EIR adequately discloses and mitigates the Project's noise and air quality impacts on sensitive receptors.

Although evidence demonstrating the adequacy of the noise and air quality analysis in the FEIR is provided elsewhere in this letter, that information is repeated here for ease of reference.

As set forth in Section IV.B, *Air Quality*, of the Draft EIR and page III-65 in Chapter III, *Responses to Comments*, of the FEIR, criteria pollutants generated during construction and operation of the Project are calculated to be well below acceptable thresholds except with respect to PM₁₀ emissions during construction, which can be fully mitigated through implementation of the following mitigation measures:

- Air-1: During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM_{2.5} and PM₁₀ emissions).
- Air-2: During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM_{2.5} and PM₁₀ emissions).
- Air-3: During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Emissions of VOCs will be further reduced below acceptable levels through implementation of the following mitigation measure:

- Air-7: The project applicant shall ensure low VOC paint is applied for interior and exterior uses [250 EF (g/L)].

Construction-related TACs from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment from OEHHA. Diesel particulate emissions only affect the population on a longterm (70-year) basis for cancer impacts so the impacts of short-term TACs from the construction of the Project are considered less than significant and were not quantified as part of the Draft EIR. For operations of the Project, there will be an estimated 31 diesel fueled trucks/day out of a total 351 total truck trips/day under the most conservative scenario. Because the total of 351 is greater than 100 daily truck trips, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk (Appendix V in Volume IV of the Draft EIR). The maximum potential cancer risk is 0.3 in one million. This is only 3 percent of the cancer risk threshold of 10 in one million. Therefore, the Project would not result in the significant human health risks related to diesel emissions. The alternatives with clean fuel trucks and reduced truck operations would result in even fewer diesel emissions. Operational emissions generated from mobile sources will be further reduced below acceptable levels through implementation of the following mitigation measures:

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- Air-4: The project applicant shall establish incentives for increased transit frequency in compliance with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code ("LAMC"), which include the following requirements for nonresidential projects with more than 100,000 square feet of floor area.
 - (a) Development in excess of 25,000 square feet of gross floor area.** The owner shall provide a bulletin board, display case, or kiosk (displaying transportation information) where the greatest number of employees are likely to see it. The transportation information displayed should include, but is not limited to, the following:
 - 1) Current routes and schedules for public transit serving the site;
 - 2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;
 - 3) Ridesharing promotion material supplied by commuter-oriented organizations;
 - 4) Regional/local bicycle route and facility information;
 - 5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.
 - (b) Development in excess of 50,000 square feet of gross floor area.** The owner shall comply with Paragraph (a) above and in addition shall provide:
 - 1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
 - 2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
 - 3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
 - 4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
 - 5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
 - 6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

- 7) Bicycle parking shall be provided in conformance with Section 12.21A16 of the LAMC.
- (c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:
- 1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
 - 2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
 - 3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
 - 4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.
- Air-5: The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.
 - Air-6: The project applicant shall provide traffic calming measures through street improvements. The applicant will be dedicating additional right-of-way along 41st Street, Alameda Street, and Martin Luther King, Jr. Boulevard. In connection with the street dedications and development of the proposed project, the applicant will be upgrading existing sidewalks, curb and gutter, as well as street trees, street lighting, and street furniture around the entire perimeter of the property in consultation with the City Department of Transportation and Department of Public Works. Upgrades to the existing sidewalks will require new curb cuts and crosswalks and the replacement of existing traffic signals at intersections. Additional traffic control devices will be installed as necessary and required to facilitate safe traffic circulation in and around the proposed project site.

In addition to the above mitigation measures, emissions generated from mobile sources will be further reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by CARB in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have

model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. As a result of the various measures required to reduce impacts on air quality, the Project will have a less than significant effect on air quality.

As set forth in Section XII of the Initial Study attached as Appendix III to the Draft EIR, the City's CEQA Threshold Guide states that a project would have a significant impact on noise levels from construction if construction activities lasting more than 10 days in a 3-month period would exceed existing ambient exterior noise levels by 5 dBA or more at a sensitive receptor. The loudest phases of construction (excavation/grading and finishing) will generate noise levels upwards of 79.3 dBA at the nearest sensitive receptor located 153 feet to the west of the Project site. Therefore, construction noise related to the Project has the potential to exceed the City's existing noise regulation by 6.0 dBA at sensitive receptors. In order to reduce noise impacts to below the City's existing noise regulation, the Project would incorporate a temporary noise barrier as a Project design element during outdoor construction activities that would exceed allowable levels. The temporary noise barrier would be installed at the western boundary of the Project site, along Long Beach Avenue. The temporary noise barrier would reduce construction noise levels at the nearest sensitive receptor by more than 6.0 dBA and would therefore avoid the need to implement noise mitigation measures pursuant to the existing noise regulation.

The greatest noise level generated by typical building equipment at a distance of 50 feet is 61 dBA, which is well below the significance threshold of 73.3 dBA. Furthermore, noise generated from mechanical equipment is generally absorbed and or sheltered by on-site structures and buildings, further reducing noise levels. Because the nearest sensitive receptor is 153 feet away from the Project site, operational noise impacts associated with mechanical equipment would be less than significant. The greatest potential noise level generated by typical parking lot sources at a distance of 50 feet is 66 dBA, which is also below the significance threshold of 78.3 dBA. Therefore, the Project would not result in significant impacts to noise in relation to construction or operation of the Project, and no further analysis related to permanent increases in ambient noise levels is warranted.

The FEIR therefore fully and adequately analyzes the Project's impacts on noise and air quality, and the conclusions in the FEIR that the noise and air quality impacts of the Project can be mitigated to a less than significant level is supported by substantial evidence. Appellant's unsupported assertions to the contrary are without merit, and the appeal should therefore be denied.

8. The EIR provides good faith, reasoned responses to comments submitted by State Agencies and members of the community during the CEQA process.

Comments submitted on behalf of appellant in the July 5 Letter asserted that certain of the responses to comments made on behalf of appellant regarding the Draft EIR were not adequate. All of the comments identified in the July 5 Letter and the responses thereto have been addressed

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above, and appellant's assertions in this regard have been shown to be erroneous and without foundation. Appellant further argued that responses made to comments received from the California Department of Transportation ("Caltrans") regarding the Draft EIR were similarly inadequate. This argument is similarly without merit because contrary to appellant's assertion, the FEIR fully addressed the comments made by Caltrans to the Draft EIR regarding Project impacts to State highways as follows:

Regarding the necessity of a traffic analysis of State highway facilities, the traffic analysis was conducted per the scope of study identified in a memorandum of understanding (MOU) signed in consultation with the City of Los Angeles Department of Transportation (LADOT). Because the Project site is entirely within the jurisdiction of the City, LADOT requires the traffic study to follow the guidelines established in its "Traffic Study Policies and Procedures" document. The most recent version of the guidelines, dated August 2014, includes a section that addresses the need for analysis of State highway facilities. The following is an excerpt from LADOT guidelines relevant to State highway facilities (refer to Section E, page 8 of Traffic Study Policies and Procedures, which is included as Appendix B of the FEIR):

FREEWAY IMPACT ANALYSIS SCREENING CRITERIA

Pursuant to the Freeway agreement executed in October 2013 between LADOT and Caltrans District 7, traffic studies may be required to conduct a focused freeway impact analysis in addition to the CMP analysis described above. If the proposed project meets any of the following criteria, the applicant will be directed to the Caltrans' Intergovernmental Review section for a determination on the need for analysis and, if necessary, the methodology to be utilized for a freeway impact analysis:

- The project's peak hour trips would result in a 1-percent or more increase to the freeway mainline capacity of a freeway segment operating at LOS E or F (based on an assumed capacity of 2,000 vehicles per hour per lane); or*
- The project's peak hour trips would result in a 2-percent or more increase to the freeway mainline capacity of a freeway segment operating at LOS D (based on an assumed capacity of 2,000 vehicles per hour per lane); or*
- The project's peak hour trips would result in a 1-percent or more increase to the freeway mainline capacity of a freeway off-ramp operating at LOS E or F, based on an assumed ramp capacity of 1,500 vehicles per hour per lane); or*
- The project's peak hour trips would result in a 2-percent or more increase to the freeway mainline capacity of a freeway off-ramp operating at LOS D, based on an assumed ramp capacity of 1,500 vehicles per hour per lane).*

The Project's traffic study and existing conditions section on freeway segment analysis included an analysis of the Project's estimated trip generation and distribution, existing traffic counts, lane configuration and level of service ("LOS"). The Project is a relocation of four light manufacturing facilities to a new location (per Project plans); thus, although all 351 Project-related trips were analyzed for purpose of the traffic study in accordance with the ITE Manual, the majority of the trips (over 50 percent) already occur in the baseline conditions. No trip subtraction was taken due to any existing on-street Project traffic in order to assume a conservative worst-case scenario. Information for freeway segment and ramp intersections was analyzed to determine if the Project meets the agreed upon criteria in order to proceed with freeway impact analysis using the Caltrans Guide for the Preparation of Traffic Impact Studies (latest version, December 2002, which is included as Appendix C to the FEIR). The freeway segments of I-10 EB (East of Alameda Street, and West of Alameda Street) as well as I-10 WB (East of Alameda Street, and West of Alameda Street) were analyzed. The results of this analysis indicated that the Project does not meet any of the criteria requiring a freeway impact analysis. At freeway LOS E or F, project trips must increase freeway peak hour volume by 100 in either direction (i.e., 1 percent of 5-lane freeway capacity, 10,000 vehicles per hour). The existing I-10 Freeway segments in the study area are operating at LOS F. The Project contributes a maximum of 22 trips in both EB and WB direction of the freeway (Table IV G.3, p. IV.G-8 of the Draft EIR) during the peak hour, which is less than the 100 trips threshold requiring additional impact analysis.

The City determined that the Project is not regionally significant, as defined by Section 15206(b)(2) of the CEQA Guidelines, because the Project is not an industrial, manufacturing, or processing plant, or industrial park that plans to house more than 1,000 persons, occupy more than 40 acres of land, or encompass more than 650,000 square feet of floor area. The Project consists of 994 planned employees. The Project area is 12.9 acres, and the total floor area of all four proposed buildings is 480,120 square feet. Therefore, the Project meets none of the criteria that require it to be considered as regionally significant. Therefore, the Project is not of regional significance and would not change trip patterns or induce growth of trips regionally.

A cumulative analysis was undertaken for all the study surface intersections as required by LADOT Policy and Procedures. However, because the number of peak-hour trips generated by the Project would not exceed the applicable threshold of 100 peak-hour trips in either direction on the I-10 Freeway, the Project's traffic contribution to freeways and off-ramps was determined to be not large enough to include in the analysis as per LADOT's "Traffic Study Policies and Procedures" document. As a result, a cumulative analysis was determined not to be required for freeways and off-ramps. To analyze cumulative traffic impacts, traffic study guidelines require an analysis of trip generation, distribution and level of service at key intersections and roadways using the list of all planned and approved projects in the vicinity of the project that would be assumed to be built prior to construction

of the project. Accordingly, a list of such projects was obtained from the City and a total of five projects were identified for cumulative traffic analysis. The estimated traffic volume from these projects was added to Project traffic volumes and the existing traffic volumes (multiplied by a traffic growth factor to account for any smaller projects and population growth through the opening year of the Project). The intersection level of service determined with this combined volume was used to measure cumulative traffic impacts. A cumulative analysis was undertaken for all the study surface intersections as required by LADOT Policy and Procedures. However, as discussed above, the Project's traffic contribution to freeways and off-ramps was determined to be not large enough to include in the analysis. As a result, a cumulative analysis was deemed unnecessary for freeways and off-ramps. Section IV.G Traffic, page IV.G-17 and the Traffic Impact Study (Appendix III IS-5 of the Draft EIR, pages 22 through 24, and Addendum to Traffic Impact Study, Appendix IX to the Draft EIR, pages 5, 7-9, and 23) in the Draft EIR discuss in detail why additional cumulative analysis, including further discussion of State facilities in the vicinity of the Project, would not be required under CEQA.

9. The Statement of Overriding Considerations is supported by substantial evidence for its claims that the Project alternatives are infeasible and that Project benefits outweigh the Project's admittedly significant environmental impacts.

As set forth above, the FEIR determined on the basis of substantial evidence that the Project alternatives considered in the FEIR or withdrawn from consideration in the FEIR are infeasible because they fail to meet the Project objectives, do not reduce potential impacts of the Project, and/or are inconsistent with applicable goals and policies of the Southeast Los Angeles Community Plan. The July 5 Letter argued on behalf of the appellant that a Statement of Overriding Considerations is required for the Project. Now that the City has adopted a Statement of Overriding Considerations as appellant urged, appellant asserts that it is not supported by substantial evidence. Appellant does not, and cannot, provide any evidence to support this assertion, which is accordingly completely unfounded.

Notwithstanding appellant's unsupported assertion to the contrary, the Statement of Overriding Considerations adopted for the Project is clearly supported by substantial evidence. The FEIR determined that a significant traffic impact at the intersection of Alameda Street and Washington Boulevard during the p.m. peak hour is unavoidable even after incorporation of all feasible mitigation measures due to the volume of 351 daily truck trips that have been assumed to service the Project based on ITE projections. The significant and unavoidable impact at the intersection of Alameda Street and Washington Boulevard during the p.m. peak hour is nevertheless outweighed by the following specific economic, social, and other considerations, including but not limited to Project benefits, based upon the FEIR and in the public record of the consideration of this Project:

- The proposed development of the Project site for light industrial use will effectuate the goals and policies of the Southeast Los Angeles Community Plan by converting an existing underutilized vacant parcel of land to productive use as a light manufacturing facility on property that is planned and zoned for light industrial use. Substantial evidence in support of this finding includes the goals and policies of the Southeast Los Angeles Community Plan which support the retention and redevelopment of the industrial sector through Objective 3-1, Policy 3-1.1, and Objective 3-2, Policy 3-2.1:

Objective 3-1 To provide for existing and future industrial uses which contribute job opportunities for residents and which minimize environmental and visual impacts to the community.

Policies 3-1.1 Designate lands for the continuation of existing industry and development of new industrial parks, research and development uses, light manufacturing, and similar uses which provide employment opportunities.

Objective 3-2 To retain industrial plan designations to maintain the industrial employment base for community residents and to increase it whenever possible.

Policies 3-2.1 The significant, large industrially planned parcels located in predominantly industrial areas associated with the railroad transportation facilities along Alameda and in the Slauson area should be protected from development by other uses which do not support the industrial base of the community, and the City.

- Development of the Project will result in the creation of more than 450 new permanent garment manufacturing jobs. The total number of employees is identified at page IV.A-9 in Section IV.A, *Impacts Found to Be Less Than Significant*, of the Draft EIR as 990, which consist of 580 employees transferred from existing nearby facilities and 410 new employees. The Project applicant has entered into a Local Hire Agreement with the Coalition for Responsible Community Development ("CRCD") and the Los Angeles Job Corps, according to which the applicant will make an assertive effort to hire local residents for at least 50 percent of new employment positions and/or employment positions for which local residents are qualified that become vacant during the term of the agreement. Priority will be given to local residents in the following order: (i) those living within one mile of the Project site, (ii) those living more than one mile but within three miles of the Project site, and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates. The applicant will also pay a one time fee of \$250,000 to CRCD and the Los Angeles Job Corps. A copy of the Local Hire Agreement is attached as Appendix O to the FEIR.
- The Project applicant's general contractor has entered into a Construction Local Hire Agreement with Playa Vista Job Opportunities and Business Services ("PVJOBS") for each of the four new buildings to be developed on the Project site, according to which an assertive effort will be made such that 20 percent of all hours worked in construction

will be performed by local residents. Priority will be given to local residents in the following order: (i) those living within one mile of the Project site, (ii) those living more than one mile but within three miles of the Project site, and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates. An assertive effort will also be made such that included within the 20 percent local hire goal, 10 percent of all hours worked in construction will be performed by at-risk individuals, who are described in the agreement as a local resident who lacks a high school diploma or GED, has a history of substance abuse, has a household income below 50 percent of median, is homeless, a welfare recipient, has a history of involvement with the justice system, is chronically unemployed, or a single parent. A copy of the Construction Local Hire Agreement for each of the four buildings to be constructed on the Project site is attached as Appendix O to the FEIR.

- Development of the Project will result in improved public infrastructure due to the dedication and widening of the public right-of-way along Alameda Street, 41st Street, and Long Beach Avenue as well as new curbs, gutters, sidewalks, street trees, street lights, and upgraded traffic control devices. Condition of Approval No. 14 for Case No. 2012-919-PMLA requires the dedication and improvement of Martin Luther King Jr. Boulevard, Alameda Street, and 41st Street, and the improvement of Long Beach Avenue adjoining the Project site with new paving, curbs, gutters, sidewalks, including the removal and reconstruction of existing improvements such as street trees, street lights, and traffic control devices, prior to recordation of the final parcel map for the Project.
- The development of the Project as proposed will directly result in increased revenues to the City of Los Angeles through increased property taxes based on an increase of approximately \$30 million in assessed value upon completion of construction based on approximate construction costs of between \$60.00 and \$65.00 per square foot of floor area, and will indirectly result in increased revenues through increased sales and other use taxes from higher rates of employment in the surrounding community. According to the 2016 Marshall Valuation Service Manual, which represents an industry standard for the estimation of construction costs, the cost per square foot of Class A Light Manufacturing buildings similar to those proposed to be constructed as part of the Project, is \$78.67. A copy of the relevant page of the Manual is enclosed. Moreover, the City of Los Angeles Department of Building and Safety has valued the construction of the Project at \$31,939,056 for purposes of establishing the building permit fee, which is \$66.52 per square foot based on 480,120 square feet of total floor area. Copies of the building permit applications are also enclosed. The increased value of the Project site upon completion of construction of the Project will therefore result in a higher assessed value for property tax purposes, which will contribute to higher City revenues. The amount of indirect revenue due to increased sales tax and other use taxes is less easily quantified but is also expected to contribute in some measure to City revenues.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

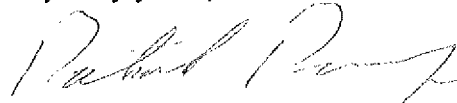
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10. Conclusion.

As set forth in detail above, the FEIR fully and adequately considers all potential impacts associated with the Project. Adequate mitigation measures have been imposed, and the Statement of Overriding Considerations adopted with respect to the lone impact that could not be fully mitigated to a less than significant level is fully supported by substantial evidence in the record. Appellant's unfounded assertions to the contrary are not supported by any evidence, substantial or otherwise, and should be completely disregarded. You are accordingly respectfully urged to deny the appeal and uphold the Project approvals.

Your careful attention to this issue is greatly appreciated. Please contact me with any questions or if I can provide additional information with respect to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Patrick A. Perry".

Patrick A. Perry

PAP
Enclosures