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January 26, 2017

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Planning and Land Use Management Committee
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Case Nos.: CPC-2015-2662-VZC-ZAD-CDO-SPR and CPC-2016-3257-DA

Council File Nos.: 16-1458, 16-1458-S1
Project Address: 11750-11770 Wilshire Boulevard

Planning staff respectfully requests your consideration of the following modifications to the Letters of Determination for Case Nos. CPC-2015-2662-VZC-ZAD-CDO-SPR and CPC-2016-3257-DA, dated December 1, 2016, to include the conclusions of a Health Risk Assessment that was conducted for information purposes only and to further clarify the traffic baseline, and which reflect the Planning Department's response to the appeal.

Please note that ~~strikeouts~~ represents language proposed for removal and that which is <u>underlined</u> is proposed to be added.

<u>CPC-2015-2662-VZC-ZAD-CDO-SPR and CPC-2016-3257-DA</u>

FINDINGS, 5. Findings of Fact (CEQA) of CPC-2015-2662-VZC-ZAD-CDO-SPR (Page F-41) and FINDINGS, 9. CEQA FINDINGS of CPC-2016-3257-DA (Page F-15)

Construction Toxic Air Contaminants (TACs): The greatest potential for TACs emissions during construction comes from diesel particulate matter emissions associated with heavy-duty equipment during demolition, excavation and grading activities. Potential TAC impacts during proposed construction activities were evaluated by identifying potential sources of TAC emissions. Page IV.B-35 of the Draft EIR identified the greatest potential for TAC emissions during construction are from diesel particulate (DPM) emissions associated with heavy equipment operations. DPM has no acute exposure factors and, therefore, the discussion appropriately focused on long-term exposure that could lead to carcinogenic risk. The SCAQMD Handbook does not recommend analysis of TACs from short-term construction activities. The rationale for not requiring a health risk assessment <u>(HRA)</u> for construction activities is the limited duration of exposure. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. Specifically, "Individual Cancer Risk" is the likelihood that a person continuously exposed to concentrations of TACs over a 70-

year lifetime will contract cancer based on the use of standard risk assessment methodology. Given the short term construction schedule of approximately 30 months, the project does not result in a long-term (i.e., 70-year) source of TAC emissions, as disclosed on page IV.B-35 of the Draft EIR. No residual emissions and corresponding individual cancer risk are anticipated after construction. Because there is such a short-term exposure period (30 out of 840 months of a 70-year lifetime), TAC emissions result in a less-than-significant impact.

Nonetheless, for informational purposes, a HRA was conducted for short-term DPM emission exposure from the 30 months of anticipated construction. The HRA demonstrates that health risks from the project are a maximum of 6.2 in a million for adjacent residences south of the project site, which is below the applicable significance threshold of 10 in a million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors where air quality tends to be better. Thus, this analysis is overstated. DPM construction emissions result in a less than significant impact.

Furthermore, although the Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual) in March of 2015, it is not appropriate to use the Guidance Manual to assess the project's short-term construction impacts. The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics "Hot Spots" Program (Health and Safety Code Section 44360 et. seq.) and is intended to apply to certain stationary sources, such as power plants or industrial uses that emit toxic air contaminants. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment). Moreover, SCAQMD has not developed any recommendations on its use for CEQA analyses for potential construction impacts. Therefore, the DEIR properly relied on the L.A. CEQA Thresholds Guide for determining the project's potential impacts related to TAC emissions during construction.

FINDINGS, 5. Findings of Fact (CEQA) of CPC-2015-2662-VZC-ZAD-CDO-SPR (Page F-74); and FINDINGS, 9. CEQA FINDINGS of CPC-2016-3257-DA (Page F-46 and F-47)

2. Operation: Traffic volume projections were developed to analyze the existing traffic conditions after completion of the project. Potential operational impacts were analyzed in the Draft EIR through the study of six intersections, in two traffic horizon years (Existing Year 2014 and Future Year 2017) using the City Department of Transportation (LADOT), guidelines and methodologies and the Highway Capacity Manual (HCM) Methodology for both signalized and unsignalized intersections.

Based on LADOT's Traffic Study Policies and Procedures, when estimating the project's net new trips, trip credits for an existing use is appropriate, if the existing use was active for at least six months during the past two years. Pursuant to the WLA TIMP, LADOT shall grant a credit for each trip generated by the existing use, if the existing use has been in place and operating for at least one year continuously during the four years immediately preceding the application for the project. The existing supermarket was in operation for at least six months during the past two years, and for at least one year continuously during the past four years immediately preceding the application for the project. The period for determining trip credits is measured from LADOT's approval of a memorandum of understanding (MOU) for the traffic study. LADOT has the sole authority to determine whether or not to grant trip credits. LADOT's approval of the MOU for the project traffic study (Appendix A to the Traffic Impact Assessment [Draft EIR Appendix J.1]) and the Traffic Impact Assessment (Approval letter [Draft EIR Appendix J.2]), represent LADOT's approval of the existing use credits for the supermarket. ~~As such, the~~ The trip generation

forecast shown in Table IV.J-4 of the Draft EIR reflects the project and the removal of the existing supermarket building. As shown in Table IV.J-4, the project is estimated to generate a net reduction of 400 daily trips, including a net increase of 77 trips during the A.M. peak hour (net reduction of 22 inbound trips and 99 outbound trips) and a net reduction of 86 trips during the P.M. peak hour (net reduction of 22 inbound trips and a net reduction of 64 outbound trips). For informational purposes, the Draft EIR contains a traffic impact analysis assuming no existing supermarket trip credits (the No Supermarket Scenario, Draft EIR section VI).

FINDINGS, 5. Findings of Fact (CEQA) of CPC-2015-2662-VZC-ZAD-CDO-SPR (Page F-104) and FINDINGS, 9. CEQA FINDINGS of CPC-2016-3257-DA (Page F-74 and F-75)

c. None of the information submitted after publication of the Final EIR, including testimony and documents submitted at the public hearings on the project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.

FINDINGS, 5. Findings of Fact (CEQA) of CPC-2015-2662-VZC-ZAD-CDO-SPR (Page F-106) and FINDINGS, 9. CEQA FINDINGS of CPC-2016-3257-DA (Page F-76)

Finding: For the reasons set forth above, the EIR appropriately took trip and other credits for the historic supermarket use in determining the project's potential impacts, including traffic impacts. For informational purposes, the EIR included a hypothetical No Supermarket Scenario that did not take trip or other credits for the historic use of the supermarket. Under this scenario, there would be unavoidable significant traffic impacts at Intersection 4 (Barrington Avenue and Wilshire Boulevard) and at two street segments (Stoner Avenue north of Texas Avenue and Granville Avenue north of Texas Avenue). As discussed in the EIR, these are not significant impacts under CEQA. For all the foregoing reasons, the City Council finds that the benefits of the project, as approved, outweigh and override the significant and unavoidable impacts identified above.

Sincerely,

Alejandro A. Huerta
Planning Assistant
Major Projects, Department of City Planning