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June 5, 2018

BY EMAIL AND HAND DELIVERY

The Honorable Planning and Land Use Management
Committee of the City Council
Room 395, City Hall
200 N. Spring Street
Los Angeles, California 90012

Attn: Zina Cheng (zina.cheng@lacity.org)

Re: 2136-2148 E. Violet Street (CPC-2016-1706-VZC-HD-SPR; CF # 17-0025)

Dear Committee Members:

As you know, we represent Violet Street Investors, the applicant in the above matter. Our client is seeking to develop a former metal recycling facility and scrapyard with a 9-story, 96,936 square-foot office building with ground-floor retail (the "Project"). As part of the Project, our client will clean up any residual contamination on the Project site under the oversite of the California Department of Toxic Substances Control.

In a determination letter dated January 12, 2017, the City Planning Commission ("CPC") adopted Mitigated Negative Declaration ENV 2016-1707-MND ("MND"), approved Site Plan Review, and recommended that the City Council adopt a Zone and Height District Change from M3-1-RIO to (T)(Q)M3-2D-RIO. Subsequent the CPC's action, and after all statutes of limitation for a legal challenge to the MND had run, UNITE HERE and others submitted written comments on the MND.

Although these comments are untimely, Parker Environmental Consultants and The Mobility Group have prepared point-by-point expert responses. These responses (copy attached) show that the comments are entirely without merit. Therefore, we respectfully request that you follow the CPC's recommendation and approve the requested Zone and Height District Change for the Project.

Thank you for your consideration.

Very truly yours,

Dale J. Goldsmith

cc: Councilmember Jose Huizar's Office
JoJo Pewsawang
Violet Street Investors

June 4, 2018

Mr. JoJo Pewsawang
City of Los Angeles
Department of City Planning
Expedited Processing Section
200 North Spring Street, Room 763
Los Angeles, CA 90012

Re: RESPONSE TO COMMENT LETTER ON THE 2130 VIOLET STREET PROJECT [ENV-2016-1707-MND and CPC-2016-1706-VZC-HD-SPR]

Dear Mr. Pewsawang,

As you are aware, Parker Environmental Consultants, on behalf of the Project Applicant (Violet Street Investor, LLC), prepared the Initial Study/Mitigated Negative Declaration (IS/MND) for the 2130 Violet Street Project. The IS/MND was published on September 29, 2016 and the comment period ended on October 31, 2016. On December 14, 2016, the City Planning Commission issued a Letter of Determination for the Proposed Project, where it adopted the MND and Mitigation Monitoring Program (MMP), recommended that the City Council adopt a zone change and height district change from M3-1-RIO to (T)(Q)M3, approved the Site Plan Review with conditions of approval, and adopted a statement of findings ("Approved Project"). The responses provided herein address four comment letters that were submitted in response to the project from the following entities:

1) Gideon Kracov, Attorney at Law, representing Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza (dated March 7, 2017)(with Attachment 1A by MRO Engineers, dated February 24, 2017);
2) Gideon Kracov, Attorney at Law, representing Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza (dated February 28, 2017);
3) David Pettit, Senior Attorney, Natural Resources Defense Council (NRDC) (dated April 13, 2017); and
4) Deana Meyer, Executive Director, on behalf of Prairie Protection Colorado (dated April 4, 2017).

All four of these comment letters were submitted after the close of the public review period for the MND, after the expiration of the appeal period for the Approved Project, and after the close of the 30-day statute of limitations period from the filing and posting of the Notice of Determination to challenge the adoption of the MND (the NOD was posted on January 19, 2017 and the statute of limitations period

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ended on February 21, 2017). Nevertheless, Parker Environmental has reviewed these letters and the attachments and has prepared the following responses for the lead agency's review and consideration.

As the attached responses demonstrate, the adopted IS/MND satisfies the requirements pursuant to the California Environmental Quality Act (CEQA) (P.R.C. 21000-21189.3), the State CEQA Guidelines (C.C.R. Title 14, Chapter 3, 15000-15387), and the City of Los Angeles' policies for implementing CEQA. The comments submitted on behalf of Unite HERE Local 11, the NRDC, and Prairie Protection Colorado do not present any new significant information or evidence of a significant environmental impact that would trigger recirculation of the adopted IS/MND or preparation of an a subsequent or supplemental EIR, and no additional environmental analysis is required.

Should you have any questions regarding any of the responses or issues addressed above, please contact me at (661) 257-2282 or by email at shane@parkerenvironmental.com.

Sincerely,

Shane E. Parker

Attachments: *A. Appeal Letters (bracketed)*
B. The Mobility Group, Response to correspondence from Gideon Kracov regarding the Traffic Study for the 2130 Violet Project, and the review letter submitted by Neal Liddicoat, April 18, 2017.
C. LADOT Correspondence to the Department of City Planning, April 26 2017.
D. Department of Toxic Substances Control (DTSC), Voluntary Cleanup Agreement, Docket No. HAS VCA 17/18-038, November 2017;
Ensafe, Technical Memorandum Work Plan- Revised Preliminary Endangerment Assessment Equivalent — Additional Site Characterization, 2130 Violet Street, Los Angeles, California 90021, April 5, 2018; and
DTSC Approval of Revised Preliminary Endangerment Assessment (PEAE), April 20, 2018.

COMMENT LETTER No. 1

Gideon Kracov, Attorney at Law (referred to in Response to Comment sections as "Commenter")
Representing Unite HERE Local 11 and downtown Los Angeles, Antonio Mendoza
801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
March 7, 2017

(The text emphases, e.g. bold, italicize, and underline, shown in each comment below was reproduced from the appeal letter.)

COMMENT 1.1

Dear Mr. Pewsawang and Ms. Dickinson:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza ("*Commentors*") with regard to the referenced City of Los Angeles ("City") land use approvals for the Violent Street Project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND) ("*Project*"), proposed by Lowe Enterprises/Violet Street Investor ("*Lowe*" or *Applicant*"). Our understanding is that the Project will be heard by the City Council's Planning and Land Use Management ("*PLUM*") Committee in the upcoming weeks. This letter supplements the February 28, 2017 letter we wrote you about the Project.

As set forth below, Commentors write to express concerns about the Project's inadequate Mitigated Negative Declaration/Initial Study ("*IS/MND*") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("*GHG*") impacts. In particular, Commentors' expert analysis submitted herewith discloses, as a matter of law, potentially significant traffic, hazardous substances and GHG impacts.

RESPONSE TO COMMENT 1.1

Comment 1.1 provides an introduction to and a brief summary of the discussion within the Appeal Letter (refer to Comments 1.2 through 1.21). The Commenter clarifies that he is representing Unite HERE Local 11 and a downtown Los Angeles resident, Antonio Mendoza. It should be noted that the Commenter incorrectly cites the Proposed Project's ENV number, which is actually ENV-2016-1707-MND. This comment is noted for the record.

COMMENT 1.2

A IS/MND [sic] has been prepared for this new, 9-story high rise Project, not a more comprehensive Environmental Impact Report ("*EIR*"), pursuant to the California Environmental Quality Act ("*CEQA*") law. This means that the less deferential "fair argument" standard applies. The "fair argument" is a "low threshold" favoring environmental review through an EIR rather than a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cal.App.4th 322; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903. An agency's decision not to require an EIR is upheld only when there is no credible evidence to the contrary. *Sierra Club v. Sonoma* (1992) 6 Cal.App.4th, 1307, 1318.

RESPONSE TO COMMENT 1.2

The Commenter is incorrect in asserting that the "fair argument" standard of review applies to the lead agency's review of this comment letter. As stated above, the IS/MND was published on September 29, 2016 and the comment period ended on October 31, 2016. A Letter of Decision adopting Mitigated Negative Declaration ENV-2016-1707-MND (MND) and MMP, and approving the Site Plan Review was issued on December 14, 2016. The Letter of Decision also recommended that the City Council approve the zone change and height district change. The Notice of Determination ("NOD") for the adoption of the MND and Site Plan Review approval was posted on January 19, 2017. The 30-day statute of limitations for a CEQA challenge ran on February 21, 2017. This comment letter was submitted on March 7, 2017, over two months after the appeal period ended and 16 days after the statute of limitations ran.

The only remaining approval is the zone change and height district change. The City Council will consider this approval together with the previously adopted MND.

CEQA Guidelines Sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or negative declaration was previously certified or adopted. Under case law, the fair argument standard does not apply to determinations of significance pursuant to Sections 15162, 15163, and 15164. Rather, the substantial evidence standard applies to the City Council's determination as to the whether the adopted MND is the adequate CEQA document for the Project.

COMMENT 1.3

This Project is discretionary, not by right. Applicant seeks discretionary approvals under the City's Municipal Code including a Vesting Zone Change, Height District Change to 3.5:1 Floor Area Ratio ("*FAR*") instead of the permitted 1.5:1 FAR, and Site Plan Review. As such, PLUM and the City Council must make express findings under the Municipal Code, Central City North Community Plan ("*Community*

Plan") and Central Industrial Project Area Redevelopment Plan ("*Redevelopment Plan*"). Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework, the Community Plan and the Redevelopment Plan, which collectively seek to preserve industrial land. Commentors ask the Council that if we are taking away rare M-3 zoned industrial land, perhaps our City would be better served with residential use, where Local 11's members could afford to live, instead of fancy commercial office and retail?

The City Council and PLUM have clear legal authority to disprove the Project if the required land use findings cannot be made. Kavanau v. Santa Monica Rent Control (1997) 16 Cal.4th 761. Commentors have serious concerns, as explained herein, that this Project's IS/MND is flawed and that the Project cannot satisfy the City's required land use findings and General and Community Plan, as well as Redevelopment Plan, goals and policies.

RESPONSE TO COMMENT 1.3

The Commenter is incorrect in stating that the proposed Project is seeking a zone change and height district change permit an FAR of 3.5:1. As discussed in the adopted IS/MND for the Proposed Project and within the Letter of Determination, the Proposed Project is requesting a zone change / height district change to allow an FAR of 3.0:1, not 3.5:1. As discussed on page III-57 of the IS/MND, the Redevelopment Plan permits for a maximum FAR of three times the parcel area pursuant to Section §512.1. The Community Plan expressly permits development up to 3.0 FAR. Pursuant to Central City North footnote No. 6, properties designated on zoning maps as Height District No. 1 (such as the Project Site), development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure. As such, the Proposed Project is consistent with the Redevelopment Plan and the Central City North Community Plan, provided that the requested zone change / height district change is approved.

Additionally, the Commenter is expressing concern that the Proposed Project "seeks to re-zone the City's precious M3-zoned industrial land." However, it should be noted that the Project Site is currently zoned M3-1-RIO and includes a zone change / height district change to (T)(Q)M3-2D-RIO, which maintains the heavy industrial designation on the Project Site. Pursuant to LAMC Section 12.20, the M3 zone allows for offices uses. However, neither the M3 zone nor the Heavy Industrial land use designation under the Community Plan allows for residential uses (as suggested by the Commenter).

With regards to the last paragraph within this comment, the Proposed Project's land use discussion is provided on page III-55 of the IS/MND. Discussion of the Proposed Project's consistency with the General Plan, Community Plan, and Redevelopment Plan is provided on pages III-58, III-58, and III-68, respectively. This point is further addressed below.

COMMENT 1.4

Commentors prepared these comments with expert traffic engineer Neal Liddecoat, P.E. and environmental scientist Matt Hagemann, P.G., C.Hg., QSD, QSP. Their comment letters dated February 23, 2017 and February 24, 2017, respectively, are attached hereto as Attachments 1 and 2 and are incorporated herein in their entirety. In CEQA cases, "[s]ubstantial evidence includes ... expert opinion." Pub. Res. Code § 21080(e)(1); 14 Cal. Code Regs. § 15064(f)(5).

RESPONSE TO COMMENT 1.4

This comment incorporates two attachments as supporting materials to their comment letter. As the findings and information presented in the two attachments are addressed in the main comment letter, our responses address the issues presented in the main letter below. Copies of the supporting attachments are provided as an attachment to the bracketed comment letter for your reference.

COMMENT 1.5

Project Background

The Project consists of the construction of a nine-story (107'-6"), 96,936 sq.ft. mixed-use development including ground-floor retail (6,6163 [sic] sq.ft.), five-story above grade parking, and office space (90,673 sq.ft.), resulting in 3:1 FAR. The Project site consists of four parcels totaling 32,313 sq.ft., zoned M-3 for heavy manufacturing, with an existing 6,614 sq.ft, industrial warehouse and metal scrap yard. Approximately 200 parking spaces will be provided in the five- level, above-grade parking facility. One vehicular access driveway will be provided on Violet Street and two access points will be located on the alley along the south side of the building.

In addition to adoption of the Project's environmental analysis, Applicant has requested a zone change / height district change from M3-1-RIO to (T)(Q)M3-2D-RIO, and to 3.5:1 FAR instead of the permitted 1.5:1 FAR, as well as Site Plan Review because the Project results in 50,000 gross sq.ft, or more of nonresidential floor area. The site is in the Central City North Community Plan and Central Industrial Redevelopment Plan Area.

RESPONSE TO COMMENT 1.5

Within the comment, the Commenter aims to summarize the Proposed Project; however, the Commenter incorrectly summarizes the details of the Proposed Project. The Proposed Project includes a 96,936 square foot mixed-use building with 6,163 square feet of ground-floor commercial space and 90,773 square feet of office space. The Proposed Project would provide 200 parking spaces if tandem parking is not being utilized (and 274 parking spaces if tandem parking is fully utilized) within levels one through five. The

Project Site is currently zoned M3-1-RIO. As stated in the Proposed Project's Letter of Determination (dated December 14, 2016), the Proposed Project is requesting a zone change / height district change from the existing M3-1-RIO to (T)(Q)M3-2D-RIO, which would allow a maximum FAR of 3:1 - not 3.5:1 as stated within this comment. (See also Response to Comment 1.3, above).

COMMENT 1.6

Standing of Commentors

Local 11 represents more than 20,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California. Members of Local 11, including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions.

Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198. So too, individuals such as downtown Los Angeles resident Mr. Mendoza have standing under CEQA. *Id.* at 1199 ("[o]ne of BCLC's members is a homeowner residing near Gosford and he spoke in opposition to the projects … This is sufficient to satisfy CEQA's liberal standing requirement).

This comment letter is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Project, and incorporates all written and oral comments submitted on the Project by any commenting party or agency. It is well-established that any party, as Commentors (sic) here, who participates in the administrative process can assert all factual and legal issues raised by anyone. *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

RESPONSE TO COMMENT 1.6

In this comment, the Commenter provides a discussion about his clients to establish a legal standing for the appeal. This comment is noted for the record. It should be noted, however, that neither Local 11, nor Mr. Mendoza submitted comment letters during the MND public review period. Thus, the lead agency had no opportunity to address these concerns before the MND was adopted.

COMMENT 1.7

The Council Should Reject the Project IS/MND and Require an EIR

Commentors (sic) respectfully reiterate that the less deferential "fair argument" standard applies to the IS/MND for the Project. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial

evidence supports the opposite conclusion. *Mejia*, 130 Cal.App.4th at 322. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club*, 6 Cal.App.4th, 1307 at 1318

Here, Commentors (sic) respectfully insist that the City find that there is a "fair argument," based on expert opinion, of significant traffic, GHG, land use and hazardous substances impacts, and that the IS/MND therefore is insufficient. "Substantial evidence includes ... expert opinion." Pub. Res. Code § 21080(e)(1); 14 Cal. Code Regs. § 15064(f)(5).

RESPONSE TO COMMENT 1.7

The commenter incorrectly asserts that the fair argument standard applies to the lead agency's decision to prepare an MND instead of an EIR. As stated in Response to Comment 1.2, above, the fair argument standard does not apply to determinations of significance pursuant to sections 15162, 15163, and 15164. The provisions of sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, ***or further approval for***, a project for which an EIR or negative declaration was previously certified or adopted. As noted above, the MND was previously adopted and the statute of limitations period to challenge the adopted MND expired on February 21, 2017. Thus, the fair argument standard does not apply.

COMMENT 1.8

Traffic and Transportation Impacts

CEQA requires analysis of traffic impacts related to a project. *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727. Expert traffic engineer Neal Liddecoat P.E.'s February 23, 2017 comment letter on the IS/MND reveals significant deficiencies and a "fair argument" of significant traffic impacts that must be addressed prior to approval of the Project and its related environmental documentation. Expert Liddecoat concludes in his letter, in Attachment 1 hereto, all incorporated by this reference, that there are significant, undisclosed traffic impacts in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street:

"[O]ur detailed review revealed apparent discrepancies with regard to assignment of the project traffic to the study intersections. These discrepancies are particularly noteworthy in the PM peak hour. In particular, as demonstrated below, there is a critical deficiency in the analysis, as there is likely a significant impact in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street that is not revealed in the IS/MND …

Clearly, there are significant differences between the volume of traffic supposedly assigned in each direction versus the actual volume of project-generated traffic assigned to each direction. For example, to the west of the project site, 43 outbound project-related trips should occur, based on application of the 35

percent trip distribution to the 122 outbound trips. Instead, only 36 such trips were actually assigned in the traffic analysis to travel to the west from the project site. Similarly, in the inbound direction, only twelve trips were assigned in the traffic analysis from the west, instead of the 13 suggested through direct application of the 35 percent trip distribution percentage. So, the traffic analysis undercounts the total volume of project-related traffic generated by the project in the PM peak hour. To the north and to the south, similar deficiencies were found …

As noted above, the volume of project-generated traffic actually assigned to the west from the project site is 36 trips, instead of the 43 trips expected through application of the 35 percent trip distribution factor to the 122 outbound trips. Twelve of those 36 trips are shown as northbound left turns at Santa Fe Avenue/Seventh Street. In order to partially rectify the apparent shortage of westbound project traffic, it would be perfectly reasonable to add one of the four missing project trips to the northbound left turn. Table 2 illustrates the effect on the intersection's V/C ratio of doing so.

Table 2
Level of Service Worksheet Summary

Critical Movement	Analysis Scenario				
	Future Without Project [1]	Future With Project [1]		Modified Future With Project [2]	
	Lane Volume	Project Traffic	Lane Volume	Project Traffic	Lane Volume
Northbound Left turn	199	12	211	13	212
Southbound Through	447	4	451	4	451
Eastbound Through	479	0	481	0	481
Westbound Left Turn	248	10	258	10	258
TOTAL	1,373	26	1,401	27	1,402
V/C Ratio [3]	0.964		0.983		0.984
Adjust V/C Ratio [4]	0.864		0.883		0.884
Level of Service	D		D		D
Project V/C Increment	--		0.019		0.020
Significant Impact?	--		No		Yes [5]

Notes:
1 Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p.34).
2 Modified to add one northbound left turn
3 Volume/capacity ratio based on a capacity value of 1.425 vehicles / hour.
4 Reduced by 0.100 to reflect ATSAC/ATCS at intersection.
5 Project-related increase in V/C of 0.020 or greatet [sic] at LOS D, according to LADOT significance criteria (Source: LADOT, *Traffic Study Policies and Procedures*, August 2014).

In short, the addition of one northbound left turn increases the project-related V/C increment from 0.019 to 0.020, which constitutes a significant impact. The same would be true if that one additional trip were added to any of the critical movements, including the southbound through movement, the eastbound through movement, or the westbound left turn.

The project traffic assignment derived for the 2130 Violet Street IS/MND traffic analysis has substantial flaws. The total number of project-generated trips actually assigned to the study intersections is somewhat less than the number of trips estimated to be generated by the project. As demonstrated above, this is a critical deficiency in the analysis, as the addition of one project-generated PM peak-hour trip to certain key movements at the intersection of Santa Fe Avenue/Seventh Street would result in a significant impact not revealed in the IS/MND.

We believe that development of a corrected project traffic assignment will result in a significant impact, as documented above. Consequently, the traffic analysis must be corrected and appropriate mitigation must be identified to remedy the project-related deficiency. A revised environmental document must then be circulated for further public review." *See* Liddecoat comment letter, Attachment 1 hereto.

RESPONSE TO COMMENT 1.8

The Traffic Impact Study presented in the IS/MND was prepared by The Mobility Group, a professional traffic engineering firm, and was independently reviewed and approved by the City of Los Angeles Department of Transportation (LADOT). The Traffic Impact Study, dated March 2, 2016 and the LADOT correspondence of approval dated April 14, 2016 are presented in Appendix F, Traffic Study, of the IS/MND. The Mobility Group's detailed response to the issues addressed in response to Comment 1.8 are provided as an attachment to this letter. LADOT has reviewed the Mobility Group's response letter and, in a letter dated April 26, 2017 (copy attached), stated that they concurred with the response letter. As noted in The Mobility Group's April 18, 2017 correspondence, the commenter has applied an incorrect understanding and a misinterpretation of the trip distribution information provided in the Traffic Study. The trip distribution percentages in the Traffic Study for north, south, east and west, are for the cardinal directions in the broader geographic area surrounding the project. They do not apply to the immediate vicinity of the Project, and cannot be used as such. Traffic in the immediate vicinity of the Project may use a route in a different direction to reach an ultimate route for the broader cardinal destination. This is particularly the case with this Project due to its geographic location and proximity to freeway ramps for the I-10 and US-10 and I-5 freeways which are located south and east of the Project site and which all provide routes to the east, south, north, and west.

The commenter's trip distribution comparison is therefore not accurate or valid, and the resulting estimates of trips assignments by the commenter are not meaningful. See also Responses to Comment 1A, below.

COMMENT 1.9

GHG Significance Determinations Area Flawed

The CEQA Guidelines and recent decisions by the California Supreme Court, including *Center for Biological Diversity v. Cal, Dept, of Fish and Wildlife* (2015) 62 Cal. 4th 204 (commonly referred to as "*Newhall Ranch*"), confirm the importance of undertaking robust GHG analysis for any and all projects. The IS/MND here fails to do this in a way that is supported by "substantial evidence." As explained by expert Hagemann's February 24, 2017 letter attached hereto as Exhibit 2, the GHG analysis fails to evaluate all GHG sources, contains flawed significance and cumulative GHG impacts analysis, and also fails to incorporate all feasible GHG mitigation:

RESPONSE TO COMMENT 1.9

This paragraph provides an introduction to the Commenter's points within Comment 1.10 through Comment 1.13. Refer to Comment 1.10 through 1.13 for a specific response to the assertion that the MND fails to evaluate all sources of GHG emissions, is flawed with respect to addressing cumulative impacts, and fails to incorporate feasible GHG mitigation measures.

COMMENT 1.10

Failure to Evaluate All Sources of Greenhouse Gas Emissions:

"The IS/MND concludes that the proposed Project's greenhouse gas (GHG) impact would be less than significant (p. III-34). However, our analysis, as described below, demonstrates that when the Project's total GHG emissions are compared to thresholds, the Project would have a potentially significant GHG impact. As a result, we find the IS/MND's GHG analysis to be flawed and should not be relied upon to determine Project significance.

The IS/MND relies upon a project-level efficiency threshold to determine Project significance. Specifically, the IS/MND relies upon the South Coast Air Quality Management District's (SCAQMD) draft tiered GHG significance threshold of 3,000 metric tons of CO_2e per year (MT CO_2e/yr) to determine the significance of the Project's GHG emissions (p. III-32). Using the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod")[1] to estimate emissions generated during Project construction and operation, the IS/MND determines that the "proposed Project would result in a net increase of 2,177.93 MT CO_2e/yr as compared to existing conditions" (p. III-34). Thus, the analysis concludes, because "the Project's

[1] *CalEEMod website, available at: http://www.caleemod.com/*

net GHG emissions would be less than the SCAQMD's draft threshold for commercial/residential projects", the Project's emissions are less than significant (Table III-8 *Notes*, p. III-35).

However, relying on the proposed Project's *net* GHG emissions, rather than the Project's *total* GHG emissions, is incorrect and inconsistent with recent guidance set forth by the Office of Planning and Research (OPR). In the Final Statement of Reasons for the GHG-specific Guidelines,[2] OPR concluded that lead agencies cannot simply consider whether a project increases or decreases GHG emissions at the project site, but must consider the effect that the project will have on the larger environment. Accordingly, if a lead agency wants to use a *net* approach by subtracting existing on-site emissions from the project emissions, it must support that decision with substantial evidence showing that those existing emissions sources will be extinguished and not simply displaced.[3]

Review of the Project's GHG analysis, however, demonstrates that all existing GHG emissions sources on the Project site from the industrial warehouse and scrap metal yard were subtracted from the Project's estimated total GHG emissions,[4] without substantial evidence showing that all of these existing GHG emissions sources on the Project site would be extinguished by the proposed Project, and not simply move elsewhere leading to increased *total* cumulative GHG emissions over the applicable GHG thresholds. As a result, the Project's GHG impact is underestimated and inadequately addressed.

The GHG emissions generated by the Project site's existing land uses should have been considered when assessing the Project's GHG impact, since the IS/MND fails to provide substantial evidence showing that the existing GHG sources will be extinguished as a result of the proposed Project, and not simply displaced. Table III-8 of the IS/MND estimates the Project's GHG emissions as a result of construction and operation (p. III-35). As you can see in the table below, the Project's total GHG emissions (construction and operation) are approximately 3,072.58 MT CO_2e/yr, which is above the significance threshold of 3,000 MT CO_2e/yr set forth by the SCAQMD (see table below) (p. III-35).

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2 *Final Statement of Reasons, pp. 83-84, available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf*

3 *See CEQA Guidelines, § 15064.4, subd. (a) ("The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.")*

4 *The IS/MND indicates the existing warehouse and metal scrap yard are currently in operation. The IS/MND's GHG analysis quantifies the Project site's existing GHG emissions using CalEEMod and determines that the existing operations generate approximately 380.70 CO2e MTY (p. III-33). Additionally, Table III-20 of the IS/MND demonstrates that a total of 53 people are currently employed at the Project site as a result of the "existing on-site operations" (p. III-97).*

Annual Greenhouse Gas Emissions	
Emission Source	**Proposed Project (MT CO_2e/year)**
Mobile (Motor Vehicles)	1,382.40
Energy – Electricity	1,308.85
Energy – Natural Gas	105.52
Area	<0.01
Water	219.61
Waste	43.10
Construction Emissions (Amortized)	13.10
Project Total	**3,072.58**
Significance Threshold	**3,000**
Exceed?	***Yes***

As you can see in the table above, when we compare the Project's unmitigated emissions of 3,072.58 MT CO_2e/yr, which is provided in Table III-8 of the IS/MND, to the SCAQMD recommended threshold of 3,000 MT CO_2e/yr, we find that the Project's emissions would exceed this threshold, contrary to what is stated in the IS/MND. Our analysis and the OPR GHG-specific Guidelines demonstrate that it is inadequate to simply evaluate only new *net* sources of GHG emissions from the proposed Project and omit an analysis of all existing sources of GHG emissions from the Project site unless substantial evidence shows that those existing emissions sources will be extinguished and not simply displaced elsewhere. Until an updated GHG analysis is prepared in a Project-specific EIR that adequately evaluates the Project's total GHG emissions from all sources, the IS/MND should not be relied upon to determine Project significance." *See* Hagemann letter Attachment 2 hereto.

RESPONSE TO COMMENT 1.10

The Commenter incorrectly states that the IS/MND relies upon the SCAQMD's draft tiered GHG significance threshold of 3,000 metric tons of CO2e per year (MT CO2e/yr). While the IS/MND provided information on the SCAQMD's draft, unadopted screening threshold, the information presented in the adopted IS/MND was for informational purposes and clarified that the SCAQMD has yet to formally adopt a GHG significance threshold for residential and commercial land use development projects. (see IS/MND at page III-32). As stated on page III-33, the MND's impact determination was based on the following: (1) the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting; (2) whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; (3) the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of

greenhouse gas emissions. While footnote "b" in Table III-8 noted that the Project's GHG emissions would be less than the SCAQMD's draft thresholds of 3,000 MT CO2e/yr., this was provided for informational purposes and was not the basis for the MND's less than significant impact determination. The footnote further clarified that "[a]lthough SCAQMD has not formally adopted this threshold, it provides further evidence that the Project's impacts with regard to GHG emissions would be less than significant."

With respect to the commenter's assertion that the Project's GHG emissions should be calculated in addition to the existing industrial warehouse and scrap metal yard, this suggested methodology is not consistent with CEQA, which requires that a project's impacts be assessed in comparison to the environmental baseline. The existing industrial warehouse and scrap metal yard is part of the environmental baseline and will be demolished in order for the project to be developed. Therefore, the MND appropriately took credit for the reduction of GHG emissions resulting from the demolition of these existing structures.

Notwithstanding the above explanation of the appropriate methodology for netting out the operational emissions of the existing industrial warehouse and scrap metal yard that will be demolished as part of the Proposed Project, the Commenter is incorrect in stating that the Proposed Project's emissions in combination with the existing emissions would exceed the SCAQMD's draft thresholds of significance of 3,000 MT CO_2e/yr. In trying to make its case, the Commenter incorrectly calculated the emissions of the existing uses with the emissions from the base project without GHG reduction measures. This specific scenario was provided for purposes of quantifying the effectiveness of the applicable laws and regulations promulgated in response to AB 32 and in support of the State's goal to reduce statewide emissions to below 1990 levels by 2020. This scenario does not represent the Proposed Project's emissions. Adding the 380.70 MT CO_2e/yr. from the existing uses to the Proposed Project's gross emissions of 2,558.63 MT CO_2e/yr., results in total GHG emissions of 2,939.33 MT CO_2e/yr., which is still be below the draft unadopted SCAQMD screening-level threshold of 3,000 MT CO_2e/yr. As such, the Commenter's claims that the Project's GHG emissions are significant is incorrect and is not supported by substantial evidence. Pursuant to CEQA Guidelines Section 15064(f)5, argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.

COMMENT 1.11

Fails to Acknowledge Significant Project GHG Impacts:

"According to the SCAQMD, if the Project's emissions exceed the 3,000 MT CO_2e/yr screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.[5] SCAQMD proposed per

[5] *SCAQMD, CEQA Significance Thresholds, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2*

capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 $MTCO_2e$ per year per service population (MT CO_2e/sp/yr) for project-level analyses and 6.6 MT CO_2e/sp/yr for plan level projects (e.g., program-level projects such as general plans). Those per capita efficiency targets are based on the AB 32 GHG reduction target and the 2020 GHG emissions inventory prepared for ARB's 2008 Scoping Plan. SCAQMD also created a 2035 efficiency thresholds by reducing the 2020 thresholds by 40 percent, resulting in an efficiency threshold for plans of 4.1 MT CO_2e/sp/yr and an efficiency threshold at the project level of 3.0 MT CO_2e/sp/yr.[6] Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO_2e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, as the Project is not anticipated to be redeveloped prior to 2035.

According to the California Air Pollution Control Officers Association's (CAPCOA) CEQA & Climate Change report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project".[7] Therefore, consistent with the IS/MND, we estimated a service population of approximately 414 jobs or employees (Table III-20, p. III-97). Dividing the Project's GHG emissions by a service population value of 414 employees, we find that the Project would emit 7.4 $MTCO_2e$/sp/yr.

When we compare the Project's per capita GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, we find that the Project would result in a significant GHG impact (see table below).

Annual Greenhouse Gas Emissions		
Source	**Emissions**	**Unit**
Total Annual Emissions	3,073	$MTCO_2e$/year
Maximum Service Population	414	Employees
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2020 SCAQMD Project Level Efficiency Threshold	4.8	$MTCO_2e$/sp/year
Exceed?	***Yes***	**--**
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2035 SCAQMD Project Level Efficiency Threshold	3.0	$MTCO_2e$/sp/year
Exceed?	***Yes***	**--**

[6] *Working Group Meeting 15 Minutes, available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvsn=2*

[7] *"CEQA & Climate Change." & Climate Change." CAPCOA, January 2008, available at: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf, p.71-72.*

As you can see in the table above, the Project's total GHG per capita emissions of 7.4 MT CO_2e/sp/yr greatly exceed the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, thus resulting in a potentially significant impact. Based on the results of this analysis, a Project-specific EIR must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA Guidelines." *See* Hagemann letter Attachment 2 hereto.

RESPONSE TO COMMENT 1.11

As discussed in Response to Comment 1.10 and addressed in Section VII, Greenhouse Gas Emissions in the adopted IS/MND, the Proposed Project's GHG analysis was not based on SCAQMD's draft, unadopted screening-level threshold for residential or commercial land use development projects. As explained in the IS/MND, this proposed draft threshold was considered by the SCAQMD Board, but was never adopted. The thresholds of significance employed in the IS/MND were identified on page III-33. Despite the commenter's assertion that the draft thresholds of 3,000 MT CO_2e/yr., should be used, section 15064.4 of the State CEQA Guidelines provides that the lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The thresholds of significance, the study methodology, and evidence supporting the lead agency's determination that the GHG emissions are less than significant is provided on pages III-29 through III-39.

COMMENT 1.12

Inadequate Analysis of Cumulative GHG Impacts:

"The IS/MND concludes that the proposed Project would not make a cumulatively considerable contribution to GHG emissions, and therefore, the Project's cumulative GHG impact would be less than significant (p. III-39). The IS/MND attempts to justify this significance determination by stating that because "the Proposed Project's generation of GHG emissions would represent a 19% reduction in GHG emissions with GHG reduction measures in place as compared to the Project's emissions in the absence of all the GHG reducing measures and project design features," the Project would result in a less than significant cumulative impact (p. III-39). This conclusion, however, as well as the justification provided to support this conclusion, are inadequate, as they do not actually evaluate or quantify the Project's cumulative impacts. As a result, we find the IS/MND to be incorrect and require that an updated analysis be prepared in order to adequately evaluate the Project's GHG impact.

Simply because the IS/MND's Project-level analysis determines that implementation of project design features and GHG reduction measures would reduce the Project's GHG emissions by 19% does not mean that the Project will not have a cumulatively considerable contribution to GHG emissions.[8] According to

[8] *Gordon, Nicole Hoeksma and Al Herson. "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation." California Environmental Law Reporter, Volume 2011.9 (2011): 379-389. http://www.sohagi.com/publications/GordonHerson_DeystifyingCEQAsCumulativeImpactAnalysis.pdf*

the Office of Planning and Research Technical Advisory (OPR), "The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute to new GHG emissions, either individually or cumulatively, directly or indirectly".[9]

Therefore, regardless of how much the Project's GHG emissions are reduced by as a result of the GHG-reduction measures proposed in the IS/MND, the cumulative GHG impact from the 36 identified projects, in conjunction with the proposed Project, should have been evaluated in order to determine the cumulative GHG impact that operation of the Project may have on the surrounding environment.

As stated above, the IS/MND identified a total of 36 cumulative projects within the study area, which are listed in Table II-5 of the IS/MND (p. II-29, II-30). Of the 36 projects identified in the IS/MND, seven of them are within a half mile of the Project (see excerpt below, area within red circle represents a 0.5-mile radius from Project site). …

[S]even projects are within a half mile of the Project site, the emissions from these projects should have been properly evaluated, and by failing to do so, the IS/MND is incomplete and unreliable.

Our simple analysis demonstrates that the IS/MND fails to adequately evaluate this potentially significant cumulative impact prior to making a significance determination, and as a result, the Project's GHG impacts are not sufficiently addressed. A correct cumulative GHG assessment should be conducted in a Project-specific EIR to properly assess the potential cumulative impacts that the combination of all these projects poses to the surrounding communities." *See* Hagemann letter Attachment 2 hereto.

RESPONSE TO COMMENT 1.12

With respect to cumulative impacts, the IS/MND concluded that the Proposed Project would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including CARB's AB 32 Scoping Plan aimed at achieving 1990 GHG emission levels by 2020. Therefore, the Project's generation of GHG emissions would not make a project-specific or cumulatively considerable contribution to conflicting with an applicable plan, policy or regulation for the purposes of reducing the emissions of greenhouse gases and, the Proposed Project's impact would be less than significant. As GHG emissions potentially have global climate impacts, focusing the 36 nearby related projects would not provide meaningful information.

[9] *"Technical Advisory on CEQA and Climate Change." Office of Planning and Research Technical Advisory, June 2008, available at: https://www.opr.ca.gov/docs/june08-ceqa.pdf, p.6.*

Pursuant to CEQA Guidelines Section 15064(c)(3):

> *"A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding that the project complies with the specified plan or mitigation program addressing the cumulative problem, an EIR must be prepared for the project."*

Consistent with the guidance provided under 15064(c)(3), the GHG analysis presented in the adopted IS/MND demonstrated that the Proposed Project would be consistent with local and statewide goals and policies aimed at reducing the generation of GHGs, including SB 375, the 2016/2040 RTP/SCS, the LA Green Building Code, and the implementing measures of AB 32 that are applicable to development projects such as energy efficiency, green building strategies, recycling waste and water conservation. The efficacy of these regulations were demonstrated to result in an approximate 19% reduction in the Project's total GHG emissions. As such, the determination that the project's GHG emissions would be less than cumulatively considerable is supported by substantial evidence.

COMMENT 1.13

Inadequate GHG Mitigation:

Our analysis demonstrates that the Project's GHG emissions may present a potentially significant impact. In an effort to reduce the Project's emissions, we identified several additional mitigation measures that are applicable to the Project. Additional mitigation measures that could be implemented to reduce operational GHG emissions include, but are not limited to, the following: [10]

[10] *http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf*

- Use passive solar design, such as: [11] [12]
  - Oriented buildings and incorporate landscaping to maximize passive solar; heating during cool seasons, and minimizing solar heat gain during hot seasons; and
  - Enhance natural ventilation by taking advantage of prevailing winds.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a "green streets guide" that requires:
  - Use of minimal amounts of concrete and asphalt;
  - Installation of permeable pavement to allow for storm water infiltration; and
  - Use of groundcovers rather than pavement to reduce heat reflection.[13]
- Implement Project design features such as:
  - Shade HVAC equipment from direct sunlight;
  - Install high-albedo white thermoplastic polyolefin roof membrane;
  - Install high-efficiency HVAC with hot-gas reheat;
  - Install formaldehyde-free insulation; and
  - Use recycled-content gypsum board.
- Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
- Meet "reach" goals for building energy efficiency and renewable energy use.
- Require all buildings to become "LEED" certified.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g. in parking lots to reduce evaporative emissions from parked vehicles.
- Use CARB-certified or electric landscaping equipment in project and tenant operations; and introduce electric lawn, and garden equipment exchange program.
- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site…

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[11] *Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.*

[12] *Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.*

[13] *See Irvine Sustainable Travelways "Green Street" Guidelines; www.ci.irvine.ca.us/civica/filbank/blobdload.asp?BlobID=8934; and Cool Houston Plan; www.harc.edu/Projects/CoolHouston.*

Finally, additional feasible mitigation measures can be found on CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, which attempt to reduce GHG levels.[14]" *See* Hagemann letter Attachment 2 hereto.

RESPONSE TO COMMENT 1.13

As discussed in Response to Comment 1.10 through Comment 1.12 and analyzed in Section VII, Greenhouse Gas Emissions, of the adopted IS/MND, the Proposed Project would result in a less than significant impact to greenhouse gas emissions. As such, no mitigation measures are required.

The Proposed Project includes a variety of Project design features that would reduce its greenhouse gas emissions (such as being an infill development within a transit priority area, energy and water conservation efforts, solid waste reduction efforts, and EV Charging Stations). Further pursuant to the "Conditions of Approval" within the Letter of Determination, the Proposed Project would install solar panels on the Project's roof space that would be connected to the building's electrical system. The incorporation of solar panels would further reduce the Project's greenhouse gas generation. Moreover, as noted above and in the adopted IS/MND, the Proposed Project would be consistent with AB 32 and the State's goal for reducing greenhouse gas emissions to 1990 levels by 2020.

COMMENT 1.14

Land Use Inconsistency

A IS/MND must discuss any inconsistencies between the proposed Project and applicable General Plan. 14 Cal. Code Regs. § 15125(d). This inconsistency is particularly acute here when it comes to taking away land zoned for M-3 heavy manufacturing - a topic that the Project IS/MND fails to adequately address:

RESPONSE TO COMMENT 1.14

As discussed in Response to Comment 1.3, the Project Site is currently zoned M3-1-RIO. As part of the Proposed Project, the Project Site would be rezoned to (T)(Q)M3-2D-RIO, which maintains the "M3" (heavy industrial) zoning on the Project Site. Thus, there would be no "taking away of land zoned for M-3 heavy manufacturing." The proposed zoning is consistent with the Project Site's Heavy Industrial land use designation under the Central City North Community Plan, an element of the City's General Plan. Pursuant to Central City North Land Use Map footnote No. 6, properties designated on zoning maps as Height District No. 1 (such as the Project Site), development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure. Further, the Proposed Project's consistency with the General Plan is provided within Section X, Land Use and Planning, within the adopted

[14] *http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf*

IS/MND, on page III-55. Discussion on the Proposed Project's consistency with the General Plan is provided on pages III-58. For these reasons, the Proposed Project adequately addresses the Proposed Project's consistency with the General Plan. This comment is noted for the record. Refer to Response to Comment 1.15 through 1.18 for a discussion on the land use issues raised by the Commenter.

COMMENT 1.15

Converting Industrial Land to Non-Industrial Use. With only eight percent of land within the City zoned for industrial use, conversions of industrial land for non-industrial uses (such as office and retail) can "diminish[] the availability of the City's industrial lands along with the jobs, industries, and General Fund revenues they support" (*see* City Planning & CRA/LA Report, p. 11).[15]

The Project therefore conflicts with the City's General Plan Framework Goal 3J of "[i]ndustrial growth" and Policy 3.14.6 that industrial-zoned land must not be reduced to "adversely impact the City's ability to accommodate sufficient industrial uses" (see General Plan Framework, Chapter 3).[16] The Project also conflicts with the applicable Community Plan Goal 3 of providing "sufficient land for a variety of industrial uses" and Community Plan Objectives 3-1 and 3-3 of "providing for existing and future industrial uses" and to "retain industrial plan designations" (see Community Plan, pp. III-8-9).[17]

RESPONSE TO COMMENT 1.15

As discussed in Responses to Comments 1.3 and 1.15, the Project Site is currently zoned M3-1-RIO and includes a zone change / height district change to (T)(Q)M3-2D-RIO, which maintains the Heavy Industrial zoning and Central City North Community Plan land use designation of the Project Site. Pursuant to LAMC Section 12.20, the M3 zone allows for offices uses. As such, the Proposed Project is consistent with the zoning and Central City North Community Plan. Consistent with Objectives 3-1 and 3-3 of the Community Plan, the Proposed Project would bring additional jobs to the Project Site area that would support the existing surrounding community, which includes industrial uses.

COMMENT 1.16

Zero New Housing. Commentors respectfully ask of the Council that if we are taking away precious industrial land, maybe our City would be better served with residential use instead of fancy commercial office and retail? According to the UCLA Ziman Center, Los Angeles housing prices have grown about four times faster than incomes since 2000 and "affordable housing production and preservation needs to accelerate." http ://www.andcrson.ucia.edu/Documents/areas/ctr/ziman/2014-08WPrev.pdf

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[15] *See Los Angeles' Industrial Land: Sustaining a Dynamic City Economy (Dec. 2007), available at http://planning/lacity.org/Code_Studies/LanduseProj/Industrial_Files/Attachment%20B.pdf.*

[16] *Available at http://planning .lacity.org/cwd/framwk/chapters/03/03209.htm.*

[17] *Available at https://planning.lacity.org/complan/pdf/ccncptxt.pdf.*

Los Angeles is the least affordable rental market in the country, according to Harvard University's Joint Center for Housing Studies, and it has been ranked the second-least affordable region for middle-class people seeking to buy a home.
http://www.latimes.com/opinion/editorials/la-cd-affordable-housing-part-l-20150111-story.html
The City of Los Angeles' Housing Needs Assessment indicates that through September 30, 2021, 20,426 additional housing units are needed in the City for very low-income, 12,435 for low-income, and 13,728 are for moderate income.
http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Chl.pdf

The City's General Plan reflects this urgent need for affordable housing. *See City of Los Angeles General Plan Housing Element* Goal 1 "A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs"; Policy 1.1.1 "Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status"; Policy 1.1.2 Expand affordable rental housing; Objective 2.5 "Promote a more equitable distribution of affordable housing opportunities throughout the City"; Policy 2.5.1 "Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers"; and Policy 2.5.2 "Foster the development of new affordable housing units citywide and within each Community Plan area."
http://planning.lacity.org/Housinglnitiatives/HousingElement/Text/Ch6.pdf, Yet, this Project does zero to address any of this.

RESPONSE TO COMMENT 1.16

As discussed in Response to Comment 1.3 and Response to Comment 1.15, the Proposed Project would not be taking away industrial land. The development of an office building is consistent with the allowed uses under the Project Site's M3 zoning. The Proposed Project would retain the existing M3 zoning designation, which currently exists on-site. The M3 zoning designation generally does not allow for residential uses. This comment is noted for the record.

COMMENT 1.17

Redevelopment Plan[18] Compliance. As for the Redevelopment Plan,[19] which the IS/MND almost entirely ignores even though it is in effect until 2032, the Project conflicts with: Plan § 105 Goal for "a healthy industrial environment which generates and attracts new private investment to increase job opportunities, property valued and tax revenues;" Plan § 503.1 that says that all "areas shows … Industrial shall be maintained, developed or used for industrial uses;" and Plan § 512.1 "Floor Area shall be no more than three (3) times the Parcel Area." In fact, the governing Plan has a host of procedural requirements that are avoided here, including: §§ 408.4 and 523 requiring Agency approval of all development permits and architectural plans, whether public or private; § 503.5 allowing commercial use in industrial areas only in compliance with four findings including compatibility with "Industrial uses in the vicinity" and some form of inclusionary housing for ;all [sic] socio-economic groups"; and § 512.4 requiring transfer of FAR payments for exceeding maximum 3:1 FAR.

RESPONSE TO COMMENT 1.17

Section X, Land Use and Planning, of the adopted IS/MND for the Proposed Project extensively discusses the Redevelopment Plan for the Central Industrial Redevelopment Project area, which encompasses the Project Site. Consistent with Sections 408.4 and 523, the successor agency to the Community Redevelopment Agency will review and approved the Proposed Project as part of the normal building permit process. Section 102 of the Redevelopment Plan provides that the Plan shall be consistent with the City's General Plan and the Central City North Community Plan, as they may be amended from time to time. As noted, the Project Site's proposed M3-2D-RIO zoning is listed as a corresponding zone to the Site's Heavy Industrial land use designation under the Community Plan. Thus, the proposed office and ground floor commercial uses are permitted uses under this zoning. As the proposed uses are allowed under the zoning and General Plan, they are also permitted under the Redevelopment Plan. In any event, as set forth in Section X, Land Use and Planning, of the adopted IS/MND, the Proposed Project meets all of the criteria set forth in Section 503.5 of the Redevelopment Plan. As set forth in Section X, Land Use and

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[18] *Available at http://www.crala.org/internet-site/Projects/Central_Industrial/upload/centralindustrial-4.pdf.*

[19] *It is entirely unclear from the IS/MND how the City is approaching Redevelopment Plan compliance, which the IS/MND essentially ignores. In light of CRA/LA dissolution, the appropriate action in order to remove the Plan requirements or otherwise divest the CRA/LA of its responsibility to approve this Project would be to: i) transfer the powers of the former CRA to the City, or ii) amend the Central Industrial Redevelopment Project Area Plan. Neither has yet occurred. The City is in the process of considering an ordinance to take control from the former CRA's responsibilities. https://cityclerk.lacity.org/lacityderkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-1482-S1;https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumbei=11-0086-S4; https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=12-0014-S4. Once the City transfers authority, then it will have the ability to assume the role of the former CRA/LA. In the absence of a successor agency to administer redevelopment activities, the Applicant cannot ignore the Redevelopment Plan goals and policies.*

Planning, of the adopted IS/MND, the Proposed Project's 3 to 1 FAR is consistent with the Redevelopment Plan, and no TFAR is required.

COMMENT 1.18

Compatibility With Surrounding Uses. The Project Staff Report states the Project would "mirror existing development" but lists only three other developments (i.e. six-story SoHo Warehouse, five-story Ford Factory, three-story At Mateo[20]) (see Staff Report, pdf pp. 10, 24, 26-28).

During public hearings, the issue was raised that the Project was "out of context with the surrounding buildings" (*id.* at pdf p. 32). One commentor echoed these concerns in its comment letter about the lack of "analysis with respect to the consistency of a 9-story building surrounded by 1-story buildings" (*id.* at pdf p. 865).

In fact, the IS/MND failed to mention the Project is taller than any other building within the area when discussing consistency with Community Plan Policies and Redevelopment Plan Objectives regarding compatibility with "adjacent developments" and "existing character of the [area]" (*id.* at pp. 186-87, 197).

RESPONSE TO COMMENT 1.18

As discussed on page III-4 of the adopted IS/MND, under the "Building Height and Massing" subheading, the IS/MND states the following discussion:

> *The Proposed Project would result in an increase in building density, scale and massing, as building height as compared to the existing building on the Project Site. The Project Site is currently zoned M3-1-RIO. The M3-1-RIO zoning allows for an FAR of 1.5 to 1 with no limit on height for manufacturing and commercial development. Pursuant to Central City North footnote No. 6, properties designated on zoning maps as Height District No. 1 (such as the Project Site) development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure. As such, pursuant to LAMC Section 12.32, the Applicant is requesting a vesting zone change / height district change from M3-1-RIO to M3-2DRIO. The rezoning of the Project Site to M3-2D-RIO would allow for the proposed development.*
>
> *The General Plan allows the increased density; as such, the Proposed Project would be consistent with the allowable on-site height and density requirements for the Project Site. The Proposed*

[20] *See M. Segal (Nov. 29, 2016) Here's What's Up with the $80 Million 'At Mateo' Building in DTLA, Los Angeles Times, available at http://www.lamag.com/citythinkblog/heres-whats-80-million-mateo-building-dtla/, (visited Feb. 22, 2017).*

> *Project would improve the Project Site with a nine-story office building with ground-floor retail. The Proposed Project would reach a maximum height of 107'-6" feet above grade. The Project height would be taller than buildings in the immediate vicinity of the Project Site. Nevertheless, the proposed building is consistent with height allowed for the Project Site under the LAMC. The Project's scale and massing would complement the existing buildings in the Project Site vicinity. As such, the Project's design would result in a less than significant impact pertaining to height and massing. (see IS/MND at page III-4)*

The Arts District is developed with buildings at a variety of heights. While there are currently lower rise buildings immediately adjacent to the Project Site, there are a number of taller buildings throughout the area, including the six-story building at 1000 Santa Fe Avenue, the five-story Ford Factory building at 777 S. Santa Fe Avenue, six-story Toy Factory Lofts development, located at 1855 East Industrial Street, and the seven-story Biscuit Company Lofts development at 1850 Industrial Street. Moreover, the M3 zone does not limit height.

Additionally, the Proposed Project is also within a transit priority area pursuant to SB 743, which states that "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." In response to SB 743 and the language codified in Public Resources Code Section 21099, the City of Los Angeles identified the Project Site as being within a transit priority area per the Department of City Planning's Zoning Information File ZI No. 2452. P.R.C. Section 21099 and ZI-2452 define an "employment center project" as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area. The Project meets these criteria as the property is zoned for commercial uses, is located within a Transit Priority Area, and has a proposed FAR of 3:1. Accordingly, the Project's aesthetic impacts shall not be considered significant impacts on the environment.

With regards to consistency with the Central City North Community Plan and Redevelopment Plan, properties designated on zoning maps as Height District No. 1 (such as the Project Site) development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure (pursuant to Central City North footnote No. 6,). As discussed on page III-57 of the adopted IS/MND, the Redevelopment Plan permits for a maximum FAR of three times the parcel area pursuant to Section §512.1.

Furthermore, although the Commenter asserts that the Proposed Project is not compatible with surrounding land uses, no information or supporting analysis is provided to indicate how the scale and massing of the Proposed Project would significantly impact the environment.

COMMENT 1.19

Hazardous Substances Analysis

The potential existence of toxic contamination on this Project site is a significant impact requiring CEQA review. *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136. As set forth in the expert Hagemann's February 24, 2017 comment letter attached as Exhibit 2 and incorporated in its entirety by this reference:

"The Phase I and the two Phase IIs document that the Project site, a former metals recycling facility, has been contaminated by high concentrations of metals, petroleum hydrocarbons and PCBs. However, mitigation (HAZ-1) includes only the development of a soil remediation plan "prior to building construction." This is deferred mitigation and does not allow for public review of the remediation plan to ensure that Project development is safe for construction workers and future occupants.

An August 2015 Phase II Environmental Site Assessment[21] documented high levels of contaminants in shallow soils beneath the Project site.

- Total petroleum hydrocarbon as diesel (TPH-d) was detected in 10 borings with a maximum concentration of 9,180 milligrams per kilogram (mg/kg) in B6 at six feet in depth. The Regional Water Quality Control Board Environmental Screening Level (ESL) for TPH-d for construction worker exposure is 880 mg/kg, 1,100 mg/kg for commercial/industrial exposure, and 230 mg/kg for residential exposure.[22]
- PCBs were detected in boring B6 between two and six feet in depth. A maximum PCB concentration of 11.3 mg/kg was detected in boring B8 and 5 feet in depth. PCB ESLs are 0.25 mg/kg, 1.0 mg/kg and 5.6 mg/kg for residential, commercial/industrial and construction worker exposure respectively.
- Lead was detected to 441 mg/kg in B6 at 2' below ground surface. The lead ESLs are 80 mg/kg, 320 mg/kg for residential and commercial/industrial exposure respectively.
- Copper was detected in soil sample B2 at two feet in depth at 4,510 mg/kg. The copper residential ESL is 3,100 mg/kg.[23]

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[21] *Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC.*

[22] *http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Workbook_ESLs_Interim%20Final_22Feb16_Rev3_PDF.pdf, p. 10*

[23] *A portion of the site has not been sampled for hazardous materials. Phase II consultant Cardno was only able to test "limited areas" of the site as portions of the site were covered by metal debris that made soil sampling inaccessible." Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC, pp, 2-3, Figure 2.*

> Mitigation to address these contaminants is inadequate. Mitigation Measure HAZ-1 only calls for a soil remediation plan shall be developed and implemented to excavate and remove impacted soils prior to building construction. HAZ-1 does not identify what criteria wall be used to identify "impacted" soils and to what standard soil cleanup will achieve (i.e. health based regulatory residential soil cleanup thresholds like ESLs or California Human Health Screening Levels).[24]
>
> No plans for regulatory oversight are documented in the IS/MND. Given the high levels of contamination, and to ensure a cleanup that is conducted in a manner safe for construction personnel and future occupants, regulatory oversight of the cleanup is necessary. The Project developer should engage the DTSC through voluntary cleanup agreement to ensure the adequacy of the assessment of site contaminants and of the ultimate cleanup." *See* Hagemann comment letter, Attachment 2 hereto.

This lack of adequate disclosure of site contamination violates CEQA's informational disclosure mandates. CEQA requires that the City make "a reasonable, good faith effort to disclose and evaluate environmental impacts." *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 396 (stating rules for property contamination evaluation in CEQA cases). The City's conclusory presentation of contamination at the Project site falls far short of "provid[ing] decisionmakers [and the public] with information which enables them to make a decision which intelligently takes account of environmental consequences." *City of Maywood,* 208 Cal.App.4th at 396.

Furthermore, the IS/MND improperly provides only deferred and insufficient mitigation to address the contamination without any required performance standards. CEQA caselaw [sic] requires the Agency to "craft mitigation measures that would satisfy enforceable performance criteria." *Maywood,* 208 Cal.App.4th at 407. This deferral of cleanup performance standards violates CEQA. CEQA disallows deferring the formulation of mitigation measures to post-approval studies with no performance standards to guide the mitigation. *CBE v. Richmond,* 184 Cal.App.4th at 92, CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. An agency may only defer the formulation of mitigation measures when it possesses '"meaningful information' reasonably justifying an expectation of compliance." *Sundstrom* at 308; *see also Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only "for kinds of impacts for which mitigation is known to be feasible").

A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence

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[24] https://oehha.ca.gov/risk-assessment/california-human-health-screening-levels-chhsls

that replacement water was available). This approach helps "insure the integrity of the process of decisionmaking [sic] by precluding stubborn problems or serious criticism from being swept under the rug." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.

RESPONSE TO COMMENT 1.19

The Proposed Project discusses its impacts on hazards within Section VIII, Hazards and Hazardous Materials, starting on page III-40 of the IS/MND. As stated in the introduction to Section VIII, the Hazards and Hazardous Materials section summarized the findings and conclusions of a Phase I Environmental Site Assessment (dated October 2, 2014), a Phase II Environmental Site Assessment (dated November 13, 2014), and a Limited Phase II Environmental Site Assessment (dated August 20, 2015). All three documents are referenced as attached to the IS/MND as Appendix D. The inclusion of all of the technical information contained in all three technical reports into the MND is inappropriate under CEQA; rather CEQA requires that the impact analysis document summarize technical information and provide the technical reports as appendices, as was done here. (Guidelines Section 15148.)

The discussion in the MND was more than adequate to allow for informed decision making. As discussed in the MND, the Phase II ESA determined that no VOCs were detected in four of the five soil samples on-site. An industrial solvent commonly known as perchloroethylene (PERC) was reported at a concentration of 0.10 micrograms per liter in one of the five soil samples. However, under California Human Health Screening Levels for Soil Gas at commercial-property settings, the detected PERC concentration was well below the State's suggested action level. Based on the Phase II ESA results, it appears unlikely that actionable/reportable levels of industrial-chemical contamination are present at or near the sampled areas of the Project Site.

As also reported in the MND, a Limited Phase II analysis was conducted to test on-site soils within the scrap metal yard for the presence of hazardous materials. Thirteen boring locations were sampled in the exterior scrap yard potion of the Project Site. The results of the investigation showed relatively shallow impacted areas, consistent with the Project Site's history of scrap metal recycling.

An area of petroleum hydrocarbon (TPH) contamination in shallow (approximately to 2-6 feet below ground surface) soil is present beneath a large portion of the Project Site. Lead was detected in shallow soil above non-hazardous disposal limits. Elevated concentrations of copper and chromium were detected in shallow soil. The lead, copper, and chromium soil will be removed with the shallow TPH impacted soil. Concentrations of PCBs were detected in shallow soil beneath a large portion of the Project Site, but below ESLs for commercial/industrial and construction worker exposure except at two locations. The PCB impacted soil at these locations will be removed with the shallow TPH impacted soil.

The impacted soils are to be expected given the site's historic use as a recycling yard. However, the site not listed on any State or local list of hazardous waste sites and is not under any clean up order. It is also

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important to note that these contaminants are contained within the soil on the site and are not being released into the air. As such, they do not pose a health risk to adjoining residents or workers. Moreover, as noted, all impacted soils that are above applicable ESLs will be removed by trained personnel and disposed of properly in landfills licensed to accept such soils. The site will be cleaned up in accordance with all regulatory standards under the oversight of the City, as lead agency.

As such, the environmental analyses for the Proposed Project provides adequate discussion on the potential hazards on the Project Site. The construction of the Proposed Project would be required to comply with all local, state, and federal laws and regulations requiring the cleanup and soil remediation on the Project Site to ensure that the future Project tenants and visitors would not be exposed to hazardous materials. Contrary to the commenter's assertion, the governing regulations for soil cleanup are per se feasible.

Implementation of HAZ-1 merely emphasizes compliance with required regulations on soil remediation and the handling of hazards and hazardous materials. As such the commenter's assertion that this constitutes deferral of mitigation is incorrect and unsubstantiated. Moreover, the applicable regulations that address contaminated soil clean up provide the performance standards the commenter alleges are absent.

In November, 2017, the applicant entered into a Voluntary Cleanup Agreement with the DTSC (See Attachment D to this letter), pursuant to which the site will be cleaned up under DTSC supervision and subject to all applicable DTSC requirements. This will provide additional assurance that the existing contaminants will be properly addressed and that the cleanup will pose no material risks to workers or the community.

COMMENT 1.20

The Required Land Use Findings Cannot be Made

The CEQA, land use and other concerns addressed in this letter must be adequately addressed in order to make the required City of Los Angeles Zoning Code findings. *The entitlements are discretionary, not by right.*

Absent compliance with the issues addressed herein, Lowe's requested discretionary entitlements should be rejected by the City Council and the required discretionary findings not made. Los Angeles Municipal Code § 12.32.F.1 (requiring for zone change "that the public necessity, convenience, general welfare or good zoning practice so require"; § 16.05.F (site plan review findings must show "that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan…" and "that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties"). The same is true for the Redevelopment Plan findings under §

503.5 (commercial uses within industrial areas only if "compatible with and appropriate for the Industrial uses in the vicinity.").

RESPONSE TO COMMENT 1.20

As discussed in Response to Comment 1.3, the Proposed Project includes a zone change / height district change from the existing M3-1-RIO to (T)(Q)M3-2D-RIO. As such, the Proposed Project would maintain the M3 zone (heavy industrial) designation on the Project Site. The M3 zone allows for office land uses. As discussed on page III-4, under the "Building Heights and Massing" subheading the Proposed Project would be taller than the building immediately surrounding the Project Site. The Arts District is developed with buildings at a variety of heights. While there are currently lower rise buildings immediately adjacent to the Project Site, there are a number of taller buildings throughout the area, including the six-story building at 1000 Santa Fe Avenue, the five-story Ford Factory building at 777 S. Santa Fe Avenue, six-story Toy Factory Lofts development, located at 1855 East Industrial Street, and the seven-story Biscuit Company Lofts development at 1850 Industrial Street. Similar to the Proposed Project, Ford Factory building would bring office uses to the Project Site area. As such, the Proposed Project would be compatible and appropriate with surrounding uses.

Pursuant to Central City North footnote No. 6, properties designated on zoning maps as Height District No. 1 (such as the Project Site) development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure. As discussed on page III-57 of the IS/MND, the Redevelopment Plan permits for a maximum FAR of three times the parcel area pursuant to Section §512.1. Moreover, the M3 zoning, which is predominant in the area, does not limit building height. As such, the Proposed Project is in conformance with the General Plan, Central City North Community Plan, and the Redevelopment Plan for the Project Site area.

Further, as noted on page III-1, pursuant to SB 743, "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The Project Site is an infill site within a Transit Priority Area as defined by CEQA and the City of Los Angeles. Accordingly, the Project's aesthetic impacts shall not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099.

The City Planning Commission (CPC) recommended that City Council make the findings set forth in LAMC Section 12.32-F. The City Council will make such findings if it approves the proposed zone/height district change. The CPC made the findings set forth in LAMC Section 16.05 in approving Site Plan Review for the Proposed Project. No appeal of the CPC action was filed, and all applicable statutes of limitation for a legal challenge to this action have long since run. As set forth in Response to Comment 1.17 above, the successor agency to the Community Redevelopment Agency will review and approved the Proposed Project as part of the normal building permit process.

COMMENT 1.21

Conclusion

Commentors write to express concerns about the Project's inadequate IS/MND in areas including traffic, land use inconsistency, hazardous substances and GHG impacts. Indeed, this letter incorporates the comments of expert traffic engineer Neal Liddicoat, P.E. dated January 23, 2017 that show, as matter of law, that this Project may have a "fair argument" of traffic impacts, requiring that the City prepare an EIR here. So too, this this letter incorporates the comments of expert Matt Hagemann dated January 24, 2017 that show, as matter of law, that this Project likely has a "fair argument" of significant GHG and hazardous substances impacts, requiring that the City prepare an EIR.

This Project is discretionary, not by right. Lowe seeks discretionary approvals. *The Council has clear legal authority to disapprove the Project if these findings cannot be made.* Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework, the Community Plan and applicable Redevelopment Plan. Commentors respectfully ask of the Council that if we are taking away rare M-3 zoned industrial land, maybe our City would be better served with residential use, perhaps where Local 11's members could afford to live, instead of fancy commercial office and retail?

Finally, this Office is requesting, on behalf of Commentors, all notices of CEQA actions and any approvals, Project CEQA determinations, or Project public hearings under any provision of Title 7 of the California Government Code (California Planning and Zoning Law). This request is filed pursuant to Pub. Res. Code §§ 21092.2 and 21167(f), and Government Code § 65092, and Municipal Code §§ 12.28.C.3, 12.32.D.2 and 16.05.G.3.b, that collectively require local agencies to mail such notices to any person who has filed a written request for them. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th FL, Los Angeles, CA 90017, gk@gideonlaw.net.

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Project.

RESPONSE TO COMMENT 1.21

Comment 1.21 generally provides a conclusion to the appeal letter. With regards to the first paragraph and second, refer to Response to Comment 1.7 and Response to Comment 1.3, respectively, for a discussion on each topic. The last two paragraphs provide a conclusion to the letter and are noted for the record.

COMMENT 1A (Attachment to Comment Letter No. 1**)**

MRO Engineers, Inc
660 Auburn Folsom Road, Suite 201 B
Auburn, CA 95603
Neal K. Liddicoat, P.E., Traffic Engineering Manager
February 24, 2017

COMMENT 1A.1

Subject: Review of Transportation and Traffic Analysis
Initial Study/Mitigated Negative Declaration
2130 Violet Street, Los Angeles, California

Dear Mr. Kracov:

As requested, MRO Engineers, Inc., (MRO) has reviewed the "Transportation and Traffic" section of the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2130 Violet Street project in Los Angeles, California. (Parker Environmental Consultants, September 29, 2016). The "Transportation and Traffic" section of the IS/MND is based on a traffic impact analysis prepared by The Mobility Group (TMG). (Reference: The Mobility Group, 2130 Violet Street Traffic Study, March 2, 2016.) The TMG traffic study is presented as Appendix F to the IS/MND.

Our review focused on the technical adequacy of the Transportation and Traffic analysis, including the detailed procedures and conclusions documented in the TMG study.

Background

The proposed 2130 Violet Street project will consist of construction of a 96,936 square foot (SF) office building with ground-floor retail. The building will include 90,773 SF of office space and 6,163 SF of retail space. Approximately 200 parking spaces will be provided in a five-level, above-grade parking facility. One vehicular access driveway will be provided on Violet Street and two access points will be located on the alley along the south side of the building.

Transportation and Traffic Analysis Review

Our review of the IS/MND Transportation and Traffic analysis found that it was generally conducted in accordance with the guidance provided in the Los Angeles Department of Transportation (LADOT) document entitled, Traffic Study Policies and Procedures (August 2014). However, our detailed review revealed apparent discrepancies with regard to assignment of the project traffic to the study intersections.

These discrepancies are particularly noteworthy in the PM peak hour. In particular, as demonstrated below, there is a critical deficiency in the analysis, as there is likely a significant impact in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street that is not revealed in the IS/MND.

"Assignment" is the process of adding project-generated trips to the local and regional road network in accordance with assumed geographic trip distribution percentages. According to the TMG report (p. 28), the trip distribution percentages employed in the 2130 Violet Street analysis are as follows:

- North: 25%
- South: 20%
- East: 20%
- West: 35%

RESPONSE TO COMMENT 1A.1

The Traffic Impact Study presented in the IS/MND was prepared by The Mobility Group, a professional traffic engineering firm, and was independently reviewed and approved by the City of Los Angeles Department of Transportation (LADOT). The Traffic Impact Study, dated March 2, 2016 and the LADOT correspondence of approval dated April 14, 2016 are presented in Appendix F, Traffic Study, of the IS/MND. The Mobility Group's detailed response to the issues addressed in response to Comment 1.8 (including the referenced attachments) are provided as an attachment to this letter. LADOT has reviewed the Mobility Group's response letter and, in a letter dated April 26, 2017 (copy attached), stated that they concurred with the response letter.

As noted in The Mobility Group's April 18, 2017 correspondence, the commenter has applied an incorrect understanding and a misinterpretation of the trip distribution information provided in the Traffic Study. The trip distribution percentages in the report for north, south, east and west, are for the cardinal directions in the broader geographic area surrounding the project. They do not apply to the immediate vicinity of the Project, and cannot be used as such. Traffic in the immediate vicinity of the Project may use a route in a different direction to reach an ultimate route for the broader cardinal destination. This is particularly the case with this Project due to its geographic location and proximity to freeway ramps for the I-10 and US-10 and I-5 freeways which are located south and east of the Project site and which all provide routes to the east, south, north, and west.

The commenter's trip distribution comparison is therefore not accurate or valid, and the resulting estimates of trips assignments by the commenter are not meaningful.

COMMENT 1A.2

According to IS/MND Table III-28 (p. III-16) and TMG Table 4.1 (p. 27), the proposed project will generate a net total of 161 PM peak hour trips, with 39 inbound and 122 outbound. The assignment of those trips to the six study intersections is illustrated on TMG Figure 4.5 - Project Only Traffic Volumes - PM Peak Hour (p. 30). For reference, that figure is presented as Attachment A.

Attachment B contains an annotated version of that figure, on which we have indicated the directional project traffic volumes that result from applying the trip distribution percentages listed above to the project trip generation estimates for the PM peak hour. Those numbers are shown in black squares.

Also shown on the figure in Attachment B are the actual numbers of project trips assigned in each direction, based on review of the project traffic volumes at each of the study intersections. Those numbers are shown in red.

Clearly, there are significant differences between the volume of traffic supposedly assigned in each direction versus the actual volume of project-generated traffic assigned to each direction. For example, to the west of the project site, 43 outbound project-related trips should occur, based on application of the 35 percent trip distribution to the 122 outbound trips. Instead, only 36 such trips were actually assigned in the traffic analysis to travel to the west from the project site. Similarly, in the inbound direction, only twelve trips were assigned in the traffic analysis from the west, instead of the 13 suggested through direct application of the 35 percent trip distribution percentage. So, the traffic analysis undercounts the total volume of project-related traffic generated by the project in the PM peak hour.

To the north and to the south, similar deficiencies were found. Only to the east does the actual traffic assignment exceed the value expected through application of the trip distribution percentage (i.e., 20 percent).

To some extent, these differences might be explained as relating to freeway access considerations. For example, given the limited size of the study area, it might be reasonable to assume that some of the northbound or southbound traffic would initially travel east to gain access to the regional freeway system. This might be less likely with respect to westbound traffic, however, given the availability of nearby Interstate 10 on- and off-ramps at Eight Street and Porter Street.

However, freeway access considerations do not explain the fact that the total volume of project-related traffic shown to be entering and exiting the study area in the traffic analysis is less than the total volume of traffic generated by the project in the PM peak hour. Table 1 summarizes these differences.

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Table 1 Project Trip Generation – PM Peak Hour			
	In	**Out**	**Total**
IS/MND Table III-28	39	122	161
Actual project Trip Assignment	38	118	156
Difference	**1**	**4**	**5**

As shown, the actual number of project trips assigned to the study intersections is five fewer than the estimated volume of project-generated trips - one inbound and four outbound. Although these are small numbers, in this case they are critical, particularly in the outbound direction. Given the assumed project trip distribution percentages, those four trips represent one trip in each of the four cardinal directions.

This becomes important when one considers the PM peak hour level of service result for the study intersection of Santa Fe Avenue/Seventh Street. As documented in IS/MND Table HI-32 (p. III-I21) and TMG Table 4.3 (p. 34), the project-related increase in volume/capacity (V/C) ratio is 0.019, increasing from 0.864 under “Future Without Project" conditions to 0.883 under “Future With Project Conditions.” In both analysis scenarios, the intersection is projected to operate at Level of Service (LOS) D.

According the significance criteria employed by LADOT, a significant impact occurs if the project causes an increase in V/C ratio of 0.020 or greater at LOS D. In this case, the project-related V/C increment of 0.019 is 0.001 short of constituting a significant impact.

Furthermore, review of the PM peak hour level of service worksheet for the Santa Fe Avenue/Seventh Street intersection (presented in Appendix B of the TMG report) reveals that addition of a single project-generated trip to any of the four critical movements at that intersection would increase the project-related V/C increment to 0.020, thereby resulting in a significant impact. For ease of reference, that LOS worksheet is presented here as Attachment C.

According to the LOS worksheet, the critical movements at the Santa Fe Avenue/Seventh Street intersection are the following:

- Northbound left turn,
- Southbound through.
- Eastbound through, and
- Westbound left turn.

As noted above, the volume of project-generated traffic actually assigned to the west from the project site is 36 trips, instead of the 43 trips expected through application of the 35 percent trip distribution factor to the 122 outbound trips. Twelve of those 36 trips are shown as northbound left turns at Santa Fe Avenue/Seventh Street. In order to partially rectify the apparent shortage of westbound project traffic, it

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would be perfectly reasonable to add one of the four missing project trips to the northbound left turn. Table 2 illustrates the effect on the intersection's V/C ratio of doing so.

In short, the addition of one northbound left turn increases the project-related V/C increment from 0.019 to 0.020, which constitutes a significant impact. The same would be true if that one additional trip were added to any of the critical movements, including the southbound through movement, the eastbound through movement, or the westbound left turn.

Table 2
Level of Service Worksheet Summary

Critical Movement	Analysis Scenario				
	Future Without Project [1]	Future With Project [1]		Modified Future With Project [2]	
	Lane Volume	Project Traffic	Lane Volume	Project Traffic	Lane Volume
Northbound Left turn	199	12	211	13	212
Southbound Through	447	4	451	4	451
Eastbound Through	479	0	481	0	481
Westbound Left Turn	248	10	258	10	258
TOTAL	1,373	26	1,401	27	1,402
V/C Ratio [3]	0.964		0.983		0.984
Adjust V/C Ratio [4]	0.864		0.883		0.884
Level of Service	D		D		D
Project V/C Increment	--		0.019		0.020
Significant Impact?	--		No		Yes [5]

Notes:
6 Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p.34).
7 Modified to add one northbound left turn
8 Volume/capacity ratio based on a capacity value of 1.425 vehicles / hour.
9 Reduced by 0.100 to reflect ATSAC/ATCS at intersection.
10 Project-related increase in V/C of 0.020 or greatet [sic] at LOS D, according to LADOT significance criteria (Source: LADOT, *Traffic Study Policies and Procedures*, August 2014).

CONCLUSION

The project traffic assignment derived for the 2130 Violet Street IS/MND traffic analysis has substantial flaws. The total number of project-generated trips actually assigned to the study intersections is somewhat less than the number of trips estimated to be generated by the project. As demonstrated above, this is a critical deficiency in the analysis, as the addition of one project-generated PM peak-hour trip to certain key movements at the intersection of Santa Fe Avenue/Seventh Street would result in a significant impact not revealed in the IS/MND.

We believe that development of a corrected project traffic assignment will result in a significant impact, as documented above. Consequently, the traffic analysis must be corrected and appropriate mitigation must be identified to remedy the project-related deficiency. A revised environmental document must then be circulated for further public review.

We hope this information is useful. If you have questions concerning anything presented here, please feel free to contact me at (916) 783-3838.

RESPONSE TO COMMENT 1A.2

The commenter's assumption that one trip could be added in each cardinal direction is unjustified, for the reasons cited above in Response to Comment 1A.1. The reviewer also fails to mention that adding a single trip to any of the four non-critical movements at the intersection would not create a significant impact. This is important as a total of 62% of the project added trips through this intersection would in fact be added to non-critical movements. There is also no justification for the commenter's assumption that one (or 25%) of the four trips could be assigned to the northbound left tum movement, particularly when only 10% of total outbound trips were assigned to that movement in the traffic study.

The commenter's assertions of a possible significant impact are therefore incorrect and unfounded, as they are based on a misunderstanding and misinterpretation of the trip distribution information in the report, and a speculative assumption of added trips that is unsupported by factual information or the data in the traffic study.

The commenter also maintains that the actual number of project trips assigned to the study intersections is five fewer than the estimated volume of project-generated trips – one inbound and four outbound. After careful review, it has been determined that the reviewer is correct in this respect. However, the speculation that one trip could be allocated to each of the four cardinal directions, and that one trip could be assigned to the northbound left tum movement at the 7th & Santa Fe intersection is incorrect- because it is based on the incorrect interpretation of trip distribution as discussed above. The correct situation is described below.

The small number of trips additional would not be expected to materially affect the results of the traffic study. A comprehensive review of the traffic study analysis determined that the trip shortfall related to trips exiting the southwest comer of the study area via Olympic Boulevard to head west. A total of one inbound and four outbound trips should have been assigned to a travel path from the Project Site via Violet Street to Mateo Street to the Olympic Boulevard corridor. While the full amount of project-generated trips were included in the model and this travel destination was defined in the model, trips were inadvertently not allocated to it- hence the slightly fewer trips.

The comprehensive review indicated that all other travel paths and trip assignments were handled correctly in the analysis. The overall distribution of trips does not change and remains as specified in the traffic study. As discussed in the Traffic Study, the distribution of trips was based on professional judgment and an

approach commonly used in traffic studies that considered the type of project land uses, the likely origins and destinations of Project tenants and visitors, and the characteristics of the street system in the area of the Project - also accounting for the proximity of the Project to numerous freeway ramps. LADOT approved the trip distribution in their approval of the MOU and the Traffic Study Report, and confirmed their continued concurrence in their April 26, 2017 letter.

The analysis has been updated to account for the five inadvertently omitted trips. The revised analysis is shown in Figures 4.1, 4.2, 4.3, and 4.4, and Tables 4.2, 4.3, and 4.4 (See attachment B to The Mobility Group's April 18, 2017 correspondence). The trip volumes in the intersections to the north of the Project (including Santa Fe & 7th) are not affected. In the PM peak hour analysis (addressed by the commenter) the only intersections in the study area that are affected are at Mateo Street & Olympic Blvd. and at Violet Street & Santa Fe Avenue (unsignalized intersection). The volume to capacity (v/c) ratio increases slightly at Olympic Blvd. & Mateo Street, but the level of service does not change and there is no significant impact created. Similarly, the vehicle delay numbers at the unsignalized intersection of Violet Street & Santa Fe Avenue increase slightly, but the level of service does not change and a traffic signal remains warranted as identified in the traffic study. The Project traffic volumes at all other intersections do not change and remain the same as shown in the traffic study. There continue to be no significant impacts.

The analysis was also updated for the AM peak hour, also as shown in Figures 4.1, 4.2, 4.3, and 4.4, and Tables 4.2, 4.3, and 4.4 (See attachment B to The Mobility Group's April 18, 2017 correspondence). The v/c ratio increases slightly at three intersections, at Mateo Street & Olympic Blvd, at Santa Fe Avenue & 8th Street, and Santa Fe Avenue & Olympic Blvd, but the level of service does not change and there would be no significant impacts. At Violet Street & Santa Fe Avenue (unsignalized intersection), the delay would increase slightly and for one approach the resultant level of service would be LOS F rather than the LOS E identified in the traffic study. However, LOS F was previously also identified during the PM peak hour and a traffic signal was concluded to be warranted in the traffic study- so there would be no change to the result identified in the traffic study.

In conclusion, following a comprehensive review, the commenter's comments on trip distribution and trip assignments are based on a misunderstanding and misinterpretation of the information on the traffic study, rendering the reviewer's subsequent analysis invalid. However, the analysis in the traffic study has been updated to include the five trips determined to have not been included in the Traffic Study. The results of a comprehensive review is that the traffic volumes and results do not change in the vast majority of locations, particularly any locations to the north of the Project and specifically at the intersection of 7th Street & Santa Fe Avenue, and while the traffic numbers, along with v/c ratios and delays, change slightly at a few intersections south of the Project, the results and conclusions regarding significant impacts do not change. There continue to be no significant impacts caused by the Project.

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Valencia, CA 91355
(661) 257-2282 (tel)
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COMMENT LETTER No. 2

Gideon Kracov, Attorney at Law (referred to in Response to Comment sections as "Commenter")
Representing Unite HERE Local 11 and downtown Los Angeles, Antonio Mendoza
801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
February 28, 2017

(The text emphases, e.g. bold, italicize, and underline, shown in each comment below was reproduced from the appeal letter.)

COMMENT 2.1

Dear Mr. Pewsawang and Ms. Dickinson:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza ("*Commentors*") with regard to the referenced Project in the City of Los Angeles ("*City*") for the Violent [sic] Street Project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND) ("*Project*"), proposed by Lowe Enterprises/Violet Street Investor ("*Applicant*"). Our understanding is that the Project will be heard by the Planning and Land Use Management ("*PLUM*") Committee in the upcoming weeks.

Commentors will soon submit more detailed comments, but for now write to express concerns about the Project's inadequate Mitigated Negative Declaration/Initial Study ("*MND*") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("*GHG*") impacts.

Local 11 represents more than 20,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California. Members of Local 11, including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions. Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the California Environmental Quality Act ("*CEQA*") process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cai.App.4th 1184, 1198.

RESPONSE TO COMMENT 2.1

Comment 2.1 serves as an introduction to the Comment Letter 2. Comment 2.1 is noted for the record.

COMMENT 2.2

A MND [sic] has been prepared for this new, 9-story high rise Project, not a more comprehensive Environmental Impact Report ("*EIR*"), pursuant to CEQA law. This means that the less deferential "fair argument" standard applies. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cai.App.4th 322; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318.

RESPONSE TO COMMENT 2.2

With respect to the commenter's assertion that the "fair argument" standard of review applies to the lead agency's review of this comment letter, see Response to Comment 1.2, above.

COMMENT 2.3

This Project is discretionary, not by right. Applicant seeks discretionary approvals under the City's Municipal Code including a Vesting Zone Change, Height District Change to 3.5:1 Floor Area Ratio ("*FAR*") instead of the permitted 1.5:1 FAR and Site Plan Review. As such, PLUM must make express findings under the Municipal Code and Central City North Community Plan ("*Community Plan*"). Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework Goal 3J of "[i]ndustrial growth" and policy 3.14.6 that industrial-zoned land must not be reduced to "adversely impact the City's ability to accommodate sufficient industrial uses" (see General Plan Framework, Chapter 3).[25] The Project also conflicts with the Community Plan Goal 3 of providing "sufficient land for a variety of industrial uses" and Objectives 3-1and 3-3 of "providing for existing and future industrial uses" and to "retain industrial plan designations" (see Community Plan, pp. III-8-9).[26]

In sum, the City Council and PLUM have clear legal authority to disprove the Project if these required land use findings cannot be made. Kavanau v. Santa Monica Rent Control (1997) 16 Cal.4th 761. Commentors have serious concerns, that we will explain in more detail in a forthcoming letter, that this Project's MND is flawed and that the Project cannot satisfy the City's required land use findings and General and Community Pan goals and policies.

[25] *Available at http://planning.lacity.org/cwd/framwk/chapters/03/03209.htm.*
[26] *Available at https://planning.lacity.org/complan/pdf/ccncptxt.pdf.*

RESPONSE TO COMMENT 2.3

The Commenter is incorrect in stating that the proposed Project is seeking a zone change and height district change to permit an FAR of 3.5:1. As discussed in the adopted IS/MND for the Proposed Project and within the CPC Letter of Determination, the Proposed Project is requesting a zone change / height district change to allow an FAR of 3.0:1, not 3.5:1. As discussed on page III-57 of the IS/MND, the Redevelopment Plan permits for a maximum FAR of three times the parcel area pursuant to Section §512.1. Pursuant to Central City North footnote No. 6, properties designated on zoning maps as Height District No. 1 (such as the Project Site), development exceeding a floor area ratio of 1.5:1 up to 3:1 may be permitted through a zone change / height district change procedure. As such, the Proposed Project is consistent with the Redevelopment Plan and the Central City North Community Plan.

Additionally, the Commenter is expressing concern that the Proposed Project "seeks to re-zone the City's precious M3-zoned industrial land." However, it should be noted that the Project Site is currently zoned M3-1-RIO and includes a zone change / height district change to (T)(Q)M3-2D-RIO, which maintains the M3 zoning designation (heavy industrial) on the Project Site. Pursuant to LAMC Section 12.20, the M3 zone allows for offices uses.

With regards to the last paragraph within this comment, the Proposed Project's land use discussion is provided on page III-55 of the adopted IS/MND. A discussion on the Proposed Project's consistency with the General Plan and the Community Plan is provided on page III-58 of the IS/MND. This comment is noted for the record.

COMMENT 2.4

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Project.

RESPONSE TO COMMENT 2.4

This comment is noted for the record. No response is warranted.

COMMENT LETTER No. 3

David Pettit, Senior Attorney
Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
April 13, 2017

COMMENT 3.1

Re: 2136-2148 E. Violet Street: CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File #17-005

Dear Mr. Pewsawang and Ms. Dickinson:

These comments are submitted by the Natural Resources Defense Council (NRDC) in connection with the proposed project located at 2136-2148 Violet Street, Los Angeles.

CEQA review for this project should be by way of a full EIR, not a mitigated negative declaration. There is, at minimum, a fair argument that traffic and GHG impacts will be significant within the meaning of CEQA and so subject to full analysis. Failure to take this step risks invalidation of the project approvals and the need to start over with environmental review.

As in many urban infill projects, the main environmental impacts will be additional traffic and GHG emissions. Although traffic per se is outside of CEQA, the air emissions associated with traffic are not, and those emissions cannot be forecast accurately if the traffic and associated vehicle miles traveled (VMT) projections are inaccurate.

Here, there is a substantial question whether PM peak hour traffic in the vicinity of the proposed project have been accurately modeled and whether the projected VMT has been calculated correctly. The expert report submitted by Local 11 substantiates this and should not be ignored by your office.

RESPONSE TO COMMENT 3.1

The commenter's assertions that traffic and GHG impacts will be significant within the meaning of CEQA are unsubstantiated. As stated above, in Response to Comment 1.2, the appeal period for the Approved Project ended on December 29, 2016. This comment letter was submitted on April 13, 2017, over two months after the appeal period ended and 16 days after the statute of limitations ran. The only remaining approval is the zone change and height district change. The City Council will consider this approval together with the previously adopted MND.

CEQA Guidelines Sections 15162, 15163, and 15164 apply when the project being analyzed is a change to, or further approval for, a project for which an EIR or negative declaration was previously certified or adopted. Under case law, the fair argument standard does not apply to determinations of significance pursuant to Sections 15162, 15163, and 15164. Rather, the substantial evidence standard applies to the City Council's determination as to the whether the adopted MND is the adequate CEQA document for the Project.

The commenter's assertion that the Project would result in significant GHG emissions because the Project's p.m. peak hour trips may have been calculated incorrectly is incorrect and not substantiated. First, with respect to the MRO Engineers Inc., comments submitted on behalf of UNITE HERE Local 11, the assertions of a possible significant traffic impact were found to be incorrect and unfounded, as they are based on a misunderstanding and misinterpretation of the trip distribution information in the report, and a speculative assumption of added trips that is unsupported by factual information or the data in the traffic study (See Responses to Comment 1A, above).

As discussed in Response to Comment 1A, and The Mobility Group's response letter included as Attachment B to this letter, the analysis in the traffic study has been updated to include the five trips determined to have not been included in the Traffic Study. The results of a comprehensive review is that the traffic volumes and results do not change in the vast majority of locations, particularly any locations to the north of the Project and specifically at the intersection of 7th Street & Santa Fe Avenue, and while the traffic numbers, along with v/c ratios and delays, change slightly at a few intersections south of the Project, the results and conclusions regarding significant impacts do not change. There continue to be no significant impacts caused by the Project.

Second, the commenter is incorrect in relating the project's vehicle miles traveled (VMT) to the project's p.m. peak hour trip volume and trip distribution affecting local intersections. None of the comments submitted on behalf of Local 11 provided any information pertaining to the Project's VMT. The letter by MRO Engineers Inc., focused on the trip distribution assignments and the volume of trips assigned to the p.m. peak hour. Neither of these factors are related to the estimation of a project's vehicle miles travelled or the quantification of the project's GHG emissions. The Project's mobile source GHG emissions in the adopted IS/MND were based on the Project's average daily trips and the determination of trip lengths based on the type of trips that would be generated by the proposed land uses. The quantification of the Project's GHG emissions was conducted using the California Emissions Estimator Model (CalEEMod) computer model, which estimates a project's mobile source GHG emissions based on the average daily trips using ITE's standard trip generation factors and an assumption on the types of trips generated by each land uses. Commercial trip types include commercial-customer (C-C), commercial-work (C-W) and commercial-nonwork (C-NW). A commercial-customer trip represents a trip made by someone who is visiting the commercial land use to partake in the services offered by the site. The commercial-work trip represents a

trip made by someone who is employed by the commercial land use sector. The commercial-nonwork trip represents a trip associated with the commercial land use other than by customers or workers. An example of C-NW trips includes trips made by delivery vehicles of goods associated with the land use. The trip type breakdown from the number or workers and or truck trips from ITE and an analysis of information provided for the South Coast Air Basin was used as default to assign the trip type breakdowns for all land uses in the Project. The trip lengths associated with each trip type were similarly based on default data provided by the CalEEMod program and are based on the location and urbanization characteristics selected in the model. These default values were supplied by the South Coast Air Quality Management District for urban and rural settings.

Based on this, the commenter has not provided any information that would challenge the validity or conclusions of the GHG analysis presented in the IS/MND. As such, the preparation of an EIR is not warranted.

COMMENT 3.2

With respect to GHG impacts, it is not enough to compare projected emissions with SCAQMD thresholds in light of recent case law, including the Newhall Ranch case, Center for Biological Diversity v. California Department of Fish and Wildlife, 62 Cal.4th 204 (2015). Instead, the analysis should include discussion of whether the proposed project is consistent with state GHG reduction policies including AB32, the California Air Resources Board scoping plan and Executive Orders from the Governor. In the circumstances of this case, it is not appropriate to conduct those analyses in the context of a mitigated negative declaration.

Thank you for your attention to this letter

RESPONSE TO COMMENT 3.2

The commenter incorrectly asserts that the adopted IS/MND compared the Project's GHG emissions to SCAQMD thresholds to determine that the Project's GHG impacts would be less than significant. As set forth in the IS/MND and in Response 1-10 and 1-11, the Proposed Project's GHG analysis was not based on SCAQMD's draft, unadopted screening-level thresholds of significance for residential or commercial land use development projects. The thresholds of significance employed in the IS/MND was the Project's consistency with applicable GHG reduction policies. Guidance for determining the significance of impacts from greenhouse gasses is provided in CEQA Guidelines Section 15064.4. As provided in Section 15064.4 (b) (3) an EIR must be prepared if there is substantial evidence that the possible effects of a particular project are cumulatively considerable notwithstanding compliance with the adopted regulations or requirements. Based on the analysis presented in the IS/MND, which included a quantification of the project's GHG emissions and detailed discussion of the California Global Warming Solutions Act of 2006 and the Project's consistency with applicable Scoping Plan measures, SB 375, SCAG's 2016-2040

RTP/SCS, the LA Green Plan, the LA Green Building Code, the adopted IS/MD concluded that the Project's greenhouse gas emissions would be less than significant. Specifically, the IS/MND concluded that the Project's generation of GHG emissions would not make a project-specific or cumulatively considerable contribution or conflict with an applicable plan, policy or regulation for the purposes of reducing the emissions of greenhouse gases. Based on the analysis presented in the IS/MND, and the lack of any substantial evidence indicating otherwise, there is no evidence in the record to warrant the preparation of an EIR.

COMMENT LETTER No. 4

Deana Meyer, Executive Director
Prairie Protection Colorado
Via email: Deanna Meyer [prairieprotectioncoiorado@gmait.com]
April 4, 2017

COMMENT 4.1

To Whom it May Concern,

I am writing this letter to share with you our experiences with Lowe Enterprises on a development they are currently in the process of executing in Douglas County, Colorado. The land that they are developing is one of the last wildlife corridors in our area, and is home to many different wildlife species. The proposed development encompasses 1,584 acres and was home to one of the last large prairie dog colonies in Douglas County. Prairie dogs are a keystone species and they are necessary for the existence of at least 180 other species of wildlife providing food, shelter and habitat for various threatened and endangered species.

Our organization contacted Lowe Enterprises and worked specifically with the project manager, John Waggoner, and voiced our concern for the prairie dog colony and requested that he work with us to safely and viably relocate this colony prior to commencing with any work on the site. We also requested that he not poison this colony and that we all work together to find a non lethal solution. Waggoner expressed to us that he would do this, and that he would like to meet with us and discuss possibilities in the fall. Approximately 4 weeks later, on July 18th, 2015, without any notification, he hired an extermination company to kill the entire 1500 acre prairie dog colony with phosphine gas, which also kills many non-targeted species when prairie dogs escape and die above ground and puts humans that live in close proximity at risk as well.

Many residents and concerned citizens throughout Colorado were extremely upset at these actions. Not only was Lowe Enterprises developing a cherished and beautiful wildlife corridor, but they lied to locals

about their desire to save this wildlife community that lived there. There was absolutely no reason for them to take the actions they did in such a disrespectful and dishonest way.

Based on our experiences, I encourage you to ensure Lowe Enterprises is required to do a full environmental impact report at 2130 Violet St rather than the more limited environmental review they are seeking.

Please note the attached photos of the poisoned land and dead prairie dogs on the site surface.

Thank you for your consideration,

RESPONSE TO COMMENT 4.1

The commenter has provided a description of her experience with a separate project purportedly associated with Lowe Enterprises in the state of Colorado. The project in Douglas County, Colorado is in no way associated with the proposed Violet Street project in the City of Los Angeles. CEQA requires that lead agencies evaluate a project's impact based on the description of the proposed project relative to the environmental conditions on the Project Site and in the project vicinity. As such, the commenter's request for the City to require a full EIR instead of an MND based on the circumstances of a separate project in the state of Colorado is unreasonable.

Attachment A.
Appeal Letters (bracketed)

1) Gideon Kracov, Attorney at Law, representing Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza (dated March 7, 2017)(with Attachment 1A by MRO Engineers, dated February 24, 2017);
2) Gideon Kracov, Attorney at Law, representing Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza (dated February 28, 2017);
3) David Pettit, Senior Attorney, Natural Resources Defense Council (dated April 13, 2017); and
4) Deana Meyer, Executive Director, on behalf of Prairie Protection Colorado (dated April 4, 2017).

ATTACHMENT A
COMMENT LETTER No. 1

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jojo.pewsawang@lacity.org
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March 7, 2017

JoJo Pewsawang, City Planning Department
Sharon Dickinson, City Clerk's Office
Los Angeles City Planning and Land Use Management Committee
200 N. Main St., Room 350
Los Angeles, CA 90012

Re: *2136-2148 E. Violet Street; CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File # 17-005*

Dear Mr. Pewsawang and Ms. Dickinson:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza ("*Commentors*") with regard to the referenced City of Los Angeles ("*City*") land use approvals for the Violent Street Project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND) ("*Project*"), proposed by Lowe Enterprises/Violet Street Investor ("*Lowe*" or *Applicant*"). Our understanding is that the Project will be heard by the City Council's Planning and Land Use Management ("*PLUM*") Committee in the upcoming weeks. This letter supplements the February 28, 2017 letter we wrote you about the Project. 1.1

As set forth below, Commentors write to express concerns about the Project's inadequate Mitigated Negative Declaration/Initial Study ("*IS/MND*") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("*GHG*") impacts. In particular, Commentors' expert analysis submitted herewith discloses, as a matter of law, potentially significant traffic, hazardous substances and GHG impacts.

A IS/MND has been prepared for this new, 9-story high rise Project, not a more comprehensive Environmental Impact Report ("*EIR*"), pursuant to the California Environmental Quality Act ("*CEQA*") law. This means that the less deferential "fair argument" standard applies. The "fair argument" is a "low threshold" favoring environmental review through an EIR rather than a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cal.App.4th 322; *Pocket Protectors v. Sacramento* 1.2

(2005) 124 Cal.App.4th 903. An agency's decision not to require an EIR is upheld only when there is no credible evidence to the contrary. *Sierra Club v. Sonoma* (1992) 6 Cal.App.4th, 1307, 1318. 1.2 cont.

This Project is discretionary, not by right. Applicant seeks discretionary approvals under the City's Municipal Code including a Vesting Zone Change, Height District Change to 3.5:1 Floor Area Ratio ("*FAR*") instead of the permitted 1.5:1 FAR, and Site Plan Review. As such, PLUM and the City Council must make express findings under the Municipal Code, Central City North Community Plan ("*Community Plan*") and Central Industrial Project Area Redevelopment Plan ("*Redevelopment Plan*"). Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework, the Community Plan and the Redevelopment Plan, which collectively seek to preserve industrial land. Commentors ask the Council that if we are taking away rare M-3 zoned industrial land, perhaps our City would be better served with residential use, where Local 11's members could afford to live, instead of fancy commercial office and retail? 1.3

The City Council and PLUM have clear legal authority to disprove the Project if the required land use findings cannot be made. *Kavanau v. Santa Monica Rent Control* (1997) 16 Cal.4th 761. Commentors have serious concerns, as explained herein, that this Project's IS/MND is flawed and that the Project cannot satisfy the City's required land use findings and General and Community Plan, as well as Redevelopment Plan, goals and policies.

Commentors prepared these comments with expert traffic engineer Neal Liddecoat, P.E. and environmental scientist Matt Hagemann, P.G., C.Hg., QSD, QSP. Their comment letters dated February 23, 2017 and February 24, 2017, respectively, are attached hereto as Attachments 1 and 2 and are incorporated herein in their entirety. In CEQA cases, "[s]ubstantial evidence includes … expert opinion." Pub. Res. Code § 21080(e)(1); 14 Cal. Code Regs. § 15064(f)(5). 1.4

Project Background

The Project consists of the construction of a nine-story (107'-6"), 96,936 sq.ft. mixed-use development including ground-floor retail (6,6163 sq.ft.), five-story above grade parking, and office space (90,673 sq.ft.), resulting in 3:1 FAR. The Project site consists of four parcels totaling 32,313 sq.ft., zoned M-3 for heavy manufacturing, with an existing 6,614 sq.ft. industrial warehouse and metal scrap yard. Approximately 200 parking spaces will be provided in the five-level, above-grade parking facility. One vehicular access driveway will be provided on Violet Street and two access points will be located on the alley along the south side of the building. 1.5

In addition to adoption of the Project's environmental analysis, Applicant has requested a Vesting Zone and Height District change from M3-1-RIO to (T)(Q)M3-2D-RIO, and to 3.5:1 FAR instead of the permitted 1.5:1 FAR, as well as Site Plan Review because the Project results in 50,000 gross sq.ft. or more of nonresidential floor area. The site is in the Central City North Community Plan and Central Industrial Redevelopment Plan Area.

Standing of Commentors

Local 11 represents more than 20,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California. Members of Local 11, 1.6

including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions.

Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the CEQA process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198. So too, individuals such as downtown Los Angeles resident Mr. Mendoza have standing under CEQA. *Id.* at 1199 ("[o]ne of BCLC's members is a homeowner residing near Gosford and he spoke in opposition to the projects . . . This is sufficient to satisfy CEQA's liberal standing requirement). 1.6 cont.

This comment letter is made to exhaust remedies under Pub. Res. Code § 21177 concerning the Project, and incorporates all written and oral comments submitted on the Project by any commenting party or agency. It is well-established that any party, as Commentors here, who participates in the administrative process can assert all factual and legal issues raised by anyone. *Citizens for Open Government v. City of Lodi* (2006) 144 Cal.App.4th 865, 875.

The Council Should Reject the Project IS/MND and Require an EIR

Commentors respectfully reiterate that the less deferential "fair argument" standard applies to the IS/MND for the Project. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia*, 130 Cal.App.4th at 322. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club*, 6 Cal.App.4th, 1307 at 1318 1.7

Here, Commentors respectfully insist that the City find that there is a "fair argument," based on expert opinion, of significant traffic, GHG, land use and hazardous substances impacts, and that the IS/MND therefore is insufficient. "Substantial evidence includes … expert opinion." Pub. Res. Code § 21080(e)(1); 14 Cal. Code Regs. § 15064(f)(5).

Traffic and Transportation Impacts

CEQA requires analysis of traffic impacts related to a project. *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727. Expert traffic engineer Neal Liddecoat P.E.'s February 23, 2017 comment letter on the IS/MND reveals significant deficiencies and a "fair argument" of significant traffic impacts that must be addressed prior to approval of the Project and its related environmental documentation. Expert Liddecoat concludes in his letter, in Attachment 1 hereto, all incorporated by this reference, that there are significant, undisclosed traffic impacts in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street: 1.8

> "[O]ur detailed review revealed apparent discrepancies with regard to assignment of the project traffic to the study intersections. These discrepancies are particularly noteworthy in the PM peak hour. In particular, as demonstrated below, there is a critical deficiency in the analysis, as there is likely a significant impact in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street that is not revealed in the IS/MND . . .

Clearly, there are significant differences between the volume of traffic supposedly assigned in each direction versus the actual volume of project-generated traffic assigned to each direction. For example, to the west of the project site, 43 outbound project-related trips should occur, based on application of the 35 percent trip distribution to the 122 outbound trips. Instead, only 36 such trips were actually assigned in the traffic analysis to travel to the west from the project site. Similarly, in the inbound direction, only twelve trips were assigned in the traffic analysis from the west, instead of the 13 suggested through direct application of the 35 percent trip distribution percentage. So, the traffic analysis undercounts the total volume of project-related traffic generated by the project in the PM peak hour. To the north and to the south, similar deficiencies were found . . .

As noted above, the volume of project-generated traffic actually assigned to the west from the project site is 36 trips, instead of the 43 trips expected through application of the 35 percent trip distribution factor to the 122 outbound trips. Twelve of those 36 trips are shown as northbound left turns at Santa Fe Avenue/Seventh Street. In order to partially rectify the apparent shortage of westbound project traffic, it would be perfectly reasonable to add one of the four missing project trips to the northbound left turn. Table 2 illustrates the effect on the intersection's V/C ratio of doing so.

In short, the addition of one northbound left turn increases the project-related V/C increment from 0.019 to 0.020, which constitutes a significant impact. The same would be true if that one additional trip were added to any of the critical movements, including the southbound through movement, the eastbound through movement, or the westbound left turn.

1.8 cont.

Table 2
Level of Service Worksheet Summary

	Analysis Scenario				
	Future Without Project[1]	Future With Project[1]		Modified Future With Project[2]	
Critical Movement	Lane Volume	Project Traffic	Lane Volume	Project Traffic	Lane Volume
Northbound Left Turn	199	12	211	13	212
Southbound Through	447	4	451	4	451
Eastbound Through	479	0	481	0	481
Westbound Left Turn	248	10	258	10	258
TOTAL	1,373	26	1,401	27	1,402
V/C Ratio[3]	0.964		0.983		0.984
Adjusted V/C Ratio[4]	0.864		0.883		0.884
Level of Service	D		D		D
Project V/C Increment	--		0.019		0.020
Significant Impact?	--		No		Yes[5]

Notes:
1. Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p. 34).
2. Modified to add one northbound left turn.
3. Volume/capacity ratio, based on a capacity value of 1,425 vehicles/hour.
4. Reduced by 0.100 to reflect ATSAC/ATCS at intersection.
5. Project-related increase in V/C of 0.020 or greater at LOS D, according to LADOT significance criteria. (Source: LADOT, *Traffic Study Policies and Procedures*, August 2014).

The project traffic assignment derived for the 2130 Violet Street IS/MND traffic analysis has substantial flaws. The total number of project-generated trips actually assigned to the study intersections is somewhat less than the number of trips estimated to be generated by the project. As demonstrated above, this is a critical deficiency in the analysis, as the addition of one project-generated PM peak-hour trip to certain key movements at the intersection of Santa Fe Avenue/Seventh Street would result in a significant impact not revealed in the IS/MND.

We believe that development of a corrected project traffic assignment will result in a significant impact, as documented above. Consequently, the traffic analysis must be corrected and appropriate mitigation must be identified to remedy the project-related deficiency. A revised environmental document must then be circulated for further public review." *See* Liddecoat comment letter, Attachment 1 hereto.

1.8 cont.

GHG Significance Determinations Are Flawed

The CEQA Guidelines and recent decisions by the California Supreme Court, including *Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (2015) 62 Cal. 4th 204 (commonly referred to as "*Newhall Ranch*"), confirm the importance of undertaking robust GHG analysis for any and all projects. The IS/MND here fails to do this in a way that is supported by "substantial evidence." As explained by expert Hagemann's February 24, 2017 letter attached hereto as Exhibit 2, the GHG analysis fails to evaluate all GHG sources, contains flawed significance and cumulative GHG impacts analysis, and also fails to incorporate all feasible GHG mitigation:

1.9

Failure to Evaluate All Sources of Greenhouse Gas Emissions:

"The IS/MND concludes that the proposed Project's greenhouse gas (GHG) impact would be less than significant (p. III-34). However, our analysis, as described below, demonstrates that when the Project's total GHG emissions are compared to thresholds, the Project would have a potentially significant GHG impact. As a result, we find the IS/MND's GHG analysis to be flawed and should not be relied upon to determine Project significance.

The IS/MND relies upon a project-level efficiency threshold to determine Project significance. Specifically, the IS/MND relies upon the South Coast Air Quality Management District's (SCAQMD) draft tiered GHG significance threshold of 3,000 metric tons of CO_2e per year (MT CO_2e/yr) to determine the significance of the Project's GHG emissions (p. III-32). Using the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod")[1] to estimate emissions generated during Project construction and operation, the IS/MND determines that the "proposed Project would

1.10

[1] CalEEMod website, *available at*: http://www.caleemod.com/

result in a net increase of 2,177.93 MT CO_2e/yr as compared to existing conditions" (p. III-34). Thus, the analysis concludes, because "the Project's net GHG emissions would be less than the SCAQMD's draft threshold for commercial/residential projects", the Project's emissions are less than significant (Table III-8 *Notes*, p. III-35).

However, relying on the proposed Project's *net* GHG emissions, rather than the Project's *total* GHG emissions, is incorrect and inconsistent with recent guidance set forth by the Office of Planning and Research (OPR). In the Final Statement of Reasons for the GHG-specific Guidelines,[2] OPR concluded that lead agencies cannot simply consider whether a project increases or decreases GHG emissions at the project site, but must consider the effect that the project will have on the larger environment. Accordingly, if a lead agency wants to use a *net* approach by subtracting existing on-site emissions from the project emissions, it must support that decision with substantial evidence showing that those existing emissions sources will be extinguished and not simply displaced.[3]

1.10 cont.

Review of the Project's GHG analysis, however, demonstrates that all existing GHG emissions sources on the Project site from the industrial warehouse and scrap metal yard were subtracted from the Project's estimated total GHG emissions,[4] without substantial evidence showing that all of these existing GHG emissions sources on the Project site would be extinguished by the proposed Project, and not simply move elsewhere leading to increased *total* cumulative GHG emissions over the applicable GHG thresholds. As a result, the Project's GHG impact is underestimated and inadequately addressed.

The GHG emissions generated by the Project site's existing land uses should have been considered when assessing the Project's GHG impact, since the IS/MND fails to provide substantial evidence showing that the existing GHG sources will be extinguished as a result of the proposed Project, and not simply displaced. Table III-8 of the IS/MND estimates the Project's GHG emissions as a result of construction and operation (p. III-35). As you can see in the table below, the Project's total GHG emissions (construction and operation) are approximately 3,072.58 MT CO_2e/yr, which is above the significance threshold of 3,000 MT CO_2e/yr set forth by the SCAQMD (see table below) (p. III-35).

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[2] Final Statement of Reasons, pp. 83-84, *available at,* http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf

[3] *See* CEQA Guidelines, § 15064.4, subd. (a) ("The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.")

[4] The IS/MND indicates the existing warehouse and metal scrap yard are currently in operation. The IS/MND's GHG analysis quantifies the Project site's existing GHG emissions using CalEEMod and determines that the existing operations generate approximately 380.70 CO2e MTY (p. III-33). Additionally, Table III-20 of the IS/MND demonstrates that a total of 53 people are currently employed at the Project site as a result of the "existing on-site operations" (p. III-97).

Annual Greenhouse Gas Emissions	
Emission Source	**Proposed Project (MT CO_2e/year)**
Mobile (Motor Vehicles)	1,382.40
Energy – Electricity	1,308.85
Energy - Natural Gas	105.52
Area	<0.01
Water	219.61
Waste	43.10
Construction Emissions (Amortized)	13.10
Project Total	**3,072.58**
Significance Threshold	**3,000**
Exceed?	***Yes***

1.10 cont.

As you can see in the table above, when we compare the Project's unmitigated emissions of 3,072.58 MT CO_2e/yr, which is provided in Table III-8 of the IS/MND, to the SCAQMD recommended threshold of 3,000 MT CO_2e/yr, we find that the Project's emissions would exceed this threshold, contrary to what is stated in the IS/MND. Our analysis and the OPR GHG-specific Guidelines demonstrate that it is inadequate to simply evaluate only new *net* sources of GHG emissions from the proposed Project and omit an analysis of all existing sources of GHG emissions from the Project site unless substantial evidence shows that those existing emissions sources will be extinguished and not simply displaced elsewhere. Until an updated GHG analysis is prepared in a Project-specific EIR that adequately evaluates the Project's total GHG emissions from all sources, the IS/MND should not be relied upon to determine Project significance." *See* Hagemann letter Attachment 2 hereto.

Fails To Acknowledge Significant Project GHG Impacts:

"According to the SCAQMD, if the Project's emissions exceed the 3,000 MT CO_2e/yr screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.[5] SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTCO_2e per year per service population (MT CO_2e/sp/yr) for project-level analyses and 6.6 MT CO_2e/sp/yr for plan level projects (e.g., program-level projects such as general plans). Those per capita efficiency targets are based on the AB 32 GHG reduction target and the 2020 GHG emissions inventory prepared for ARB's 2008 Scoping Plan. SCAQMD also created a 2035 efficiency thresholds by reducing the 2020 thresholds by 40 percent, resulting in an efficiency threshold for plans of 4.1 MT CO_2e/sp/yr and an efficiency threshold at the

1.11

[5] SCAQMD, CEQA Significance Thresholds, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2

project level of 3.0 MT CO_2e/sp/yr.[6] Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO_2e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, as the Project is not anticipated to be redeveloped prior to 2035.

According to the California Air Pollution Control Officers Association's (CAPCOA) CEQA & Climate Change report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project".[7] Therefore, consistent with the IS/MND, we estimated a service population of approximately 414 jobs or employees (Table III-20, p. III-97). Dividing the Project's GHG emissions by a service population value of 414 employees, we find that the Project would emit 7.4 $MTCO_2e$/sp/yr.

When we compare the Project's per capita GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, we find that the Project would result in a significant GHG impact (see table below).

1.11 cont.

Annual Greenhouse Gas Emissions		
Source	**Emissions**	**Unit**
Total Annual Emissions	3,073	$MTCO_2e$/year
Maximum Service Population	414	Employees
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2020 SCAQMD Project Level Efficiency Threshold	4.8	$MTCO_2e$/sp/year
Exceed?	***Yes***	-
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2035 SCAQMD Project Level Efficiency Threshold	3.0	$MTCO_2e$/sp/year
Exceed?	***Yes***	-

As you can see in the table above, the Project's total GHG per capita emissions of 7.4 MT CO_2e/sp/yr greatly exceed the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, thus resulting in a potentially significant impact. Based on the results of this analysis, a Project-specific EIR must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA Guidelines." *See* Hagemann letter Attachment 2 hereto.

Inadequate Analysis of Cumulative GHG Impacts:

1.12

"The IS/MND concludes that the proposed Project would not make a cumulatively considerable contribution to GHG emissions, and therefore, the Project's cumulative GHG impact would be less than significant (p. III-39). The IS/MND attempts to justify

[6] Working Group Meeting 15 Minutes, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2

[7] "CEQA & Climate Change." & Climate Change." *CAPCOA,* January 2008, *available at:* http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf, p. 71-72.

this significance determination by stating that because "the Proposed Project's generation of GHG emissions would represent a 19% reduction in GHG emissions with GHG reduction measures in place as compared to the Project's emissions in the absence of all the GHG reducing measures and project design features," the Project would result in a less than significant cumulative impact (p. III-39). This conclusion, however, as well as the justification provided to support this conclusion, are inadequate, as they do not actually evaluate or quantify the Project's cumulative impacts. As a result, we find the IS/MND to be incorrect and require that an updated analysis be prepared in order to adequately evaluate the Project's GHG impact.

Simply because the IS/MND's Project-level analysis determines that implementation of project design features and GHG reduction measures would reduce the Project's GHG emissions by 19% does not mean that the Project will not have a cumulatively considerable contribution to GHG emissions.[8] According to the Office of Planning and Research Technical Advisory (OPR),

"The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute to new GHG emissions, either individually or cumulatively, directly or indirectly".[9]

1.12 cont.

Therefore, regardless of how much the Project's GHG emissions are reduced by as a result of the GHG-reduction measures proposed in the IS/MND, the cumulative GHG impact from the 36 identified projects, in conjunction with the proposed Project, should have been evaluated in order to determine the cumulative GHG impact that operation of the Project may have on the surrounding environment.

As stated above, the IS/MND identified a total of 36 cumulative projects within the study area, which are listed in Table II-5 of the IS/MND (p. II-29, II-30). Of the 36 projects identified in the IS/MND, seven of them are within a half mile of the Project (see excerpt below, area within red circle represents a 0.5-mile radius from Project site). . . .

[S]even projects are within a half mile of the Project site, the emissions from these projects should have been properly evaluated, and by failing to do so, the IS/MND is incomplete and unreliable.

Our simple analysis demonstrates that the IS/MND fails to adequately evaluate this potentially significant cumulative impact prior to making a significance determination, and as a result, the Project's GHG impacts are not sufficiently addressed. A correct cumulative GHG assessment should be conducted in a Project-specific EIR to properly

[8] Gordon, Nicole Hoeksma and Al Herson. "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation." California Environmental Law Reporter, Volume 2011.9 (2011): 379-389. http://www.sohagi.com/publications/GordonHerson_DemystifyingCEQAsCumulativeImpactAnalysis.pdf

[9] "Technical Advisory on CEQA and Climate Change." Office of Planning and Research Technical Advisory, June 2008, *available at:* https://www.opr.ca.gov/docs/june08-ceqa.pdf, p. 6.

assess the potential cumulative impacts that the combination of all these projects poses to the surrounding communities." *See* Hagemann letter Attachment 2 hereto. 1.12 cont.

Inadequate GHG Mitigation:

Our analysis demonstrates that the Project's GHG emissions may present a potentially significant impact. In an effort to reduce the Project's emissions, we identified several additional mitigation measures that are applicable to the Project. Additional mitigation measures that could be implemented to reduce operational GHG emissions include, but are not limited to, the following: [10]

- Use passive solar design, such as: [11,12]
  - Orient buildings and incorporate landscaping to maximize passive solar; heating during cool seasons, and minimize solar heat gain during hot seasons; and
  - Enhance natural ventilation by taking advantage of prevailing winds.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a "green streets guide" that requires:
  - Use of minimal amounts of concrete and asphalt;
  - Installation of permeable pavement to allow for storm water infiltration; and
  - Use of groundcovers rather than pavement to reduce heat reflection.[13]
- Implement Project design features such as: 1.13
  - Shade HVAC equipment from direct sunlight;
  - Install high-albedo white thermoplastic polyolefin roof membrane;
  - Install high-efficiency HVAC with hot-gas reheat;
  - Install formaldehyde-free insulation; and
  - Use recycled-content gypsum board.
- Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
- Meet "reach" goals for building energy efficiency and renewable energy use.
- Require all buildings to become "LEED" certified.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Use CARB-certified or electric landscaping equipment in project and tenant operations; and introduce electric lawn, and garden equipment exchange program.

[10] http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf
[11] Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.
[12] Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.
[13] *See* Irvine Sustainable Travelways "Green Street" Guidelines; www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934; and Cool Houston Plan; www.harc.edu/Projects/CoolHouston.

- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site . . .

Finally, additional, feasible mitigation measures can be found in CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, which attempt to reduce GHG levels.[14]" *See* Hagemann letter Attachment 2 hereto.

1.13 cont.

Land Use Inconsistency

A IS/MND must discuss any inconsistencies between the proposed Project and applicable General Plan. 14 Cal. Code Regs. § 15125(d). This inconsistency is particularly acute here when it comes to taking away land zoned for M-3 heavy manufacturing – a topic that the Project IS/MND fails to adequately address:

1.14

Converting Industrial Land to Non-Industrial Use. With only eight percent of land within the City zoned for industrial use, conversions of industrial land for non-industrial uses (such as office and retail) can "diminish[] the availability of the City's industrial lands along with the jobs, industries, and General Fund revenues they support" (*see* City Planning & CRA/LA Report, p. 11).[15]

The Project therefore conflicts with the City's General Plan Framework Goal 3J of "[i]ndustrial growth" and Policy 3.14.6 that industrial-zoned land must not be reduced to "adversely impact the City's ability to accommodate sufficient industrial uses" (see General Plan Framework, Chapter 3).[16] The Project also conflicts with the applicable Community Plan Goal 3 of providing "sufficient land for a variety of industrial uses" and Community Plan Objectives 3-1 and 3-3 of "providing for existing and future industrial uses" and to "retain industrial plan designations" (see Community Plan, pp. III-8-9).[17]

1.15

Zero New Housing. Commentors respectfully ask of the Council that if we are taking away precious industrial land, maybe our City would be better served with residential use instead of fancy commercial office and retail? According to the UCLA Ziman Center, Los Angeles housing prices have grown about four times faster than incomes since 2000 and "affordable housing production and preservation needs to accelerate."
http://www.anderson.ucla.edu/Documents/areas/ctr/ziman/2014-08WPrev.pdf
Los Angeles is the least affordable rental market in the country, according to Harvard University's Joint Center for Housing Studies, and it has been ranked the second-least affordable region for middle-class people seeking to buy a home.
http://www.latimes.com/opinion/editorials/la-ed-affordable-housing-part-1-20150111-story.html
The City of Los Angeles' Housing Needs Assessment indicates that through September 30, 2021, 20,426 additional housing units are needed in the City for very low-income, 12,435 for low-income, and 13,728 are for moderate income.
http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch1.pdf

1.16

[14] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf
[15] See Los Angeles' Industrial Land: Sustaining a Dynamic City Economy (Dec. 2007), available at http://planning.lacity.org/Code_Studies/LanduseProj/Industrial_Files/Attachment%20B.pdf.
[16] Available at http://planning.lacity.org/cwd/framwk/chapters/03/03209.htm.
[17] Available at https://planning.lacity.org/complan/pdf/cncptxt.pdf.

The City's General Plan reflects this urgent need for affordable housing. *See City of Los Angeles General Plan Housing Element* Goal 1 "A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs"; Policy 1.1.1 "Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status"; Policy 1.1.2 Expand affordable rental housing; Objective 2.5 "Promote a more equitable distribution of affordable housing opportunities throughout the City"; Policy 2.5.1 "Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers"; and Policy 2.5.2 "Foster the development of new affordable housing units citywide and within each Community Plan area." http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch6.pdf. Yet, this Project does zero to address any of this. 1.16 cont.

Redevelopment Plan[18] **Compliance**. As for the Redevelopment Plan,[19] which the IS/MND almost entirely ignores even though it is in effect until 2032, the Project conflicts with: Plan § 105 Goal for "a healthy industrial environment which generates and attracts new private investment to increase job opportunities, property valued and tax revenues;" Plan § 503.1 that says that all "areas shows . . . Industrial shall be maintained, developed or used for industrial uses;" and Plan § 512.1 "Floor Area shall be no more than three (3) times the Parcel Area." In fact, the governing Plan has a host of procedural requirements that are avoided here, including: §§ 408.4 and 523 requiring Agency approval of all development permits and architectural plans, whether public or private; § 503.5 allowing commercial use in industrial areas only in compliance with four findings including compatibility with "Industrial uses in the vicinity" and some form of inclusionary housing for ;all socio-economic groups"; and § 512.4 requiring transfer of FAR payments for exceeding maximum 3:1 FAR. 1.17

Compatibility With Surrounding Uses. The Project Staff Report states the Project would "mirror existing development" but lists only three other developments (i.e. six-story SoHo 1.18

[18] Available at http://www.crala.org/internet-site/Projects/Central_Industrial/upload/centralindustrial-4.pdf.

[19] It is entirely unclear from the IS/MND how the City is approaching Redevelopment Plan compliance, which the IS/MND essentially ignores. In light of CRA/LA dissolution, the appropriate action in order to remove the Plan requirements or otherwise divest the CRA/LA of its responsibility to approve this Project would be to: i) transfer the powers of the former CRA to the City, or ii) amend the Central Industrial Redevelopment Project Area Plan. Neither has yet occurred. The City is in the process of considering an ordinance to take control from the former CRA's responsibilities. https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=13-1482-S1; https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=11-0086-S4; https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=12-0014-S4 . Once the City transfers authority, then it will have the ability to assume the role of the former CRA/LA. In the absence of a successor agency to administer redevelopment activities, the Applicant cannot ignore the Redevelopment Plan goals and policies.

Warehouse, five-story Ford Factory, three-story At Mateo[20]) (see Staff Report, pdf pp. 10, 24, 26-28).

During public hearings, the issue was raised that the Project was "out of context with the surrounding buildings" (*id.* at pdf p. 32). One commentor echoed these concerns in its comment letter about the lack of "analysis with respect to the consistency of a 9-story building surrounded by 1-story buildings" (*id.* at pdf p. 865). 1.18 cont.

In fact, the IS/MND failed to mention the Project is taller than any other building within the area when discussing consistency with Community Plan Policies and Redevelopment Plan Objectives regarding compatibility with "adjacent developments" and "existing character of the [area]" (*id.* at pp. 186-87, 197).

Hazardous Substances Analysis

The potential existence of toxic contamination on this Project site is a significant impact requiring CEQA review. *McQueen v. Board of Directors* (1988) 202 Cal.App.3d 1136. As set forth in the expert Hagemann's February 24, 2017 comment letter attached as Exhibit 2 and incorporated in its entirety by this reference:

> "The Phase I and the two Phase IIs document that the Project site, a former metals recycling facility, has been contaminated by high concentrations of metals, petroleum hydrocarbons and PCBs. However, mitigation (HAZ-1) includes only the development of a soil remediation plan "prior to building construction." This is deferred mitigation and does not allow for public review of the remediation plan to ensure that Project development is safe for construction workers and future occupants. 1.19
>
> An August 2015 Phase II Environmental Site Assessment[21] documented high levels of contaminants in shallow soils beneath the Project site.
>
> - Total petroleum hydrocarbon as diesel (TPH-d) was detected in 10 borings with a maximum concentration of 9,180 milligrams per kilogram (mg/kg) in B6 at six feet in depth. The Regional Water Quality Control Board Environmental Screening Level (ESL) for TPH-d for construction worker exposure is 880 mg/kg, 1,100 mg/kg for commercial/industrial exposure, and 230 mg/kg for residential exposure.[22]
> - PCBs were detected in boring B6 between two and six feet in depth. A maximum PCB concentration of 11.3 mg/kg was detected in boring B8 and 5 feet in depth. PCB ESLs are 0.25 mg/kg, 1.0 mg/kg and 5.6 mg/kg for residential, commercial/industrial and construction worker exposure respectively.

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[20] See M. Segal (Nov. 29, 2016) Here's What's Up with the $80 Million 'At Mateo' Building in DTLA, Los Angeles Times, available at http://www.lamag.com/citythinkblog/heres-whats-80-million-mateo-building-dtla/ (visited Feb. 22, 2017).

[21] Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC.

[22] http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Workbook_ESLs_Interim%20Final_22Feb16_Rev3_PDF.pdf, p. 10

- Lead was detected to 441 mg/kg in B6 at 2' below ground surface. The lead ESLs are 80 mg/kg, 320 mg/kg for residential and commercial/industrial exposure respectively.
- Copper was detected in soil sample B2 at two feet in depth at 4,510 mg/kg. The copper residential ESL is 3,100 mg/kg.[23]

Mitigation to address these contaminants is inadequate. Mitigation Measure HAZ-1 only calls for a soil remediation plan shall be developed and implemented to excavate and remove impacted soils prior to building construction. HAZ-1 does not identify what criteria will be used to identify "impacted" soils and to what standard soil cleanup will achieve (i.e. health based regulatory residential soil cleanup thresholds like ESLs or California Human Health Screening Levels).[24]

No plans for regulatory oversight are documented in the IS/MND. Given the high levels of contamination, and to ensure a cleanup that is conducted in a manner safe for construction personnel and future occupants, regulatory oversight of the cleanup is necessary. The Project developer should engage the DTSC through voluntary cleanup agreement to ensure the adequacy of the assessment of site contaminants and of the ultimate cleanup." *See* Hagemann comment letter, Attachment 2 hereto.

This lack of adequate disclosure of site contamination violates CEQA's informational disclosure mandates. CEQA requires that the City make "a reasonable, good faith effort to disclose and evaluate environmental impacts." *City of Maywood v. Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 396 (stating rules for property contamination evaluation in CEQA cases). The City's conclusory presentation of contamination at the Project site falls far short of "provid[ing] decisionmakers [and the public] with information which enables them to make a decision which intelligently takes account of environmental consequences." *City of Maywood*, 208 Cal.App.4th at 396. 1.19 cont.

Furthermore, the IS/MND improperly provides only deferred and insufficient mitigation to address the contamination without any required performance standards. CEQA caselaw requires the Agency to "craft mitigation measures that would satisfy enforceable performance criteria." *Maywood*, 208 Cal.App.4th at 407. This deferral of cleanup performance standards violates CEQA. CEQA disallows deferring the formulation of mitigation measures to post-approval studies with no performance standards to guide the mitigation. *CBE v. Richmond*, 184 Cal.App.4th at 92, CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309. An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." *Sundstrom* at 308; *see also Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only "for kinds of impacts for which mitigation is known to be feasible").

A lead agency is precluded from making the required CEQA findings unless the record

[23] A portion of the site has not been sampled for hazardous materials. Phase II consultant Cardno was only able to test "limited areas" of the site as portions of the site were covered by metal debris that made soil sampling inaccessible." Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC, pp. 2-3, Figure 2.

[24] https://oehha.ca.gov/risk-assessment/california-human-health-screening-levels-chhsls

shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available). This approach helps "insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935. 1.19 cont.

The Required Land Use Findings Cannot Be Made

The CEQA, land use and other concerns addressed in this letter must be adequately addressed in order to make the required City of Los Angeles Zoning Code findings. *The entitlements are discretionary, not by right*.

Absent compliance with the issues addressed herein, Lowe's requested discretionary entitlements should be rejected by the City Council and the required discretionary findings not made. Los Angeles Municipal Code § 12.32.F.1 (requiring for zone change "that the public necessity, convenience, general welfare or good zoning practice so require"; § 16.05.F (site plan review findings must show "that the project is in substantial conformance with the purposes, intent and provisions of the General Plan, applicable community plan . . ." and "that the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, that is or will be compatible with existing and future development on adjacent properties and neighboring properties"). The same is true for the Redevelopment Plan findings under § 503.5 (commercial uses within industrial areas only if "compatible with and appropriate for the Industrial uses in the vicinity."). 1.20

Conclusion

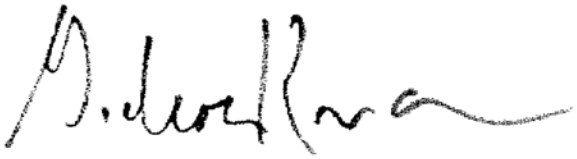
Commentors write to express concerns about the Project's inadequate IS/MND in areas including traffic, land use inconsistency, hazardous substances and GHG impacts. Indeed, this letter incorporates the comments of expert traffic engineer Neal Liddicoat, P.E. dated January 23, 2017 that show, as matter of law, that this Project may have a "fair argument" of traffic impacts, requiring that the City prepare an EIR here. So too, this this letter incorporates the comments of expert Matt Hagemann dated January 24, 2017 that show, as matter of law, that this Project likely has a "fair argument" of significant GHG and hazardous substances impacts, requiring that the City prepare an EIR. 1.21

This Project is discretionary, not by right. Lowe seeks discretionary approvals. *The Council has clear legal authority to disapprove the Project if these findings cannot be made*. Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework, the Community Plan and applicable Redevelopment Plan. Commentors respectfully ask of the Council that if we are taking away rare M-3 zoned industrial land, maybe our City would be better served with residential use, perhaps where Local 11's members could afford to live, instead of fancy commercial office and retail?

Finally, this Office is requesting, on behalf of Commentors, all notices of CEQA actions and any approvals, Project CEQA determinations, or Project public hearings under any provision of Title 7 of the California Government Code (California Planning and Zoning Law). This request is filed pursuant to Pub. Res. Code §§ 21092.2 and 21167(f), and Government Code § 65092, and Municipal Code §§ 12.28.C.3, 12.32.D.2 and 16.05.G.3.b, that collectively require local agencies to mail such notices to any person who has filed a written request for them. Please send notice by electronic and regular mail to: Gideon Kracov, Esq., 801 S. Grand Avenue, 11th Fl., Los Angeles, CA 90017, gk@gideonlaw.net. 1.21 cont.

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Project.

Sincerely,



Gideon Kracov
Lawyer for Unite HERE Local 11 and Antonio Mendoza

Attach:

1. Neal Liddecoat P.E. comment letter dated 2/23/17
2. Matt Hagemann P.G., C.Hg., QSD, QSP comment letter dated 2/24/17

COMMENT LETTER No. 1A

M R O
ENGINEERS
660 Auburn Folsom Rd.
Suite 201B
Auburn, California
95603
PHONE (916) 783-3838
FAX (916) 783-5003

February 24, 2017

Mr. Gideon Kracov
Attorney at Law
801 S. Grand Ave., 11th Floor
Los Angeles, CA 90017

Subject: ***Review of Transportation and Traffic Analysis***
Initial Study/Mitigated Negative Declaration
2130 Violet Street, Los Angeles, California

Dear Mr. Kracov:

As requested, MRO Engineers, Inc., (MRO) has reviewed the "Transportation and Traffic" section of the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed 2130 Violet Street project in Los Angeles, California. (Parker Environmental Consultants, September 29, 2016). The "Transportation and Traffic" section of the IS/MND is based on a traffic impact analysis prepared by The Mobility Group (TMG). (Reference: The Mobility Group, *2130 Violet Street Traffic Study*, March 2, 2016.) The TMG traffic study is presented as Appendix F to the IS/MND.

Our review focused on the technical adequacy of the Transportation and Traffic analysis, including the detailed procedures and conclusions documented in the TMG study.

Background

The proposed 2130 Violet Street project will consist of construction of a 96,936 square foot (SF) office building with ground-floor retail. The building will include 90,773 SF of office space and 6,163 SF of retail space. Approximately 200 parking spaces will be provided in a five-level, above-grade parking facility. One vehicular access driveway will be provided on Violet Street and two access points will be located on the alley along the south side of the building. 1A.1

Transportation and Traffic Analysis Review

Our review of the IS/MND Transportation and Traffic analysis found that it was generally conducted in accordance with the guidance provided in the Los Angeles Department of Transportation (LADOT) document entitled, *Traffic Study Policies and Procedures* (August 2014). However, our detailed review revealed apparent discrepancies with regard to assignment of the project traffic to the study intersections. These discrepancies are particularly noteworthy in the PM peak hour. In particular, as demonstrated below, there is a critical deficiency in the analysis, as there is likely a significant impact in the PM peak-hour at the intersection of Santa Fe Avenue/Seventh Street that is not revealed in the IS/MND.

"Assignment" is the process of adding project-generated trips to the local and regional road network in accordance with assumed geographic trip distribution percentages. According to the TMG report (p. 28), the trip distribution percentages employed in the 2130 Violet Street analysis are as follows:

- North: 25%
- South: 20%

COMMENT LETTER No. 1A

- East: 20%
- West: 35%

1A.1 cont.

According to IS/MND Table III-28 (p. III-16) and TMG Table 4.1 (p. 27), the proposed project will generate a net total of 161 PM peak hour trips, with 39 inbound and 122 outbound. The assignment of those trips to the six study intersections is illustrated on TMG Figure 4.5 – Project Only Traffic Volumes – PM Peak Hour (p. 30). For reference, that figure is presented as Attachment A.

Attachment B contains an annotated version of that figure, on which we have indicated the directional project traffic volumes that result from applying the trip distribution percentages listed above to the project trip generation estimates for the PM peak hour. Those numbers are shown in black squares.

Also shown on the figure in Attachment B are the actual numbers of project trips assigned in each direction, based on review of the project traffic volumes at each of the study intersections. Those numbers are shown in red.

Clearly, there are significant differences between the volume of traffic supposedly assigned in each direction versus the actual volume of project-generated traffic assigned to each direction. For example, to the west of the project site, 43 outbound project-related trips should occur, based on application of the 35 percent trip distribution to the 122 outbound trips. Instead, only 36 such trips were actually assigned in the traffic analysis to travel to the west from the project site. Similarly, in the inbound direction, only twelve trips were assigned in the traffic analysis from the west, instead of the 13 suggested through direct application of the 35 percent trip distribution percentage. So, the traffic analysis undercounts the total volume of project-related traffic generated by the project in the PM peak hour.

1A.2

To the north and to the south, similar deficiencies were found. Only to the east does the actual traffic assignment exceed the value expected through application of the trip distribution percentage (i.e., 20 percent).

To some extent, these differences might be explained as relating to freeway access considerations. For example, given the limited size of the study area, it might be reasonable to assume that some of the northbound or southbound traffic would initially travel east to gain access to the regional freeway system. This might be less likely with respect to westbound traffic, however, given the availability of nearby Interstate 10 on- and off-ramps at Eight Street and Porter Street.

However, freeway access considerations do not explain the fact that the total volume of project-related traffic shown to be entering and exiting the study area in the traffic analysis is less than the total volume of traffic generated by the project in the PM peak hour. Table 1 summarizes these differences.

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Table 1 Project Trip Generation – PM Peak Hour			
	In	Out	Total
IS/MND Table III-28	39	122	161
Actual Project Traffic Assignment	38	118	156
Difference	1	4	5

As shown, the actual number of project trips assigned to the study intersections is five fewer than the estimated volume of project-generated trips – one inbound and four outbound. Although these are small numbers, in this case they are critical, particularly in the outbound direction. Given the assumed project trip distribution percentages, those four trips represent one trip in each of the four cardinal directions.

This becomes important when one considers the PM peak hour level of service result for the study intersection of Santa Fe Avenue/Seventh Street. As documented in IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p. 34), the project-related increase in volume/capacity (V/C) ratio is 0.019, increasing from 0.864 under "Future Without Project" conditions to 0.883 under "Future With Project Conditions." In both analysis scenarios, the intersection is projected to operate at Level of Service (LOS) D.

According the significance criteria employed by LADOT, a significant impact occurs if the project causes an increase in V/C ratio of 0.020 or greater at LOS D. In this case, the project-related V/C increment of 0.019 is 0.001 short of constituting a significant impact. 1A.2 cont.

Furthermore, review of the PM peak hour level of service worksheet for the Santa Fe Avenue/Seventh Street intersection (presented in Appendix B of the TMG report) reveals that addition of a single project-generated trip to any of the four critical movements at that intersection would increase the project-related V/C increment to 0.020, thereby resulting in a significant impact. For ease of reference, that LOS worksheet is presented here as Attachment C.

According to the LOS worksheet, the critical movements at the Santa Fe Avenue/Seventh Street intersection are the following:

- Northbound left turn,
- Southbound through,
- Eastbound through, and
- Westbound left turn.

As noted above, the volume of project-generated traffic actually assigned to the west from the project site is 36 trips, instead of the 43 trips expected through application of the 35 percent trip distribution factor to the 122 outbound trips. Twelve of those 36 trips are shown as northbound left turns at Santa Fe Avenue/Seventh Street. In order to partially rectify the apparent shortage of westbound project traffic, it would be perfectly reasonable to add one of the four missing project

trips to the northbound left turn. Table 2 illustrates the effect on the intersection's V/C ratio of doing so.

In short, the addition of one northbound left turn increases the project-related V/C increment from 0.019 to 0.020, which constitutes a significant impact. The same would be true if that one additional trip were added to any of the critical movements, including the southbound through movement, the eastbound through movement, or the westbound left turn.

Table 2
Level of Service Worksheet Summary

	Analysis Scenario				
	Future Without Project[1]	Future With Project[1]		Modified Future With Project[2]	
Critical Movement	Lane Volume	Project Traffic	Lane Volume	Project Traffic	Lane Volume
Northbound Left Turn	199	12	211	13	212
Southbound Through	447	4	451	4	451
Eastbound Through	479	0	481	0	481
Westbound Left Turn	248	10	258	10	258
TOTAL	1,373	26	1,401	27	1,402
V/C Ratio[3]	0.964		0.983		0.984
Adjusted V/C Ratio[4]	0.864		0.883		0.884
Level of Service	D		D		D
Project V/C Increment	--		0.019		0.020
Significant Impact?	--		No		Yes[5]

Notes:
1. Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p. 34).
2. Modified to add one northbound left turn.
3. Volume/capacity ratio, based on a capacity value of 1,425 vehicles/hour.
4. Reduced by 0.100 to reflect ATSAC/ATCS at intersection.
5. Project-related increase in V/C of 0.020 or greater at LOS D, according to LADOT significance criteria. (Source: LADOT, *Traffic Study Policies and Procedures*, August 2014).

1A.2 cont.

CONCLUSION

The project traffic assignment derived for the 2130 Violet Street IS/MND traffic analysis has substantial flaws. The total number of project-generated trips actually assigned to the study intersections is somewhat less than the number of trips estimated to be generated by the project. As demonstrated above, this is a critical deficiency in the analysis, as the addition of one project-

COMMENT LETTER No. 1A

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generated PM peak-hour trip to certain key movements at the intersection of Santa Fe Avenue/Seventh Street would result in a significant impact not revealed in the IS/MND.

We believe that development of a corrected project traffic assignment will result in a significant impact, as documented above. Consequently, the traffic analysis must be corrected and appropriate mitigation must be identified to remedy the project-related deficiency. A revised environmental document must then be circulated for further public review. 1A.2 cont.

We hope this information is useful. If you have questions concerning anything presented here, please feel free to contact me at (916) 783-3838.

Sincerely,

MRO ENGINEERS, INC.

Neal K. Liddicoat, P.E.
Traffic Engineering Manager

Attachment A – TMG Figure 4.5 – Project Only Traffic Volumes – PM Peak Hour
Attachment B – TMG Figure 4.5 – Project Only Traffic Volumes – PM Peak Hour (Annotated)
Attachment C – Santa Fe Avenue/Seventh Street Level of Service Worksheet

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ATTACHMENT A

TMG FIGURE 4.5 – PROJECT ONLY TRAFFIC VOLUMES – PM PEAK HOUR

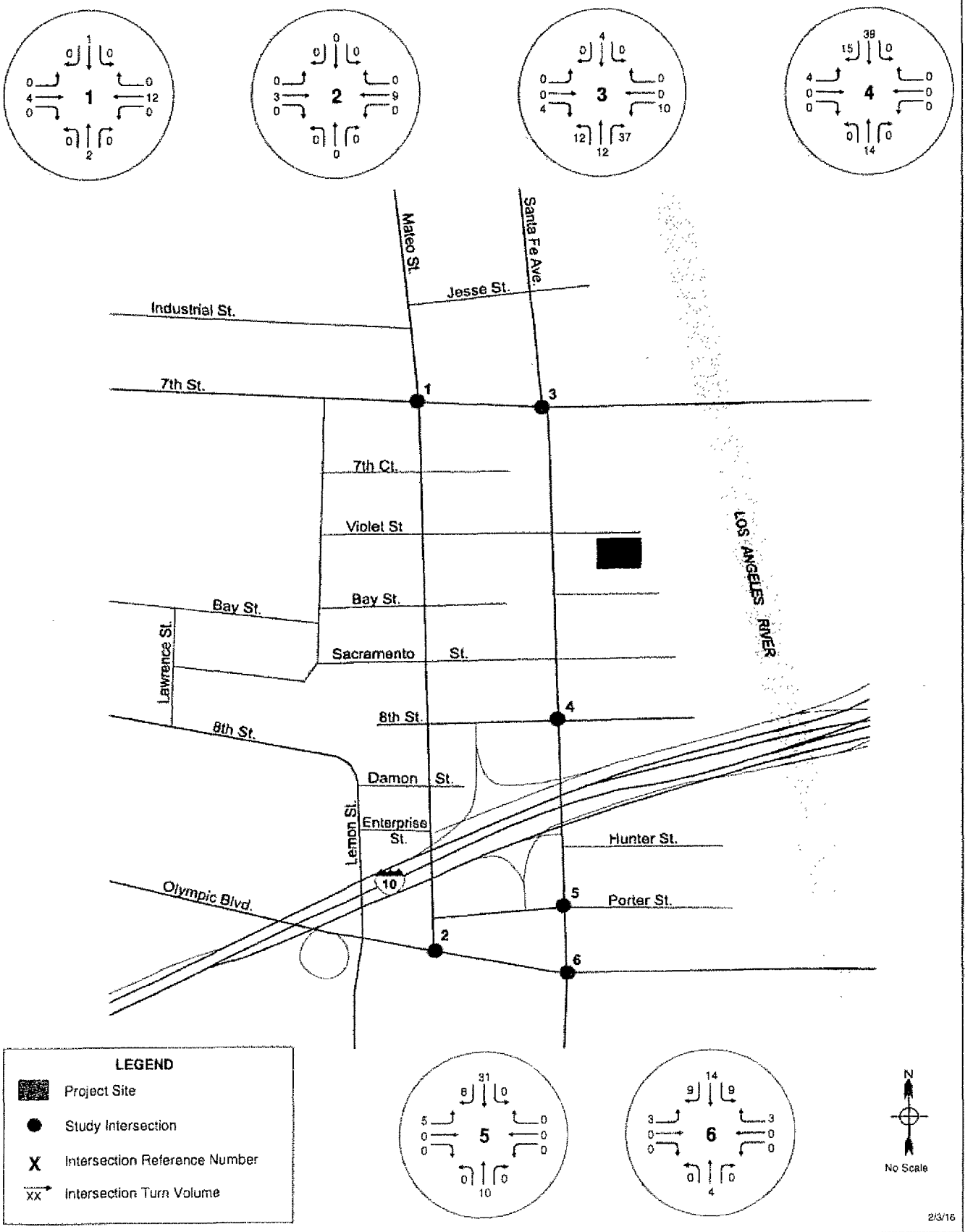

Figure 4.2
Project Only Traffic Volumes - PM Peak Hour

MRO ENGINEERS

ATTACHMENT B

TMG FIGURE 4.5 – PROJECT ONLY TRAFFIC VOLUMES – PM PEAK HOUR (ANNOTATED)

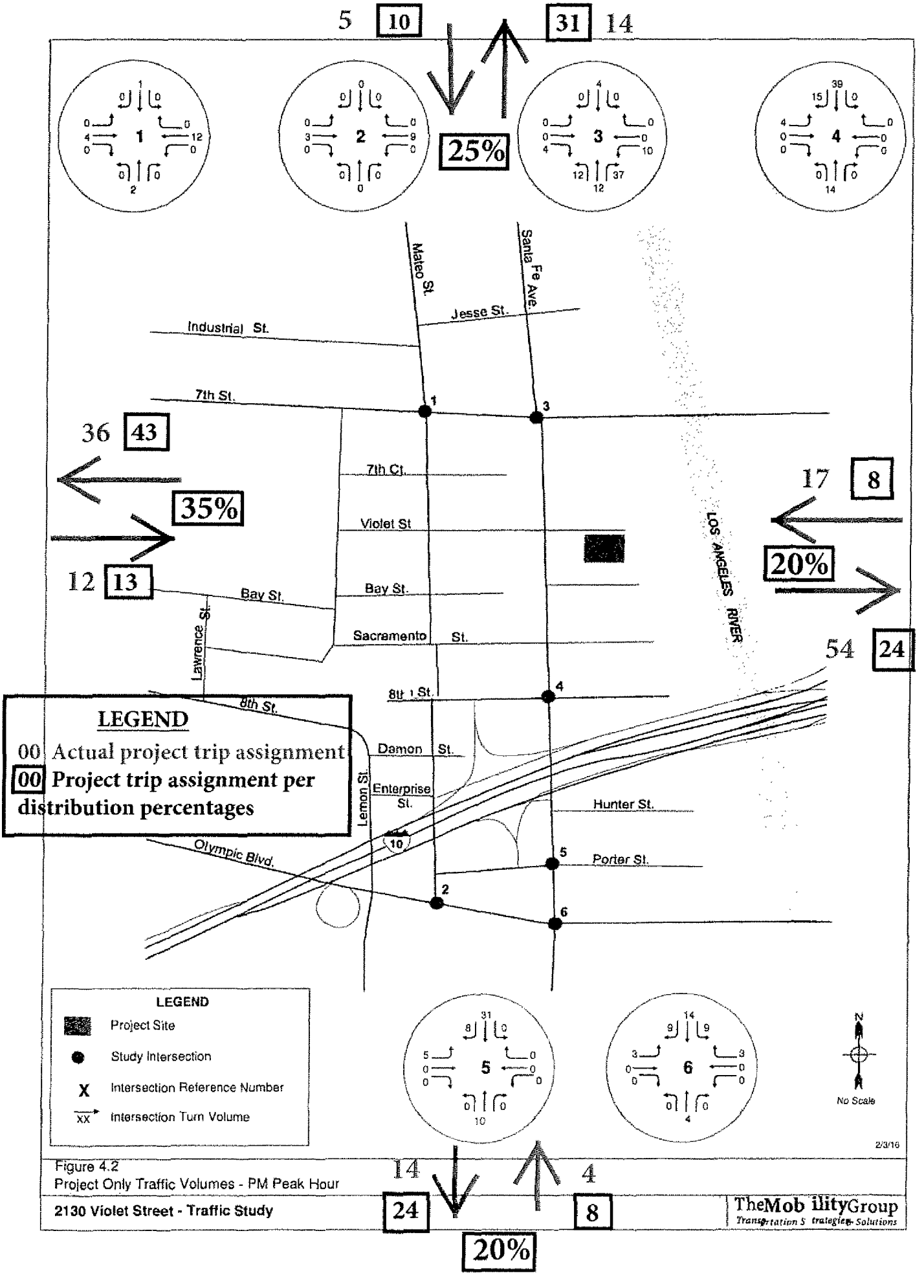

Figure 4.2
Project Only Traffic Volumes - PM Peak Hour

2130 Violet Street - Traffic Study

TheMobilityGroup
Transportation Strategies + Solutions

MRO ENGINEERS

ATTACHMENT C

SANTA FE AVENUE/SEVENTH STREET LEVEL OF SERVICE WORKSHEET

LADOT
Moving LA Forward

Level of Service Worksheet

2130 Violet Street Project - PM Peak Hour

I/S #:	North-South Street:	Santa Fe Avenue	Year of Count:	2015	Ambient Growth: (%):	1	Conducted by:	Azadeh Azad	Date:	12/30/2015
3	East-West Street:	7th Street	Projection Year:	2018	Peak Hour:	PM	Reviewed by:		Project:	2130 Violet

	EXISTING CONDITION			EXISTING PLUS PROJECT			FUTURE CONDITION W/O PROJECT				FUTURE CONDITION W/ PROJECT				FUTURE W/ PROJECT W/ MITIGATION			
MOVEMENT	Volume	No. of Lanes	Lane Volume	Project Traffic	Total Volume	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume
No. of Phases			3			3			3				3					3
Opposed Ø'ing: N/S-1, E/W-2 or Both-3?			0			0			0				0					0
Right Turns: FREE-1, NRTOR-2 or OLA-3?	NB-- 3 SB--		0	NB-- 3 SB--		0	NB-- 3 SB--		0		NB-- 3 SB--		0		NB-- 3 SB--			0
	EB-- 0 WB--		0	EB-- 0 WB--		0	EB-- 0 WB--		0		EB-- 0 WB--		0		EB-- 0 WB--			0
ATSAC-1 or ATSAC+ATCS-2?			1			1			2				2					2
Override Capacity			0			0			0				0					0
NORTHBOUND Left	127	1	**127**	12	139	**139**	68	199	1	**199**	12	211	1	**211**	0	211	1	**211**
NORTHBOUND Left-Through		0							0				0				0	
NORTHBOUND Through	362	1	362	12	374	374	109	482	1	482	12	494	1	494	0	494	1	494
NORTHBOUND Through-Right		0							0				0				0	
NORTHBOUND Right	208	1	0	37	245	15	10	224	1	0	37	261	1	3	0	261	1	3
NORTHBOUND Left-Through-Right		0							0				0				0	
NORTHBOUND Left-Right		0							0				0				0	
SOUTHBOUND Left	49	0	49	0	49	49	20	70	0	70	0	70	0	70	0	70	0	70
SOUTHBOUND Left-Through		0							0				0				0	
SOUTHBOUND Through	247	0	**316**	4	251	**320**	94	348	0	**447**	4	352	0	**451**	0	352	0	**451**
SOUTHBOUND Through-Right		0							0				0				0	
SOUTHBOUND Right	20	0	0	0	20	0	8	29	0	0	0	29	0	0	0	29	0	0
SOUTHBOUND Left-Through-Right		1							1				1				1	
SOUTHBOUND Left-Right		0							0				0				0	
EASTBOUND Left	34	1	34	0	34	34	13	48	1	48	0	48	1	48	0	48	1	48
EASTBOUND Left-Through		0							0				0				0	
EASTBOUND Through	651	1	**388**	0	651	**390**	120	791	1	**479**	0	791	1	**481**	0	791	1	**481**
EASTBOUND Through-Right		1							1				1				1	
EASTBOUND Right	125	0	125	4	129	129	37	166	0	166	4	170	0	170	0	170	0	170
EASTBOUND Left-Through-Right		0							0				0				0	
EASTBOUND Left-Right		0							0				0				0	
WESTBOUND Left	220	1	**220**	10	230	**230**	21	248	1	**248**	10	258	1	**258**	0	258	1	**258**
WESTBOUND Left-Through		0							0				0				0	
WESTBOUND Through	353	1	206	0	353	206	177	541	1	314	0	541	1	314	0	541	1	314
WESTBOUND Through-Right		1							1				1				1	
WESTBOUND Right	58	0	58	0	58	58	26	86	0	86	0	86	0	86	0	86	0	86
WESTBOUND Left-Through-Right		0							0				0				0	
WESTBOUND Left-Right		0							0				0				0	
CRITICAL VOLUMES	*North-South:*		443	*North-South:*		459	*North-South:*			646	*North-South:*			662	*North-South:*			662
	East-West:		608	*East-West:*		620	*East-West:*			727	*East-West:*			739	*East-West:*			739
	SUM:		1051	*SUM:*		1079	*SUM:*			1373	*SUM:*			1401	*SUM:*			1401
VOLUME/CAPACITY (V/C) RATIO:			0.738			0.757				0.964				0.983				0.983
V/C LESS ATSAC/ATCS ADJUSTMENT:			0.668			0.687				0.864				0.883				0.883
LEVEL OF SERVICE (LOS):			B			B				D				D				D

PROJECT IMPACT

Change in *v/c* due to project: 0.019 — Δ*v/c* after mitigation: 0.019

Significant impacted? NO — Fully mitigated? N/A

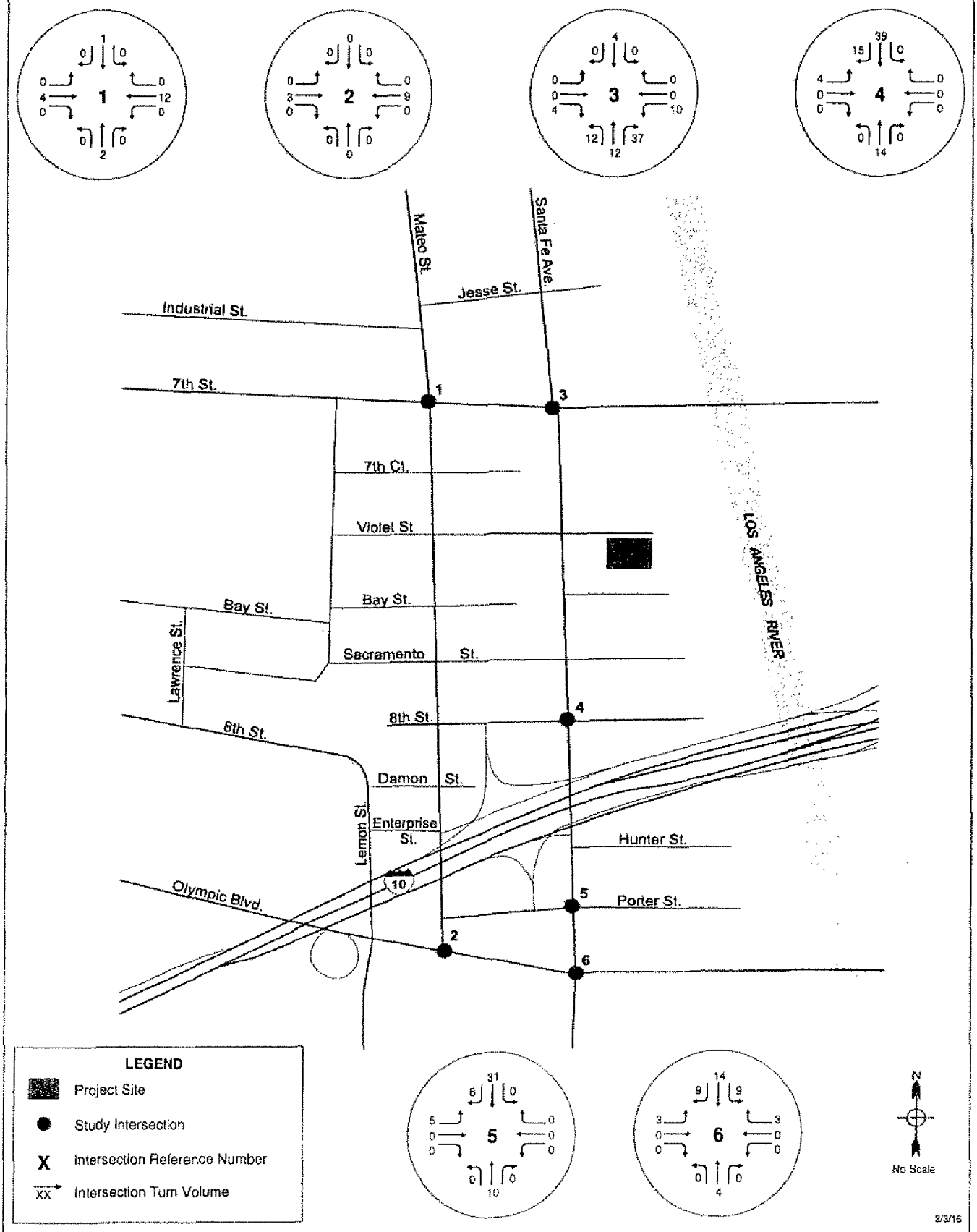

Figure 4.2
Project Only Traffic Volumes - PM Peak Hour

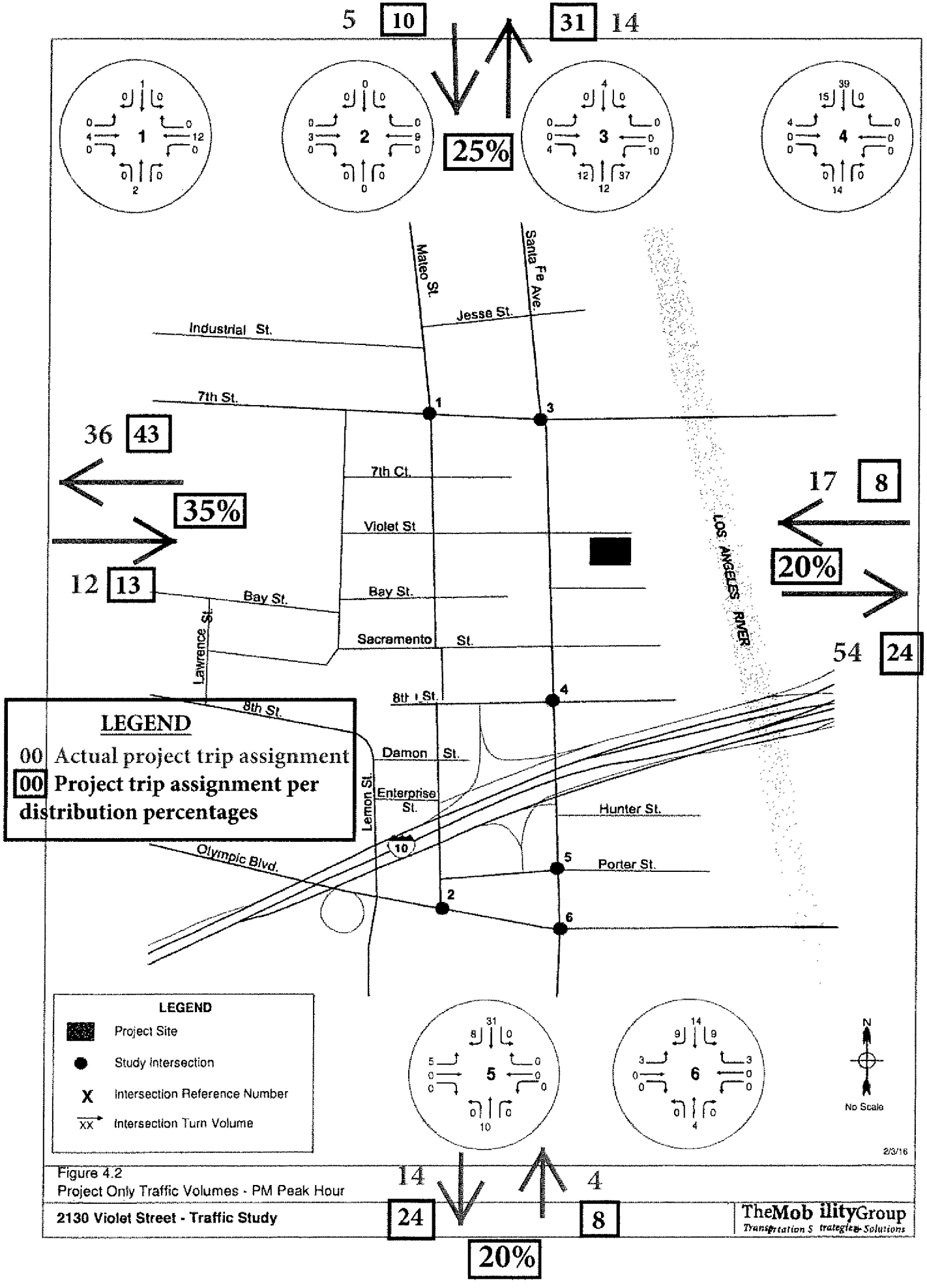

Figure 4.2
Project Only Traffic Volumes - PM Peak Hour

2130 Violet Street - Traffic Study

TheMobilityGroup
Transportation Strategies Solutions

LADOT
Moving LA Forward

Level of Service Worksheet

2130 Violet Street Project - PM Peak Hour

I/S #:	North-South Street:	Santa Fe Avenue	Year of Count:	2015	Ambient Growth (%):	1	Conducted by:	Azadeh Azad	Date:	12/30/2015
3	East-West Street:	7th Street	Projection Year:	2018	Peak Hour:	PM	Reviewed by:		Project:	2130 Violet

	EXISTING CONDITION	EXISTING PLUS PROJECT	FUTURE CONDITION W/O PROJECT	FUTURE CONDITION W/ PROJECT	FUTURE W/ PROJECT W/ MITIGATION
No. of Phases	3	3	3	3	3
Opposed Ø'ing: N/S-1, E/W-2 or Both-3?	0	0	0	0	0
Right Turns: FREE-1, NRTOR-2 or OLA-3?	NB- 3 SB- 0 EB- 0 WB- 0	NB- 3 SB- 0 EB- 0 WB- 0	NB- 3 SB- 0 EB- 0 WB- 0	NB- 3 SB- 0 EB- 0 WB- 0	NB- 3 SB- 0 EB- 0 WB- 0
ATSAC-1 or ATSAC+ATCS-2?	1	1	2	2	2
Override Capacity	0	0	0	0	0

	MOVEMENT	EXISTING CONDITION			EXISTING PLUS PROJECT			FUTURE CONDITION W/O PROJECT				FUTURE CONDITION W/ PROJECT				FUTURE W/ PROJECT W/ MITIGATION			
		Volume	No. of Lanes	Lane Volume	Project Traffic	Total Volume	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume	Added Volume	Total Volume	No. of Lanes	Lane Volume
NORTHBOUND	Left	127	1	**127**	12	139	**139**	68	199	1	**199**	12	211	1	**211**	0	211	1	**211**
	Left-Through		0							0				0				0	
	Through	362	1	362	12	374	374	109	482	1	482	12	494	1	494	0	494	1	494
	Through-Right		0							0				0				0	
	Right	208	1	0	37	245	**15**	10	224	1	**0**	37	261	1	3	0	261	1	3
	Left-Through-Right		0							0				0				0	
	Left-Right		0							0				0				0	
SOUTHBOUND	Left	49	0	**49**	0	49	49	20	70	0	**70**	0	70	0	**70**	0	70	0	70
	Left-Through		0							0				0				0	
	Through	247	0	**316**	4	251	**320**	94	348	0	**447**	4	352	0	**451**	0	352	0	**451**
	Through-Right		0							0				0				0	
	Right	20	0	**0**	0	20	0	8	29	0	**0**	0	29	0	**0**	0	29	0	0
	Left-Through-Right		1							1				1				1	
	Left-Right		0							0				0				0	
EASTBOUND	Left	34	1	**34**	0	34	**34**	13	48	1	**48**	0	48	1	**48**	0	48	1	48
	Left-Through		0							0				0				0	
	Through	651	1	**388**	0	651	**390**	120	791	1	**479**	0	791	1	**481**	0	791	1	**481**
	Through-Right		1							1				1				1	
	Right	125	0	125	4	129	**129**	37	166	0	166	4	170	0	**170**	0	170	0	170
	Left-Through-Right		0							0				0				0	
	Left-Right		0							0				0				0	
WESTBOUND	Left	220	1	**220**	10	230	**230**	21	248	1	**248**	10	258	1	**258**	0	258	1	**258**
	Left-Through		0							0				0				0	
	Through	353	1	206	0	353	206	177	541	1	314	0	541	1	314	0	541	1	314
	Through-Right		1							1				1				1	
	Right	58	0	58	0	58	58	26	86	0	86	0	86	0	86	0	86	0	86
	Left-Through-Right		0							0				0				0	
	Left-Right		0							0				0				0	
	CRITICAL VOLUMES	*North-South:*		443	*North-South:*		459	*North-South:*			646	*North-South:*			662	*North-South:*			662
		East-West:		608	*East-West:*		620	*East-West:*			727	*East-West:*			739	*East-West:*			739
		SUM:		1051	*SUM:*		1079	*SUM:*			1373	*SUM:*			1401	*SUM:*			1401
	VOLUME/CAPACITY *(V/C)* RATIO:			0.738			0.757				0.964				0.983				0.983
	V/C LESS ATSAC/ATCS ADJUSTMENT:			0.668			0.687				0.864				0.883				0.883
	LEVEL OF SERVICE (LOS):			B			B				D				D				D

PROJECT IMPACT

Change in *v/c* due to project: 0.019 — *Δv/c* after mitigation: 0.019

Significant impacted? NO — Fully mitigated? N/A

MRO ENGINEERS

NEAL K. LIDDICOAT, P.E.

Traffic Engineering Manager

Mr. Liddicoat has 38 years of experience in the analysis of a broad range of traffic engineering, parking, and transportation planning issues, for both public and private sector clients. He has conducted traffic and parking analyses for a wide variety of development proposals, including office buildings, retail/commercial centers, multiplex cinemas, and residential projects. He has a particular expertise in the analysis of unique development proposals, including stadiums, arenas, convention centers, theme parks, and other facilities where large numbers of vehicles and pedestrians converge in a short period of time.

Mr. Liddicoat has developed and presented seminars on technical procedures and quality control in the conduct of traffic impact analyses, both in-house and as a co-instructor for the UCLA Extension Public Policy Program. For several years, he served as instructor for the traffic engineering portion of the Civil Engineering licensing exam review course conducted by the Sacramento chapter of the American Society of Civil Engineers.

Mr. Liddicoat manages the firm's traffic engineering services practice. He is frequently called upon to serve as an expert "peer reviewer" for traffic impact analyses prepared by others. In that role, he has commented on the technical adequacy of traffic studies for a variety of projects, including retail centers, office complexes, and mixed-use master plans. His recent experience as a peer reviewer includes the following projects:

- *Village at Squaw Valley, Placer County, CA*
- *Oil Exploration Zoning Ordinance Amendment, Kern County, CA*
- *State Route 85 Express Lanes, Santa Clara Co., CA*
- *Vacaville General Plan, Vacaville, CA*
- *Canyon Springs Residential, Truckee, CA*
- *Saddle Crest Homes, Orange County, CA*
- *Highway 43/198 Retail Ctr., Hanford, CA*
- *Irwindale Materials Recovery Facility & Transfer Station, Irwindale, CA*

Other recent traffic impact analysis experience:

STAPLES Center Traffic Impact Analysis – Los Angeles, CA - Responsible for the completion of detailed traffic and parking analyses for the STAPLES Center arena in downtown Los Angeles. In addition to the 20,000 seats and 250 luxury suites contained in the arena, the analysis evaluated up to 100,000 square feet of retail, restaurant, and entertainment facilities. The analyses focused on the impacts of a sold-out event during the key hours before and after the event. In addition, the analyses were performed both with and without a major concurrent event at the adjacent Los Angeles Convention Center.

Sacramento City College Transportation Master Plan Analysis, Sacramento, CA – Project Manager for the traffic and parking analysis evaluating a proposed master plan aimed at adding 1,260 parking spaces to the Sacramento City College campus, as well as various other improvements to the campus transportation system.

Raley Field Traffic and Parking Analysis, West Sacramento, CA – Project Manager for traffic and parking analyses for Raley Field, a 14,000-seat baseball stadium in West Sacramento. The analysis addressed pre-event and post-event conditions for baseball games as well as other events (such as concerts) that might have attendance as high as 17,000. An extensive set of mitigation measures was developed, including a variety of operational strategies to minimize impacts and optimize event-related traffic flows.

Additional Projects Include:

- *Convention Center Traffic & Parking Studies, Sacramento, Los Angeles, and Anaheim*
- *Disney "California Adventure" Preliminary Traffic Analysis, Anaheim*
- *Elk Grove Boulevard Master Plan, Elk Grove*
- *CSUS Bicycle/Pedestrian Study, Sacramento*
- *SR 99/Twin Cities Road Traffic Operations, Galt*
- *Thunder Valley Casino, Placer County, CA*

Education:

BSCE/1977
Michigan State University

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Registrations:

California

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February 24, 2017

Gideon Kracov
Attorney at Law
801 S. Grand Ave., 11th Fl.
Los Angeles, CA 90017

Subject: Comments on the Violet Street Development Project

Dear Mr. Kracov:

We have reviewed the September 2016 Initial Study and Mitigated Negative Declaration (IS/MND) and associated appendices for the Violet Street Development Project ("Project"), located in the City of Los Angeles. The Project proposes to demolish an existing 6,614 square-foot industrial warehouse and metal scrap yard currently on-site, and construct 90,773 square feet of office space and 6,163 square feet of ground-floor retail space, resulting in a floor area ratio (FAR) of 3 to 1, in a maximum 9-story building approximately 107'-6" above grade. A minimum of approximately 200 parking spaces would be provided in the levels one through five. Vehicular access to the parking structure will be provided via one ingress driveway along Violet Street and two ingress/egress driveways on the alleyway. The proposed Project's vehicle parking and bicycle parking would satisfy the minimum LAMC requirements for the proposed office and commercial land uses.

Our review concludes that the IS/MND fails to adequately evaluate the Project's Hazards and Hazardous Waste and Greenhouse Gas (GHG) impacts and as a result, the significance determinations made for the proposed Project are incorrect and unreliable. In particular, our analysis, as described below, demonstrates that when the Project's GHG emissions are estimated correctly, the Project would have a potentially significant GHG impact. Therefore, a Project-specific Environmental Impact Report (EIR) should be prepared to adequately assess and mitigate the potential hazards and greenhouse gas impacts that the Project may have on the surrounding environment.

Hazards and Hazardous Waste

The Phase I and the two Phase IIs document that the Project site, a former metals recycling facility, has been contaminated by high concentrations of metals, petroleum hydrocarbons and PCBs. However, mitigation (HAZ-1) includes only the development of a soil remediation plan "prior to building

construction." This is deferred mitigation and does not allow for public review of the remediation plan to ensure that Project development is safe for construction workers and future occupants.

An August 2015 Phase II Environmental Site Assessment[1] documented high levels of contaminants in shallow soils beneath the Project site.

- Total petroleum hydrocarbon as diesel (TPH-d) was detected in 10 borings with a maximum concentration of 9,180 milligrams per kilogram (mg/kg) in B6 at six feet in depth. The Regional Water Quality Control Board Environmental Screening Level (ESL) for TPH-d for construction worker exposure is 880 mg/kg, 1,100 mg/kg for commercial/industrial exposure, and 230 mg/kg for residential exposure.[2]
- PCBs were detected in boring B6 between two and six feet in depth. A maximum PCB concentration of 11.3 mg/kg was detected in boring B8 and 5 feet in depth. PCB ESLs are 0.25 mg/kg, 1.0 mg/kg and 5.6 mg/kg for residential, commercial/industrial and construction worker exposure respectively.
- Lead was detected to 441 mg/kg in B6 at 2' below ground surface. The lead ESLs are 80 mg/kg, 320 mg/kg for residential and commercial/industrial exposure respectively.
- Copper was detected in soil sample B2 at two feet in depth at 4,510 mg/kg. The copper residential ESL is 3,100 mg/kg.[3]

Mitigation to address these contaminants is inadequate. Mitigation Measure HAZ-1 only calls for a soil remediation plan shall be developed and implemented to excavate and remove impacted soils prior to building construction. HAZ-1 does not identify what criteria will be used to identify "impacted" soils and to what standard soil cleanup will achieve (i.e. health based regulatory residential soil cleanup thresholds like ESLs or California Human Health Screening Levels).[4]

No plans for regulatory oversight are documented in the IS/MND. Given the high levels of contamination, and to ensure a cleanup that is conducted in a manner safe for construction personnel and future occupants, regulatory oversight of the cleanup is necessary. The Project developer should engage the DTSC through voluntary cleanup agreement to ensure the adequacy of the assessment of site contaminants and of the ultimate cleanup.

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[1] Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC.

[2] http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Workbook_ESLs_Interim%20Final_22Feb16_Rev3_PDF.pdf, p. 10

[3] A portion of the site has not been sampled for hazardous materials. Phase II consultant Cardno was only able to test "limited areas" of the site as portions of the site were covered by metal debris that made soil sampling inaccessible." Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC, pp. 2-3, Figure 2.

[4] https://oehha.ca.gov/risk-assessment/california-human-health-screening-levels-chhsls

Greenhouse Gas

Failure to Evaluate All Sources of Greenhouse Gas Emissions

The IS/MND concludes that the proposed Project's greenhouse gas (GHG) impact would be less than significant (p. III-34). However, our analysis, as described below, demonstrates that when the Project's total GHG emissions are compared to thresholds, the Project would have a potentially significant GHG impact. As a result, we find the IS/MND's GHG analysis to be flawed and should not be relied upon to determine Project significance.

The IS/MND relies upon a project-level efficiency threshold to determine Project significance. Specifically, the IS/MND relies upon the South Coast Air Quality Management District's (SCAQMD) draft tiered GHG significance threshold of 3,000 metric tons of CO_2e per year (MT CO_2e/yr) to determine the significance of the Project's GHG emissions (p. III-32). Using the California Emissions Estimator Model Version CalEEMod.2013.2.2 ("CalEEMod")[5] to estimate emissions generated during Project construction and operation, the IS/MND determines that the "proposed Project would result in a net increase of 2,177.93 MT CO_2e/yr as compared to existing conditions" (p. III-34). Thus, the analysis concludes, because "the Project's net GHG emissions would be less than the SCAQMD's draft threshold for commercial/residential projects", the Project's emissions are less than significant (Table III-8 *Notes*, p. III-35).

However, relying on the proposed Project's *net* GHG emissions, rather than the Project's *total* GHG emissions, is incorrect and inconsistent with recent guidance set forth by the Office of Planning and Research (OPR). In the Final Statement of Reasons for the GHG-specific Guidelines,[6] OPR concluded that lead agencies cannot simply consider whether a project increases or decreases GHG emissions at the project site, but must consider the effect that the project will have on the larger environment. Accordingly, if a lead agency wants to use a *net* approach by subtracting existing on-site emissions from the project emissions, it must support that decision with substantial evidence showing that those existing emissions sources will be extinguished and not simply displaced.[7]

Review of the Project's GHG analysis, however, demonstrates that all existing GHG emissions sources on the Project site from the industrial warehouse and scrap metal yard were subtracted from the Project's estimated total GHG emissions,[8] without substantial evidence showing that all of these existing GHG emissions sources on the Project site would be extinguished by the proposed Project, and not simply

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[5] CalEEMod website, *available at*: http://www.caleemod.com/

[6] Final Statement of Reasons, pp. 83-84, *available at*, http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf

[7] *See* CEQA Guidelines, § 15064.4, subd. (a) ("The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.")

[8] The IS/MND indicates the existing warehouse and metal scrap yard are currently in operation. The IS/MND's GHG analysis quantifies the Project site's existing GHG emissions using CalEEMod and determines that the existing operations generate approximately 380.70 CO2e MTY (p. III-33). Additionally, Table III-20 of the IS/MND demonstrates that a total of 53 people are currently employed at the Project site as a result of the "existing on-site operations"(p. III-97).

move elsewhere leading to increased *total* cumulative GHG emissions over the applicable GHG thresholds. As a result, the Project's GHG impact is underestimated and inadequately addressed.

The GHG emissions generated by the Project site's existing land uses should have been considered when assessing the Project's GHG impact, since the IS/MND fails to provide substantial evidence showing that the existing GHG sources will be extinguished as a result of the proposed Project, and not simply displaced. Table III-8 of the IS/MND estimates the Project's GHG emissions as a result of construction and operation (p. III-35). As you can see in the table below, the Project's total GHG emissions (construction and operation) are approximately 3,072.58 MT CO_2e/yr, which is above the significance threshold of 3,000 MT CO_2e/yr set forth by the SCAQMD (see table below) (p. III-35).

Annual Greenhouse Gas Emissions	
Emission Source	**Proposed Project (MT CO_2e/year)**
Mobile (Motor Vehicles)	1,382.40
Energy – Electricity	1,308.85
Energy - Natural Gas	105.52
Area	<0.01
Water	219.61
Waste	43.10
Construction Emissions (Amortized)	13.10
Project Total	**3,072.58**
Significance Threshold	**3,000**
Exceed?	***Yes***

As you can see in the table above, when we compare the Project's unmitigated emissions of 3,072.58 MT CO_2e/yr, which is provided in Table III-8 of the IS/MND, to the SCAQMD recommended threshold of 3,000 MT CO_2e/yr, we find that the Project's emissions would exceed this threshold, contrary to what is stated in the IS/MND. Our analysis and the OPR GHG-specific Guidelines demonstrate that it is inadequate to simply evaluate only new *net* sources of GHG emissions from the proposed Project and omit an analysis of all existing sources of GHG emissions from the Project site unless substantial evidence shows that those existing emissions sources will be extinguished and not simply displaced elsewhere. Until an updated GHG analysis is prepared in a Project-specific EIR that adequately evaluates the Project's total GHG emissions from all sources, the IS/MND should not be relied upon to determine Project significance.

According to the SCAQMD, if the Project's emissions exceed the 3,000 MT CO_2e/yr screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.[9] SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 $MTCO_2e$ per year per service population (MT CO_2e/sp/yr) for project-level analyses and 6.6 MT CO_2e/sp/yr for plan level projects (e.g., program-level projects such as general plans). Those per capita efficiency targets are based on the AB 32 GHG reduction target and the 2020 GHG emissions inventory prepared for ARB's 2008 Scoping Plan. SCAQMD also created a 2035 efficiency thresholds by reducing the 2020 thresholds by 40 percent, resulting in an efficiency threshold for plans of 4.1 MT CO_2e/sp/yr and an efficiency threshold at the project level of 3.0 MT CO_2e/sp/yr.[10] Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO_2e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, as the Project is not anticipated to be redeveloped prior to 2035.

According to the California Air Pollution Control Officers Association's (CAPCOA) CEQA & Climate Change report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project".[11] Therefore, consistent with the IS/MND, we estimated a service population of approximately 414 jobs or employees (Table III-20, p. III-97). Dividing the Project's GHG emissions by a service population value of 414 employees, we find that the Project would emit 7.4 $MTCO_2e$/sp/yr. When we compare the Project's per capita GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency target of 3.0 MT CO_2e/sp/yr, we find that the Project would result in a significant GHG impact (see table below).

Annual Greenhouse Gas Emissions		
Source	**Emissions**	**Unit**
Total Annual Emissions	3,073	$MTCO_2e$/year
Maximum Service Population	414	Employees
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2020 SCAQMD Project Level Efficiency Threshold	4.8	$MTCO_2e$/sp/year
Exceed?	***Yes***	-
Per Capita Annual Emissions	**7.4**	**$MTCO_2e$/sp/year**
2035 SCAQMD Project Level Efficiency Threshold	3.0	$MTCO_2e$/sp/year
Exceed?	***Yes***	-

As you can see in the table above, the Project's total GHG per capita emissions of 7.4 MT CO_2e/sp/yr greatly exceed the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/yr and the 2035 efficiency

[9] SCAQMD, CEQA Significance Thresholds, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2

[10] Working Group Meeting 15 Minutes, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf?sfvrsn=2

[11] "CEQA & Climate Change." & Climate Change." *CAPCOA,* January 2008, *available at:* http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf, p. 71-72.

target of 3.0 MT CO_2e/sp/yr, thus resulting in a potentially significant impact. Based on the results of this analysis, a Project-specific EIR must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA Guidelines.

Failure to Adequately Evaluate the Project's Cumulative GHG Impact

The IS/MND concludes that the proposed Project would not make a cumulatively considerable contribution to GHG emissions, and therefore, the Project's cumulative GHG impact would be less than significant (p. III-39). The IS/MND attempts to justify this significance determination by stating that because "the Proposed Project's generation of GHG emissions would represent a 19% reduction in GHG emissions with GHG reduction measures in place as compared to the Project's emissions in the absence of all the GHG reducing measures and project design features," the Project would result in a less than significant cumulative impact (p. III-39). This conclusion, however, as well as the justification provided to support this conclusion, are inadequate, as they do not actually evaluate or quantify the Project's cumulative impacts. As a result, we find the IS/MND to be incorrect and require that an updated analysis be prepared in order to adequately evaluate the Project's GHG impact.

According to the SCAQMD, a cumulative impact refers to "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts".[12] While the IS/MND identifies a total of 36 related projects (Table II-5) within the affected Project area that are or will become operational (and thus will produce pollutant emissions) around the same time as the proposed Project, the IS/MND fails to actually evaluate the combined GHG emissions resulting from operation of the proposed Project and any of the 36 identified projects. Rather, to determine the Project's cumulative GHG impact, the IS/MND estimates the proposed Project's operational GHG emissions in the absence of emissions reductions associated with regulatory compliance, mitigation measures, and project design features, and compares these emissions to the Project's GHG emissions assuming implementation of the proposed GHG-reducing design features "in order to illustrate the effectiveness of the Project's compliance with the *L.A. Green Building Code* and other mitigating features that would be effective in reducing GHG emissions" (p. III-34). Using this method, the IS/MND concludes that because compliance with applicable plans and code requirements and implementing mitigation will reduce the Project's GHG emissions by 19%, "the proposed Project would not make a cumulatively considerable contribution to GHG emissions and impacts would be less than significant" (p. III-34, III-39).

Simply because the IS/MND's Project-level analysis determines that implementation of project design features and GHG reduction measures would reduce the Project's GHG emissions by 19% does not mean

[12] "Potential Control Strategies to Address Cumulative Impacts from Air Pollution White Paper- Appendices", South Coast Air Quality Management District, 2003, p. D-1, *available at:* http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper-appendix.pdf?sfvrsn=4

that the Project will not have a cumulatively considerable contribution to GHG emissions.[13] According to the Office of Planning and Research Technical Advisory (OPR),

> "The potential effects of a project may be individually limited but cumulatively considerable. Lead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence. Documentation of available information and analysis should be provided for any project that may significantly contribute to new GHG emissions, either individually or cumulatively, directly or indirectly".[14]

Therefore, regardless of how much the Project's GHG emissions are reduced by as a result of the GHG-reduction measures proposed in the IS/MND, the cumulative GHG impact from the 36 identified projects, in conjunction with the proposed Project, should have been evaluated in order to determine the cumulative GHG impact that operation of the Project may have on the surrounding environment.

As stated above, the IS/MND identified a total of 36 cumulative projects within the study area, which are listed in Table II-5 of the IS/MND (p. II-29, II-30). Of the 36 projects identified in the IS/MND, seven of them are within a half mile of the Project (see excerpt below, area within red circle represents a 0.5-mile radius from Project site).

[13] Gordon, Nicole Hoeksma and Al Herson. "Demystifying CEQA's Cumulative Impact Analysis Requirements: Guidance for Defensible EIR Evaluation." California Environmental Law Reporter, Volume 2011.9 (2011): 379-389. http://www.sohagi.com/publications/GordonHerson_DemystifyingCEQAsCumulativeImpactAnalysis.pdf

[14] "Technical Advisory on CEQA and Climate Change." Office of Planning and Research Technical Advisory, June 2008, *available at:* https://www.opr.ca.gov/docs/june08-ceqa.pdf, p. 6.

As you can see in the figure above, project numbers 5, 11, 14, 17, 18, 24, and 36 (numbers correspond to project numbers listed in Table II-5 of the IS/MND) are all located within 0.5 miles of the Project site. Because these seven projects are within a half mile of the Project site, the emissions from these projects should have been properly evaluated, and by failing to do so, the IS/MND is incomplete and unreliable.

Our simple analysis demonstrates that the IS/MND fails to adequately evaluate this potentially significant cumulative impact prior to making a significance determination, and as a result, the Project's GHG impacts are not sufficiently addressed. A correct cumulative GHG assessment should be conducted in a Project-specific EIR to properly assess the potential cumulative impacts that the combination of all these projects poses to the surrounding communities.

Additional Feasible Mitigation Measures Available

Our analysis demonstrates that the Project's GHG emissions may present a potentially significant impact. In an effort to reduce the Project's emissions, we identified several additional mitigation measures that are applicable to the Project. Additional mitigation measures that could be implemented to reduce operational GHG emissions include, but are not limited to, the following: [15]

[15] http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

- Use passive solar design, such as: [16,17]
    - Orient buildings and incorporate landscaping to maximize passive solar; heating during cool seasons, and minimize solar heat gain during hot seasons; and
    - Enhance natural ventilation by taking advantage of prevailing winds.
- Reduce unnecessary outdoor lighting by utilizing design features such as limiting the hours of operation of outdoor lighting.
- Develop and follow a "green streets guide" that requires:
    - Use of minimal amounts of concrete and asphalt;
    - Installation of permeable pavement to allow for storm water infiltration; and
    - Use of groundcovers rather than pavement to reduce heat reflection.[18]
- Implement Project design features such as:
    - Shade HVAC equipment from direct sunlight;
    - Install high-albedo white thermoplastic polyolefin roof membrane;
    - Install high-efficiency HVAC with hot-gas reheat;
    - Install formaldehyde-free insulation; and
    - Use recycled-content gypsum board.
- Provide education on energy efficiency to residents, customers, and/or tenants. Provide information on energy management services for large energy users.
- Meet "reach" goals for building energy efficiency and renewable energy use.
- Require all buildings to become "LEED" certified.
- Limit the use of outdoor lighting to only that needed for safety and security purposes.
- Require use of electric or alternatively fueled sweepers with HEPA filters.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Plant low-VOC emitting shade trees, e.g., in parking lots to reduce evaporative emissions from parked vehicles.
- Use CARB-certified or electric landscaping equipment in project and tenant operations; and introduce electric lawn, and garden equipment exchange program.
- Install an infiltration basin to provide an opportunity for 100% of the storm water to infiltrate on-site.

In addition to the measures discussed above, the SCAQMD has previously recommended additional mitigation measures for operational NO_x emissions that result primarily from truck activity emissions, which would also reduce the Project's operational GHG emissions. Since the Project proposes some commercial land uses, such as retail, these measures would apply and should be considered. Measures

[16] Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.
[17] Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.
[18] *See* Irvine Sustainable Travelways "Green Street" Guidelines; www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934; and Cool Houston Plan; www.harc.edu/Projects/CoolHouston.

recommended for the Waterman Logistic Center that are also applicable for this Project's commercial uses include:[19]

- Provide electric vehicle charging stations that are accessible for trucks. The IS/MND already proposes to set aside 10 percent of the vehicle parking spaces (approximately 20 vehicle parking spaces) for Low Emitting, Fuel Efficient and Carpool/Van Pool Vehicles (LEV and EV) (p. III-36). We propose that these measures be extended to include charging stations accessible to all heavy-duty trucks.
- Provide electrical hookups at the onsite loading docks and at the truck stops for truckers to plug in any onboard auxiliary equipment.
- Provide minimum buffer zone of 300 meters (approximately 1,000 feet) between truck traffic and sensitive receptors.
- Limit the daily number of trucks allowed at the facility.
- Design the site such that any check-in point for trucks is well inside the facility to ensure that there are no trucks queuing outside of the facility.
- On-site equipment should be alternative fueled.
- Improve traffic flow by signal synchronization.
- Have truck routes clearly marked with trailblazer signs, so that trucks will not enter residential areas.
- Should the proposed Project generate significant emissions, the Lead Agency should require mitigation that requires accelerated phase-in for non-diesel powered trucks. For example, natural gas trucks, including Class 8 HHD trucks, are commercially available today. Natural gas trucks can provide a substantial reduction in emissions, and may be more financially feasible today due to reduced fuel costs compared to diesel. In the Final CEQA document, the Lead Agency should require a phase-in schedule for these cleaner operating trucks to reduce project impacts.

Furthermore, the Kimball Business Park Project Final Environmental Impact Report includes various feasible mitigation measures that would reduce on-site area emissions that are applicable to the proposed Project's commercial and retail land uses, and include, but are not limited to: [20]

- Increase in insulation such that heat transfer and thermal bridging is minimized.
- Limit air leakage through the structure and/or within the heating and cooling distribution system.
- Use of energy-efficient space heating and cooling equipment.
- Installation of electrical hook-ups at loading dock areas.
- Installation of dual-paned or other energy efficient windows.
- Installation of automatic devices to turn off lights where they are not needed.

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[19] SCAQMD Comment Letter in Response to MND for the Waterman Logistic Center, January 2018, *available at:* http://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2015/january/mndwaterman.pdf

[20] Mitigation Monitoring Plan for the Kimball Business Park Project Final Environmental Impact Report, July 2016, *available at*: http://www.cityofchino.org/home/showdocument?id=13244

- Application of a paint and surface color palette that emphasizes light and off-white colors that reflect heat away from buildings.

Finally, additional, feasible mitigation measures can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures,* which attempt to reduce GHG levels.[21] GHG emissions are produced during fuel combustion, and are emitted by on-road vehicles and by off-road equipment. Therefore, to reduce the Project's mobile-source GHG emissions, consideration of the following measures should be made.

- Neighborhood/Site Enhancements
    - Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT. The project should provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The project should minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation should be eliminated.
- Incorporate Bike Lane Street Design (On-Site)
    - Incorporating bicycle lanes, routes, and shared-use paths into street systems, new subdivisions, and large developments can reduce VMTs. These improvements can help reduce peak-hour vehicle trips by making commuting by bike easier and more convenient for more people. In addition, improved bicycle facilities can increase access to and from transit hubs, thereby expanding the "catchment area" of the transit stop or station and increasing ridership. Bicycle access can also reduce parking pressure on heavily-used and/or heavily-subsidized feeder bus lines and auto-oriented park-and-ride facilities.
- Limit Parking Supply
    - This mitigation measure will change parking requirements and types of supply within the Project site to encourage "smart growth" development and alternative transportation choices by project residents and employees. This can be accomplished in a multi-faceted strategy:
        - Elimination (or reduction) of minimum parking requirements
        - Creation of maximum parking requirements
        - Provision of shared parking
- Unbundle Parking Costs from Property Cost
    - Unbundling separates parking from property costs, requiring those who wish to purchase parking spaces to do so at an additional cost from the property cost. This removes the burden from those who do not wish to utilize a parking space. Parking should be priced separately from home rents/purchase prices or office leases.
- Implement Commute Trip Reduction Program- Voluntary or Required

[21] http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

- Implementation of a Commute Trip Reduction (CTR) program with employers will discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. The main difference between a voluntary and a required program is:
    - Monitoring and reporting is not required
    - No established performance standards (i.e. no trip reduction requirements)
- The CTR program should provide employees with assistance in using alternative modes of travel, and provide both "carrots" and "sticks" to encourage employees. The CTR program should include all of the following to apply the effectiveness reported by the literature:
    - Carpooling encouragement
    - Ride-matching assistance
    - Preferential carpool parking
    - Flexible work schedules for carpools
    - Half time transportation coordinator
    - Vanpool assistance
    - Bicycle end-trip facilities (parking, showers and lockers)

- Provide Ride-Sharing Programs
    - Increasing the vehicle occupancy by ride sharing will result in fewer cars driving the same trip, and thus a decrease in VMT. The project should include a ride-sharing program as well as a permanent transportation management association membership and funding requirement. The project can promote ride-sharing programs through a multi-faceted approach such as:
        - Designating a certain percentage of parking spaces for ride sharing vehicles
        - Designating adequate passenger loading and unloading and waiting areas for ride-sharing vehicles
        - Providing a web site or message board for coordinating rides
- Implement Subsidized or Discounted Transit Program
    - This project can provide subsidized/discounted daily or monthly public transit passes to incentivize the use of public transport. The project may also provide free transfers between all shuttles and transit to participants. These passes can be partially or wholly subsidized by the employer, school, or development. Many entities use revenue from parking to offset the cost of such a project.
- Provide End of Trip Facilities
    - Non-residential projects can provide "end-of-trip" facilities for bicycle riders including showers, secure bicycle lockers, and changing spaces. End-of-trip facilities encourage the use of bicycling as a viable form of travel to destinations, especially to work. End-of-trip facilities provide the added convenience and security needed to encourage bicycle commuting.
- Encourage Telecommuting and Alternative Work Schedules

- Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.

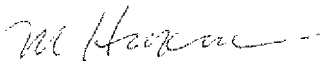
- Implement Commute Trip Reduction Marketing
  - The project can implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip reduction strategies without a complementary marketing strategy will result in lower VMT reductions. Marketing strategies may include:
    - New employee orientation of trip reduction and alternative mode options
    - Event promotions
    - Publications
- Implement Preferential Parking Permit Program
  - The project can provide preferential parking in convenient locations (such as near public transportation or building front doors) in terms of free or reduced parking fees, priority parking, or reserved parking for commuters who carpool, vanpool, ride-share or use alternatively fueled vehicles. The project should provide wide parking spaces to accommodate vanpool vehicles.
- Implement Car-Sharing Program
  - This project should implement a car-sharing project to allow people to have on-demand access to a shared fleet of vehicles on an as-needed basis. User costs are typically determined through mileage or hourly rates, with deposits and/or annual membership fees. The car-sharing program could be created through a local partnership or through one of many existing car-share companies. Car-sharing programs may be grouped into three general categories: residential- or citywide-based, employer-based, and transit station-based. Transit station-based programs focus on providing the "last-mile" solution and link transit with commuters' final destinations. Residential-based programs work to substitute entire household based trips. Employer-based programs provide a means for business/day trips for alternative mode commuters and provide a guaranteed ride home option.
- Provide Employer-Sponsored Vanpool/Shuttle
  - This project can implement an employer-sponsored vanpool or shuttle. A vanpool will usually service employees' commute to work while a shuttle will service nearby transit stations and surrounding commercial centers. Employer-sponsored vanpool programs entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration, if not more. The driver usually receives personal use of the van, often for a mileage fee. Scheduling is within the employer's purview, and rider charges are normally set on the basis of vehicle and operating cost.
- Implement Bike-Sharing Program

- This project can establish a bike-sharing program to reduce VMTs. Stations should be at regular intervals throughout the project site.
    - The IS/MND states that a Metro bike share location, located at Imperial & 7th, already exists within the Project site (p. A-4). However, the Project Applicant can increase the number of bike-share kiosks throughout the project area. For example, Paris' bike-share program places a station every few blocks throughout the city (approximately 28 bike stations/square mile).

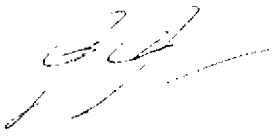
- Price Workplace Parking
    - The project should implement workplace parking pricing at its employment centers. This may include: explicitly charging for parking for its employees, implementing above market rate pricing, validating parking only for invited guests, not providing employee parking and transportation allowances, and educating employees about available alternatives.
    - Though similar to the Employee Parking "Cash-Out" strategy, this strategy focuses on implementing market rate and above market rate pricing to provide a price signal for employees to consider alternative modes for their work commute.
- Implement Employee Parking "Cash-Out"
    - The project can require employers to offer employee parking "cash-out." The term "cash-out" is used to describe the employer providing employees with a choice of forgoing their current subsidized/free parking for a cash payment equivalent to the cost of the parking space to the employer.

When combined together, these measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Project, which subsequently, reduces GHG emissions released during Project construction and operation. A Project-specific EIR must be prepared to include additional mitigation measures, as well as include an updated GHG analysis to ensure that the necessary mitigation measures are implemented to reduce operational GHG emissions to below thresholds. The Project Applicant also needs to demonstrate commitment to the implementation of these measures prior to Project approval, to ensure that the Project's operational GHG emissions are reduced to the maximum extent possible.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Jessie Jaeger

SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.
B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certification:

California Professional Geologist
California Certified Hydrogeologist
Qualified SSWPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – present;
- Senior Environmental Analyst, Komex H2O Science, Inc (2000 -- 2003);

JESSIE MARIE JAEGER

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SWAPE Technical Consultation, Data Analysis and Litigation Support for the Environment

EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES **B.S. CONSERVATION BIOLOGY & ENVIRONMENTAL SCIENCES** *JUNE 2014*

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE ***SANTA MONICA, CA***

AIR QUALITY SPECIALIST

SENIOR ANALYST: CEQA ANALYSIS & MODELING

- Calculated roadway, stationary source, and cumulative impacts for risk and hazard analyses at proposed land use projects.
- Quantified criteria air pollutant and greenhouse gas emissions released during construction and operational activities of proposed land use projects using CalEEMod and EMFAC2011 emission factors.
- Utilized AERSCREEN, a screening dispersion model, to determine the ambient air concentrations at sensitive receptor locations.
- Organized presentations containing figures and tables comparing results of particulate matter analyses to CEQA thresholds.
- Prepared reports that discuss results of the health risk analyses conducted for several land use redevelopment projects.

SENIOR ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Quantified greenhouse gas (GHG) emissions of a "business as usual" scenario for proposed land use projects using CalEEMod.
- Determined compliance of proposed projects with AB 32 GHG reduction targets, with measures described in CARB's Scoping Plan for each land use sector, and with GHG significance thresholds recommended by various Air Quality Management Districts in California.
- Produced tables and figures that compare the results of the GHG analyses to applicable CEQA thresholds and reduction targets.

PROJECT MANAGER: OFF-GASSING OF FORMALDEHYDE FROM FLOORING PRODUCTS

- Determined the appropriate standard test methods to effectively measure formaldehyde emissions from flooring products.
- Compiled and analyzed laboratory testing data. Produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 No Significant Risk Level (NSRL) and to CARB's Phase 2 Standard.
- Prepared a final analytical report and organized supporting data for use as Expert testimony in environmental litigation.
- Participated in meetings with clients to discuss project strategy and identify solutions to achieve short and long term goals.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF CONTAMINANTS EMITTED BY INCINERATOR

- Reviewed and organized sampling data, and determined the maximum levels of arsenic, dioxin, and lead in soil samples.
- Determined cumulative and hourly particulate deposition of incinerator and modeled particle dispersion locations using GIS and AERMOD.
- Conducted risk assessment using guidance set forth by the Office of Environmental Health Hazard Assessment (OEHHA).
- Utilized LeadSpread8 to evaluate exposure, and the potential adverse health effects from exposure, to lead in the environment.
- Compared final results of assessment to the Environmental Protection Agency's (EPA) Regional Screening Levels (RSLs).

ACCOMPLISHMENTS

- **Recipient**, Bruins Advantage Scholarship, University of California, Los Angeles *SEPT 2010 – JUNE 2014*
- **Academic Honoree**, Dean's List, University of California, Los Angeles *SEPT 2013 – JUNE 2014*
- **Academic Wellness Director**, UCLA Undergraduate Students Associated Council *SEPT 2013 – JUNE 2014*
- **Student Groups Support Committee Member**, UCLA Undergraduate Students Associated Council *SEPT 2012 – JUNE 2013*

COMMENT LETTER No. 2

GIDEON KRACOV
Attorney at Law
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gk@gideonlaw.net
www.gideonlaw.net

Via E-Mail and Hand Delivery
jojo.pewsawang@lacity.org
sharon.dickinson@lacity.org

February 28, 2017

JoJo Pewsawang, City Planning Department
Sharon Dickinson, City Clerk's Office
Los Angeles City Planning and Land Use Management Committee
200 N. Main St., Room 350
Los Angeles, CA 90012

Re: *2136-2148 East Violet Street; CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File # 17-005*

Dear Mr. Pewsawang and Ms. Dickinson:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza ("*Commentors*") with regard to the referenced Project in the City of Los Angeles ("*City*") for the Violent Street Project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND) ("*Project*"), proposed by Lowe Enterprises/Violet Street Investor ("*Applicant*"). Our understanding is that the Project will be heard by the Planning and Land Use Management ("*PLUM*") Committee in the upcoming weeks.

Commentors will soon submit more detailed comments, but for now write to express concerns about the Project's inadequate Mitigated Negative Declaration/Initial Study ("*MND*") in areas including traffic, land use inconsistency, hazardous substances and greenhouse gas ("*GHG*") impacts. 2.1

Local 11 represents more than 20,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California. Members of Local 11, including dozens who live and work in the City of Los Angeles, join together to fight for improved living standards and working conditions. Local 11 is a stakeholder in this Project, and worker and labor organizations have a long history of engaging in the California Environmental Quality Act ("*CEQA*") process to secure safe working conditions, reduce environmental impacts, and maximize community benefits. The courts have held that "unions have standing to litigate environmental claims." *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.

A MND has been prepared for this new, 9-story high rise Project, not a more comprehensive Environmental Impact Report ("*EIR*"), pursuant to CEQA law. This means that the less deferential "fair argument" standard applies. The "fair argument" standard creates a "low threshold" favoring 2.2

environmental review through an EIR rather than through issuance of a negative declaration, even if other substantial evidence supports the opposite conclusion. *Mejia v. Los Angeles* (2005) 130 Cal.App.4th 322; *Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903. An agency's decision not to require an EIR can be upheld only when there is no credible evidence to the contrary. *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318. 2.2

This Project is discretionary, not by right. Applicant seeks discretionary approvals under the City's Municipal Code including a Vesting Zone Change, Height District Change to 3.5:1 Floor Area Ratio ("*FAR*") instead of the permitted 1.5:1 FAR and Site Plan Review. As such, PLUM must make express findings under the Municipal Code and Central City North Community Plan ("*Community Plan*"). Of particular concern is that this Project seeks to re-zone the City's precious M3-zoned industrial land. The Project therefore conflicts with the City's General Plan Framework Goal 3J of "[i]ndustrial growth" and policy 3.14.6 that industrial-zoned land must not be reduced to "adversely impact the City's ability to accommodate sufficient industrial uses" (see General Plan Framework, Chapter 3).[1] The Project also conflicts with the Community Plan Goal 3 of providing "sufficient land for a variety of industrial uses" and Objectives 3-1 and 3-3 of "providing for existing and future industrial uses" and to "retain industrial plan designations" (see Community Plan, pp. III-8-9).[2] 2.3

In sum, the City Council and PLUM have clear legal authority to disprove the Project if these required land use findings cannot be made. *Kavanau v. Santa Monica Rent Control* (1997) 16 Cal.4th 761. Commentors have serious concerns, that we will explain in more detail in a forthcoming letter, that this Project's MND is flawed and that the Project cannot satisfy the City's required land use findings and General and Community Pan goals and policies.

Thank you for consideration of these comments. We ask that they be placed in the Administrative Record for the Project. 2.4

Sincerely,

Gideon Kracov
Lawyer for Unite HERE Local 11 and Antonio Mendoza

[1] Available at http://planning.lacity.org/cwd/framwk/chapters/03/03209.htm.
[2] Available at https://planning.lacity.org/complan/pdf/ccncptxt.pdf.

COMMENT LETTER No. 3

NRDC

April 13, 2017

Via E-Mail and US Mail

jojo.pewsawang@lacity.org
sharon.dickinson@lacity.org

JoJo Pewsawang, City Planning Department
Sharon Dickinson, City Clerk's Office
Los Angeles City Planning and Land Use Management Committee
200 N. Main St., Room 350
Los Angeles, CA 90012

Re: 2136-2148 E. Violet Street: CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File #17-005

Dear Mr. Pewsawang and Ms. Dickinson:

These comments are submitted by the Natural Resources Defense Council (NRDC) in connection with the proposed project located at 2136-2148 Violet Street, Los Angeles.

CEQA review for this project should be by way of a full EIR, not a mitigated negative declaration. There is, at minimum, a fair argument that traffic and GHG impacts will be significant withinin the meaning of CEQA and so subject to full analysis. Failure to take this step risks invalidation of the project approvals and the need to start over with environmental review. 3.1

As in many urban infill projects, the main environmental impacts will be additional traffic and GHG emissions. Although traffic per se is outside of CEQA, the air emissions associated with traffic are not, and those emissions cannot be forecast accurately if the traffic and associated vehicle miles traveled (VMT) projections are inaccurate.

Here, there is a substantial question whether PM peak hour traffic in the vicinity of the proposed project have been accurately modeled and whether the projected VMT has been calculated correctly. The expert report submitted by Local 11 substantiates this and should not be ignored by your office.

With respect to GHG impacts, it is not enough to compare projected emissions with SCAQMD thresholds in light of recent caselaw, including the Newhall Ranch case, *Center for Biological Diversity v. California Department of Fish and Wildlife*, 62 Cal.4th 204 (2015). Instead, the analysis should include discussion of whether the proposed project is consistent with state GHG reduction policies including AB32, the California Air Resources Board scoping plan and 3.2

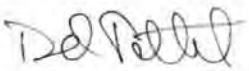
COMMENT LETTER No. 3

Executive Orders from the Governor. In the circumstances of this case, it is not appropriate to conduct those analyses in the context of a mitigated negative declaration.

3.2 cont.

Thank you for your attention to this letter.

Yours truly,



David Pettit
Senior Attorney
Natural Resources Defense Council

Cc: Clare Eberle

COMMENT LETTER No. 4

Deanna Meyer, Executive Director
PO Box 497
Sedalia, Colorado 80135

To Whom it May Concern,

I am writing this letter to share with you our experiences with Lowe Enterprises on a development they are currently in the process of executing in Douglas County, Colorado. The land that they are developing is one of the last wildlife corridors in our area, and is home to many different wildlife species. The proposed development encompasses 1,584 acres and was home to one of the last large prairie dog colonies in Douglas County. Prairie dogs are a keystone species and they are necessary for the existence of at least 180 other species of wildlife providing food, shelter and habitat for various threatened and endangered species.

Our organization contacted Lowe Enterprises and worked specifically with the project manager, John Waggoner, and voiced our concern for the prairie dog colony and requested that he work with us to safely and viably relocate this colony prior to commencing with any work on the site. We also requested that he not poison this colony and that we all work together to find a non lethal solution. Waggoner expressed to us that he would do this, and that he would like to meet with us and discuss possibilities in the fall. Approximately 4 weeks later, on July 18th, 2015, without any notification, he hired an extermination company to kill the entire 1500 acre prairie dog colony with phosphine gas, which also kills many non-targeted species when prairie dogs escape and die above ground and puts humans that live in close proximity at risk as well. 4.1

Many residents and concerned citizens throughout Colorado were extremely upset at these actions. Not only was Lowe Enterprises developing a cherished and beautiful wildlife corridor, but they lied to locals about their desire to save this wildlife community that lived there. There was absolutely no reason for them to take the actions they did in such a disrespectful and dishonest way.

Based on our experiences, I encourage you to ensure Lowe Enterprises is required to do a full environmental impact report at 2130 Violet St rather than the more limited environmental review they are seeking.

Please note the attached photos of the poisoned land and dead prairie dogs on the site surface.

Thank you for your consideration,

Deanna Meyer
Executive Director
Prairie Protection Colorado
720-722-1691

Attachment B.

The Mobility Group, Response to correspondence from Gideon Kracov regarding the Traffic Study for the 2130 Violet Project, and the review letter submitted by Neal Liddicoat, April 18, 2017.

The **Mobility** Group
Transportation Strategies & Solutions

April 18, 2017

Jojo Pewsawang
Department of City Planning
City of Los Angeles
200 North Nain Street
Los Angeles, CA 90012

Dear Mr. Pewsawang

This letter responds to information in the March 7, 2017 correspondence from Gideon Kracov regarding the Traffic Study for the 2130 Violet Project, and the review letter submitted by Neal Liddicoat.

On page 1 of his letter, the reviewer asserts ". . . apparent discrepancies with regard to assignment of project traffic to the study intersections. . . particularly in the PM peak hour . . . . and there is likely a significant impact at the intersection of Santa Fe Avenue/Seventh Street that is not revealed in the IS/MND".

The reviewer then provides a comparison of trips from the traffic study, to his estimated trips according to the north-south-east-west distribution percentages provided in the traffic study.

The reviewer has however applied an incorrect understanding and a misinterpretation of the trip distribution information provided in the Traffic Study. The trip distribution percentages in the report for north, south, east and west, are for the cardinal directions in the broader geographic area surrounding the project. They do not apply to the immediate vicinity of the Project, and cannot be used as such. Traffic in the immediate vicinity of the Project may use a route in a different direction to reach an ultimate route for the broader cardinal destination. This is particularly the case with this Project due to its geographic location and proximity to freeway ramps for the I-10 and US-10 and I-5 freeways which are located south and east of the Project site and which all provide routes to the east, south, north, and west.

The reviewer's trip distribution comparison is therefore not accurate or valid, and the resulting estimates of trips assignments by the reviewer are not meaningful.

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The reviewer then asserts that that ". . . the actual number of trips assigned to the study intersections is five fewer than the estimated volume of project-generated trips – one inbound and four outbound . . and that given the assumed trip distribution percentages that those four trips represent one trip in each of the four cardinal directions".

In discussing the level of service at the intersection of Santa Fe Avenue & 7th Street, the reviewer than asserts that " . . adding a single project-generated trip to any of the four critical movements would create a significant impact . . and that it would be perfectly reasonable to add one of the four missing project trips to the northbound left turn . . thus causing a significant impact".

The reviewer's assumption that one trip could be added in each cardinal direction is unjustified, for the reasons cited above. The reviewer also fails to mention that adding a single trip to any of the four non-critical movements at the intersection would not create a significant impact. This is important as a total of 62% of the project added trips through this intersection would in fact be added to non-critical movements. There is also no justification for the reviewer's assumption that one (or 25%) of the four trip could be assigned to the northbound left turn movement, particularly when only 10% of total outbound trips were assigned to that movement in the traffic study.

The reviewer's assertions of a possible significant impact are therefore incorrect and unfounded, as they are based on a misunderstanding and misinterpretation of the trip distribution information in the report, and a speculative assumption of added trips that is unsupported by factual information or the data in the traffic study.

The reviewer also asserts that the actual number of project trips assigned to the study intersections is five fewer than the estimated volume of project-generated trips – one inbound and four outbound.

After careful review, it has been determined that the reviewer is correct in this respect. However the speculation that one trip could be allocated to each of the four cardinal directions, and that one trip could be assigned to the northbound left turn movement at the 7th & Santa Fe intersection is incorrect – because it is based on the incorrect interpretation of trip distribution as discussed above. The correct situation is described below.

The small number of trips would not be expected to materially affect the results of the traffic study. A comprehensive review of the traffic study analysis determined that the trip shortfall related to trips exiting the southwest corner of the study area via Olympic

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Boulevard to head west. A total of one inbound and four outbound trips should have been assigned to a travel path from the Project Site via Violet Street to Mateo Street to the Olympic Boulevard corridor. While the full amount of project-generated trips were included in the model and this travel destination was defined in the model, trips were inadvertently not allocated to it – hence the slightly fewer trips.

The comprehensive review indicated that all other travel paths and trip assignments were handled correctly in the analysis. The overall distribution of trips does not change and remains as specified in the traffic study. As discussed in the Traffic Study, the distribution of trips was based on professional judgment and an approach commonly used in traffic studies that considered the type of project land uses, the likely origins and destinations of Project tenants and visitors, and the characteristics of the street system in the area of the Project – also accounting for the proximity of the Project to numerous freeway ramps. LADOT approved the trip distribution in their approval of the MOU and the Traffic Study Report.

The analysis has been updated to correct for this situation. The revised analysis is shown in Figures 4.1, 4.2, 4.3, and 4.4, and Tables 4.2, 4.3, and 4.4. The trip volumes in the intersections to the north of the Project (including Santa Fe & 7th) are not affected. In the PM peak hour analysis (addressed by the reviewer) the only intersections in the study area that are affected are at Mateo Street & Olympic Blvd. and at Violet Street & Santa Fe Avenue (unsignalized intersection). The v/c ratio increases slightly at Olympic Blvd. & Mateo Street but the level of service does not change and there is no significant impact created. Similarly, the vehicle delay numbers at the unsignalized intersection of Violet Street & Santa Fe Avenue increase slightly, but the level of service does not change and a traffic signal remains warranted as identified in the traffic study. The Project traffic volumes at all other intersections do not change and remain the same as shown in the traffic study. There continue to be no significant impacts.

The analysis was also updated for the AM peak hour, also as shown in Figures 4.1, 4.2, 4.3, and 4.4, and Tables 4.2, 4.3, and 4.4.. The v/c ratio increases slightly at three intersections, at Mateo Street & Olympic Blvd, at Santa Fe Avenue & 8th Street, and Santa Fe Avenue & Olympic Blvd, but the level of service does not change and there would be no significant impacts. At Violet Street & Santa Fe Avenue (unsignalized intersection), the delay would increase slightly and for one approach the resultant level of service would be LOS F rather than the LOS E identified in the traffic study. However, LOS F was previously also identified during the PM peak hour and a traffic signal was concluded to be warranted in the traffic study – so there would be no change to the result identified in the traffic study.

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In conclusion, following a comprehensive review, the reviewer's comments on trip distribution and trip assignments are based on a misunderstanding and misinterpretation of the information on the traffic study, rendering the reviewer's subsequent analysis invalid. However, the analysis in the traffic study has been updated to include the five fewer trips determined to have not been included in the traffic study. The net result of a comprehensive review is that the traffic volumes and results do not change in the vast majority of locations, particularly any locations to the north of the Project and specifically at the intersection of 7th Street & Santa Fe Avenue, and while the traffic numbers, along with v/c ratios and delays, change slightly at a few intersections south of the Project, the results and conclusions regarding significant impacts do not change. There continue to be no significant impacts caused by the Project.

Sincerely,
The Mobility Group

J. Michael Bates
President

Matthew Simons, T.E.

Senior Transportation Engineer, with
The Mobility Group
during preparation of the Traffic Study

Attachments

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Table 4.2 Future With Project Conditions - Intersection Level of Service AM Peak Hour - Revised

Intersection	AM Peak Hour				Change in V / C	Significant Impact
	Future Without Project		Future With Project			
	V / C	LOS	V / C	LOS		
1. Mateo Street & 7th Street	0.677	B	0.680	B	0.003	No
2. Mateo Street & Olympic Blvd.	0.549	A	0.552	A	0.003	No
3. Santa Fe Avenue & 7th Street	0.838	D	0.849	D	0.011	No
4. Santa Fe Avenue & 8th Street	0.607	B	0.652	B	0.045	No
5. Santa Fe Avenue & Porter Street	0.553	A	0.568	A	0.015	No
6. Santa Fe Avenue & Olympic Blvd	0.846	D	0.859	D	0.013	No

Table 4.3 Future With Project Conditions - Intersection Level of Service PM Peak Hour - Revised

Intersection	PM Peak Hour				Change in V / C	Significant Impact
	Future Without Project		Future With Project			
	V / C	LOS	V / C	LOS		
1. Mateo Street & 7th Street	0.723	C	0.725	C	0.002	No
2. Mateo Street & Olympic Blvd.	0.537	A	0.544	A	0.007	No
3. Santa Fe Avenue & 7th Street	0.864	D	0.883	D	0.019	No
4. Santa Fe Avenue & 8th Street	0.757	C	0.765	C	0.008	No
5. Santa Fe Avenue & Porter Street	0.692	B	0.709	C	0.017	No
6. Santa Fe Avenue & Olympic Blvd	0.827	D	0.835	D	0.008	No

Table 4.4 Unsignalized Intersection Analysis - AM & PM Peak Hour - Revised

Intersections	Existing Conditions AM Peak Hour		Future Without Project AM Peak Hour		Future With Project AM Peak Hour	
	Delay[1]	LOS	Delay[1]	LOS	Delay[1]	LOS
<u>AM Peak Hour</u>						
Santa Fe St. & Violet St.						
Eastbound Approach	20.6	C	27.3	D	50.8	F
Westbound Approach	18.5	C	23.4	C	37.9	E
<u>PM Peak Hour</u>						
Santa Fe St. & Violet St.						
Eastbound Approach	16.5	C	22.1	C	29.7	D
Westbound Approach	16.0	C	21.2	C	72.7	F

[1] Delay for unsignalized intersections is shown for the minor stopped approaches.

Table 4.5 Unsignalized Intersection - Signal Warrant Analysis - Revised

Intersection	Major Street	Minor Street	Peak Hour	Major Street		Minor Street		Minor Street Warrant Threshold Volume [1]	Signal Warranted
				Volume (both approaches)	# of Lanes per Direction	Volume (high volume approach)	# of Lanes per Direction		
Existing Conditions									
Santa Fe Ave & Violet St	Santa Fe Ave	Violet St	AM	1,259	2	13	1	200	No
			PM	1,236	2	40	1	200	No
Future Without Project Conditions									
Santa Fe Ave & Violet St	Santa Fe Ave	Violet St	AM	1,559	2	13	1	125	No
			PM	1,610	2	40	1	120	No
Future With Project Conditions									
Santa Fe Ave & Violet St	Santa Fe Ave	Violet St	AM	1,688	2	41	1	110	No
			PM	1,646	2	140	1	110	Yes

Note:

1. Caltrans Traffic Manual - Figure 9-8 Peak Hour Volume Warrant (Urban Areas). Minor street warrant calculated in relation to major street volume.

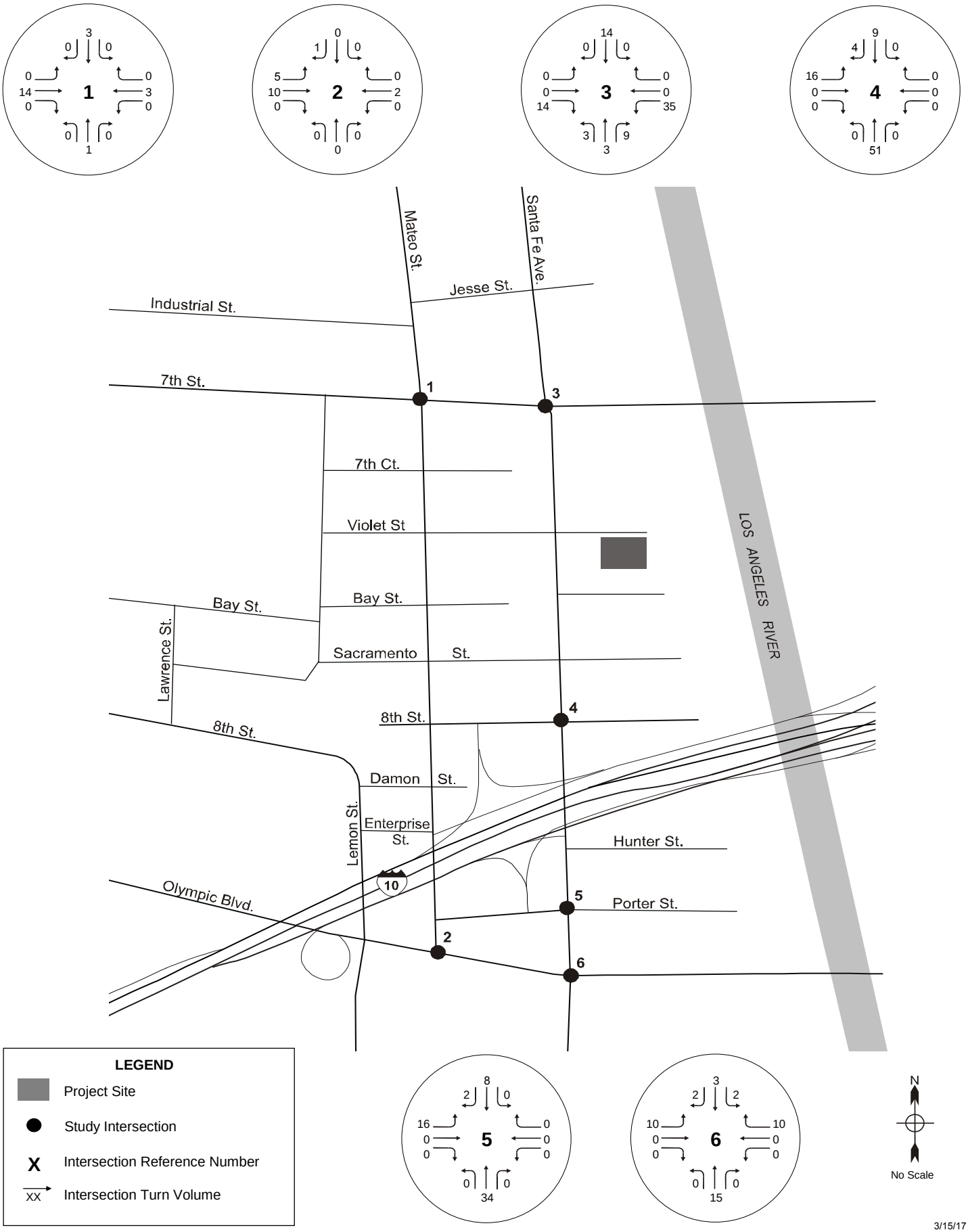


Figure 4.1
Project Only Traffic Volumes - AM Peak Hour - Revised

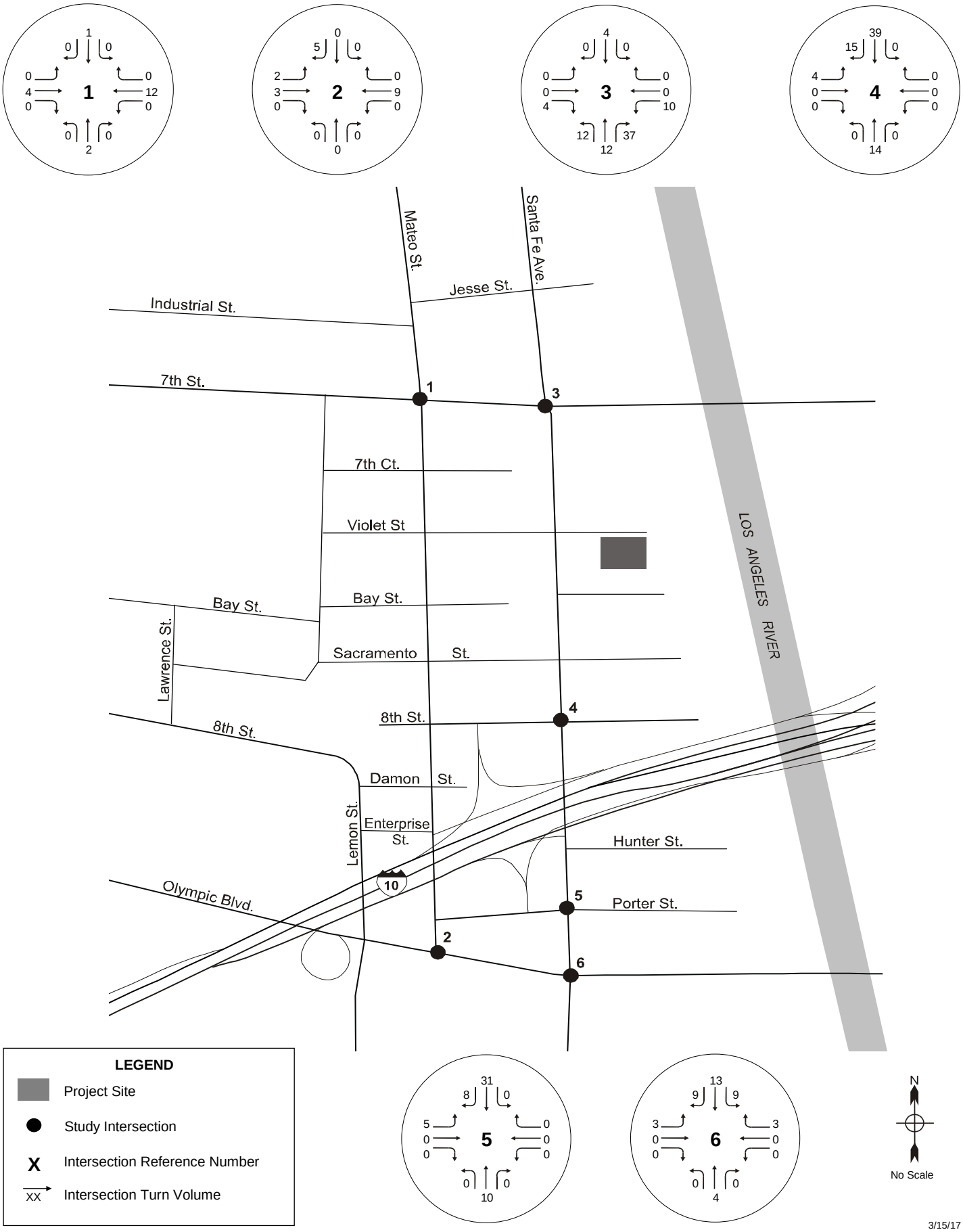
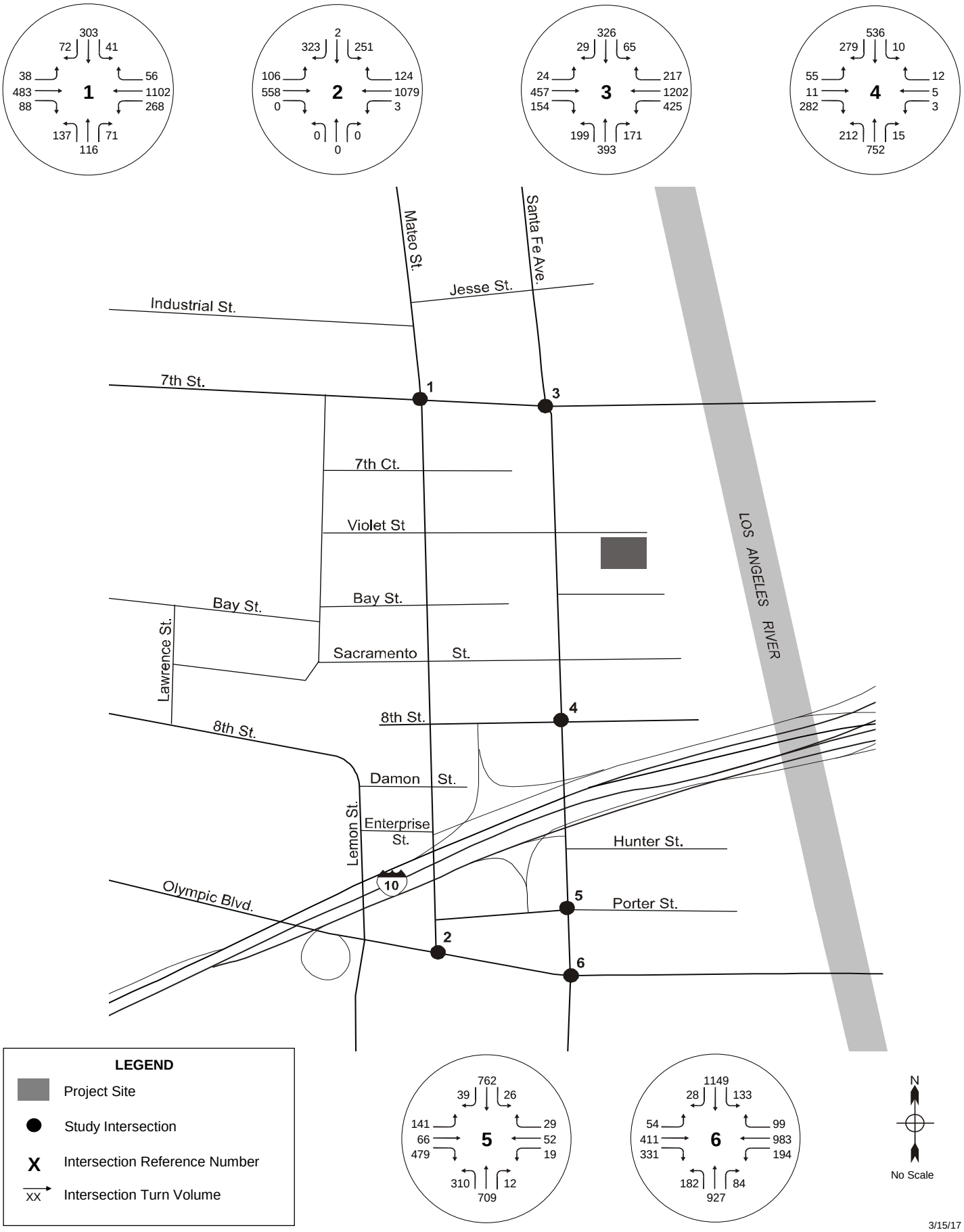


Figure 4.2
Project Only Traffic Volumes - PM Peak Hour - Revised

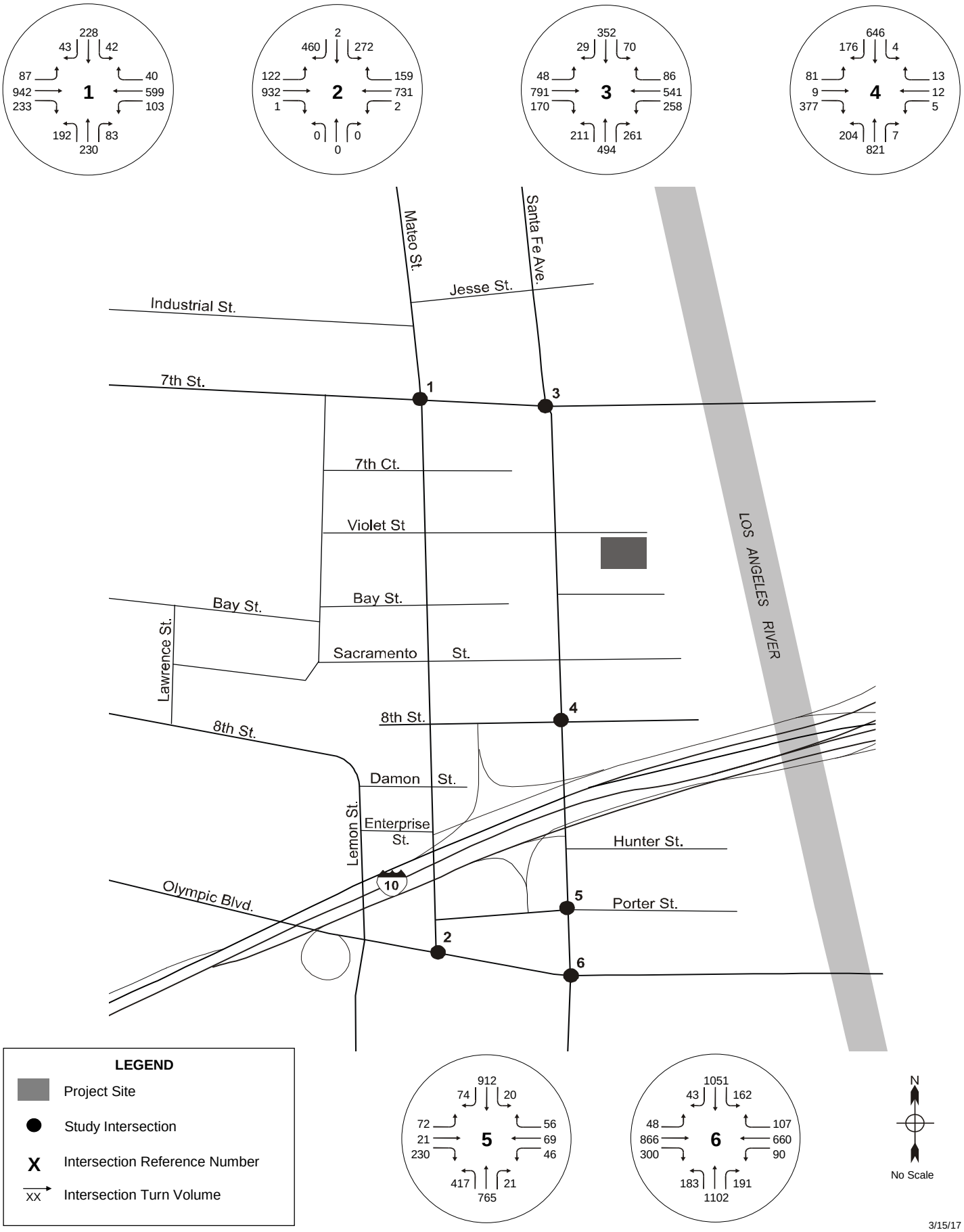


3/15/17

Figure 4.3
Future With Project Traffic Volumes - AM Peak Hour - Revised

2130 Violet Street - Traffic Study

The **Mobility** Group
Transportation Strategies & Solutions



3/15/17

Figure 4.4
Future With Project Traffic Volumes - PM Peak Hour - Revised

2130 Violet Street - Traffic Study

The **Mobility** Group
Transportation Strategies & Solutions

Attachment C.

LADOT Correspondence to the Department of City Planning, April 26 2017.

FORM GEN. 160A (Rev. 1/82)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

2130 E. Violet St
DOT Case No. CEN 15-43627

Date: April 26, 2017

To: Jojo Pewsawang, City Planning Associate
Department of City Planning

From: Wes Pringle, Transportation Engineer
Department of Transportation

Subject: **PROPOSED MIXED-USE PROJECT AT 2130 EAST VIOLET STREET – RESPONSE TO COMMENTS**

On April 14, 2016, DOT issued a traffic assessment report summarizing the findings of a traffic analysis, dated March 2, 2016, prepared for the revised proposed mixed-use project located at 2130 East Violet Street. The traffic study was prepared consistent with the City's traffic study policies and procedures, and consistent with how all traffic studies for projects within transit-oriented areas are processed in the City. On March 7, 2017, the Department of City Planning received a comment letter with questions about the study from Gideon Kracov (referencing a review by Neal Liddicoat).

The main area of concern of the comment letter, with respect to the portion that pertains to the transportation analysis, has to do with discrepancies between the distribution of the project trips and the overall percentage distribution. The Mobility Group has reviewed the comments and issued a response letter, dated April 18, 2017.

DOT concurs with the response letter issued by the Mobility Group. The comments of the Kracov review letter oversimplify the application of project trips to the network of study intersections. The Mobility Group's letter correctly stated that there is no justification for the distribution of project trips per the comment letter. The comment letter identified five missing trips that the Mobility Group addressed in the response letter. The response letter revised the study to account for the missing trips and it did not change any of the results.

If you have any questions, please call me at 213-972-8482.

\letters\2017\cen15-43627_2130 violet st mixed-use project_comment response

c: Shawn Kuk, Council District No. 14
Mehrdad Moshksar, Central District Office, DOT
Michael Bates, The Mobility Group

Attachment D.

1) Department of Toxic Substances Control (DTSC), Voluntary Cleanup Agreement, Docket No. HAS VCA 17/18-038, November 2017;

2) Ensafe, Technical Memorandum Work Plan- Revised Preliminary Endangerment Assessment Equivalent — Additional Site Characterization, 2130 Violet Street, Los Angeles, California 90021, April 5, 2018; and

3) DTSC Approval of Revised Preliminary Endangerment Assessment (PEAE), April 20, 2018.

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of: 2130 East Violet Street Los Angeles, California 90021 Proponent: Violet Street Investor, LLC 11777 San Vicente Blvd. #900 Los Angeles, California 90049 Attn: Mr. Tom Wulf	Docket No. HSA VCA 17/18-038 Voluntary Cleanup Agreement Health and Safety Code Section 25355.5(a)(1)(C)

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) enters into this Voluntary Cleanup Agreement (Agreement) with Violet Street Investor, LLC (Proponent) and agrees as follows:

1. Site. This Agreement applies to the property located at 2130 East Violet Street, Los Angeles, in Los Angeles County, California 90021 (Site). The property is identified by Assessor's Parcel Number(s) 5166-004-027. A Site diagram and a Site location map are attached as Exhibits A and B.

2. Jurisdiction. This Agreement is entered into by DTSC and Proponent pursuant to Health and Safety Code section 25355.5(a)(1)(C) which authorizes DTSC to enter into an enforceable agreement to oversee the investigation and/or remediation of a release or threatened release of any hazardous substance at or from the Site.

3. Purpose. The purpose of this Agreement is for DTSC to review and comment on Preliminary Endangerment Assessment Equivalent (PEAE) documents. DTSC will review the information, identify areas and media of concern, and determine the additional work, if any, required to complete the investigation/remediation of the Site. If appropriate, DTSC will issue a "Site Certification" for the Site. The purpose of this Agreement is also for DTSC to obtain reimbursement from Proponent for DTSC's oversight costs incurred pursuant to this Agreement.

4. Ownership. The Site is owned by Violet Street Investor, LLC.

5. Substances Found at the Site. Based on the information available to DTSC and Proponent, the Site had been impacted by heavy metals, polychlorinated biphenyls and total petroleum hydrocarbons (TPH) in soil at the Site. A removal action was performed between August 2016 and October 2016 to remove the chemicals of concern from shallow soils.

6. Scope of Work and DTSC Oversight. DTSC shall review and provide Proponent with written comments on all Proponent's deliverables as described in Exhibit C (Scope of Work) and other documents applicable to the scope of the project. DTSC shall provide oversight of field activities, including sampling activities, as appropriate. Proponent agrees to perform all the Work required by this Agreement. Proponent shall perform the Work in accordance with applicable local, state and federal statutes, regulations, ordinances, rules and guidance documents, in particular, Health and Safety Code section 25300 et seq., as amended.

7. Additional Activities. DTSC and Proponent may amend this Agreement to include additional activities in accordance with Paragraph 17 of this Agreement. If DTSC expects to incur additional oversight costs for these additional activities, it will provide an estimate of the additional oversight costs to Proponent.

8. Endangerment During Implementation.

8.1. Proponent shall notify DTSC's Project Manager immediately upon learning of any condition that may pose an immediate threat to public health or safety or the environment. Within seven days of the onset of such a condition, Proponent shall furnish a report to DTSC, signed by Proponent's Project Manager, setting forth the conditions and events that occurred and the measures taken in response thereto.

8.2. In the event DTSC determines that any activity (whether or not pursued in compliance with this Agreement) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Proponent to conduct additional activities and DTSC and Proponent may then amend this Agreement to include such additional activities in accordance with Paragraph 7 or DTSC may order Proponent to stop further implementation of this Agreement for such period of time as may be needed to abate the endangerment. DTSC may request that Proponent implement interim measures to address any immediate threat or imminent or substantial endangerment.

9. Access. Proponent shall provide, and/or obtain access to the Site and take all reasonable efforts to obtain access to offsite areas to which access is necessary to implement the Agreement. Such access shall be provided to DTSC's employees, contractors, and consultants at all reasonable times. Nothing in this paragraph is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of law.

10. Sampling, Data and Document Availability. When requested by DTSC, Proponent shall make available for DTSC's inspection, and shall provide copies of, all data and information concerning contamination at or from the Site, including technical records and contractual documents, sampling and monitoring information and photographs and maps, whether or not such data and information was developed pursuant to this Agreement. Proponent is not required to make available information

that is privileged or otherwise protected from disclosure. For all final reports, Proponent shall submit one hard (paper) copy and one electronic copy with all applicable signatures and certification stamps as a text-readable Portable Document Formatted (pdf) file Adobe Acrobat or Microsoft Word formatted file.

11. Record Preservation. Proponent shall retain, during the implementation of this Agreement and for a minimum of six years after its termination, all data, reports, and other documents that relate to the performance of this Agreement. If DTSC requests that some or all of these documents be preserved for a longer period of time, Proponent shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at Proponent's expense prior to destruction.

12. Notification of Field Activities. Proponent shall inform DTSC at least seven days in advance of all field activities pursuant to this Agreement and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Proponent pursuant to this Agreement.

13. Project Managers. Within 14 days of the effective date of this Agreement, DTSC and Proponent shall each designate a Project Manager and shall notify each other in writing of the Project Manager selected. Each Project Manager shall be responsible for overseeing the implementation of this Agreement and for designating a person to act in his/her absence. All communications between DTSC and Proponent, and all notices, documents and correspondence concerning the activities performed pursuant to this Agreement shall be directed through the Project Managers. Each party may change its Project Manager with at least seven days prior written notice.

14. Proponent's Consultant and Contractor. All work performed pursuant to this Agreement shall be under the direction and supervision of a professional engineer or professional geologist, licensed in California, with expertise in hazardous substances site cleanup. Proponent's Project Manager, contractor or consultant shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14 days of the effective date of this Agreement, Proponent shall notify DTSC in writing of the name, title, and qualifications of the professional engineer or professional geologist and of any contractors or consultants and their personnel to be used in carrying out the work under this Agreement in conformance with applicable state law, including but not limited to, Business and Professions Code sections 6735 and 7835.

15. DTSC Review and Approval. All Work performed pursuant to this Agreement is subject to DTSC's review and approval. If DTSC determines that any report, plan, schedule or other document submitted for approval pursuant to this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, DTSC may (a) return comments to Proponent with recommended changes and a date by which the Proponent must submit to DTSC a revised document incorporating or addressing the recommended changes; or (b) modify the document in consultation with Proponent and approve the document as modified. All DTSC approvals and decisions made regarding submittals and notifications will be communicated to Proponent in

writing by DTSC's Project Manager or his/her designee. No informal advice, guidance, suggestions or comments by DTSC regarding reports, plans, specifications, schedules or any other writings by the Proponent shall be construed to relieve Proponent of the obligation to obtain such written approvals.

16. Payment.

16.1. Proponent agrees to pay 1) all costs incurred by DTSC in association with preparation of this Agreement, and for oversight activities, including review of documents, conducted prior to the effective date of this Agreement, and (2) all costs incurred by DTSC in providing oversight pursuant to this Agreement, including review of the documents described in Exhibit C and associated documents, and oversight of field activities. Costs incurred include interest on unpaid amounts that are billed and outstanding more than 60 days from the date of the invoice. An estimate of DTSC's oversight costs is attached as Exhibit D. It is understood by the parties that Exhibit D is an estimate and cannot be relied upon as the final cost figure. DTSC may provide an updated or revised cost estimate as the Work progresses. DTSC will bill Proponent quarterly. Proponent agrees to make payment within 60 days of receipt of DTSC's billing. Proponent may have the consultant designated under this Agreement make payments to DTSC on its behalf. Such billings will reflect any amounts that have been advanced to DTSC by Proponent.

16.2. In anticipation of oversight activities to be conducted, Proponent shall make an advance payment of $ 2,100.00 to DTSC no later than 21 days after this Agreement is fully executed. Proponent may have the consultant designated under this Agreement make the advance payment to DTSC on its behalf. It is expressly understood and agreed that DTSC's receipt of the entire advance payment as provided in this paragraph is a condition precedent to DTSC's obligation to provide oversight, review of or comment on documents. If the advance payment exceeds DTSC's final costs, DTSC will refund the difference within 120 days after the performance of this Agreement is completed or after this Agreement is terminated pursuant to Paragraph 18 of this Agreement.

16.3. All payments made by Proponent pursuant to this Agreement shall be by check payable to the "Department of Toxic Substances Control", and bearing on its face the project code for the Site (Site #301807) and the docket number of this Agreement. Upon request by Proponent, DTSC may accept payments made by credit cards. Payments by check shall be sent to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent concurrently to DTSC's Project Manager.

16.4. DTSC shall retain all cost records associated with the Work performed under this Agreement as may be required by state law. DTSC will make all documents that support DTSC's cost determination available for inspection upon request in accordance with the Public Records Act, Government Code section 6250 et seq.

17. Amendments. This Agreement may be amended in writing by mutual agreement of DTSC and Proponent. Such amendment shall be effective the third business day following the day the last party signing the amendment sends its notification of signing to the other party. The parties may agree to a different effective date.

18. Termination for Convenience. Except as otherwise provided in this paragraph, each party to this Agreement reserves the right to unilaterally terminate this Agreement for any reason. Termination may be accomplished by giving a 30-day advance written notice of the election to terminate this Agreement to the other party. In the event that this Agreement is terminated under Paragraph 18, Proponent shall be responsible for DTSC costs through the effective date of termination.

19. Incorporation of Exhibits, Plans and Reports. All exhibits are incorporated into this Agreement by reference. All plans, schedules and reports that require DTSC's approval and are submitted by Proponent pursuant to this Agreement are incorporated in this Agreement upon DTSC's approval.

20. Reservation of Rights. DTSC reserves all of its statutory and regulatory powers, authorities, rights, and remedies under applicable laws to protect public health or the environment, including the right to recover its costs incurred therefor. Proponent reserves all of its statutory and regulatory rights, defenses and remedies available to Proponent under applicable laws..

21. Non-Admission of Liability. By entering into this Agreement, Proponent does not admit to any finding of fact or conclusion of law set forth in this Agreement or any fault or liability under applicable laws.

22. Proponent Liabilities. Nothing in this Agreement shall constitute or be considered a covenant not to sue, release or satisfaction from liability by DTSC for any condition or claim arising as a result of Proponent's past, current, or future operations or ownership of the Site.

23. Government Liabilities. The State of California or DTSC shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Proponent or by related parties in carrying out activities pursuant to this Agreement, nor shall the State of California or DTSC be held as a party to any contract entered into by Proponent or its agents in carrying out the activities pursuant to this Agreement.

24. Third Party Actions. In the event that Proponent is a party to any suit or claim

for damages or contribution relating to the Site to which DTSC is not a party, Proponent shall notify DTSC in writing within 10 days after service of the complaint in the third-party action. Proponent shall pay all reasonable costs incurred by DTSC relating to such third-party actions, including but not limited to responding to subpoenas.

25. California Law. This Agreement shall be governed, performed and interpreted under the laws of the State of California.

26. Severability. If any portion of this Agreement is ultimately determined not to be enforceable, that portion will be severed from the Agreement and the severability shall not affect the enforceability of the remaining provisions of the Agreement.

27. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Proponent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement.

28. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Proponent's authorized representative. Except as otherwise specified, "days" means calendar days.

29. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

30. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Date: 11-8-17

Juli Propes, Acting Branch Chief
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control

Date: NOVEMBER 7, 2017

Mr. Tom Wulf
Violet Street Investor, LLC

EXHIBITS

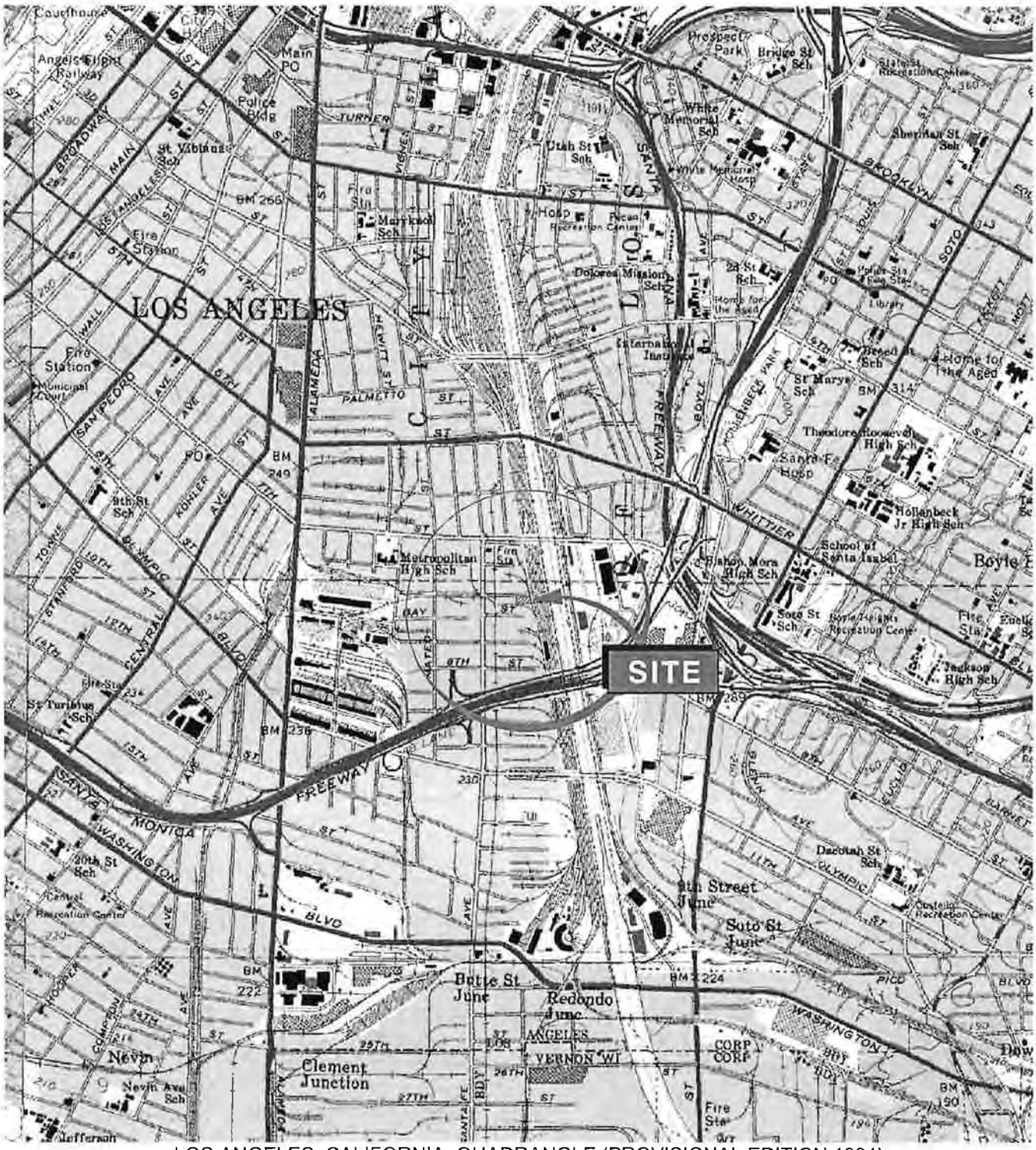
A - SITE LOCATION MAP

B - SITE DIAGRAM

C - SCOPE OF WORK

D – COST ESTIMATE

E - SCHEDULE



LOS ANGELES, CALIFORNIA QUADRANGLE (PROVISIONAL EDITION 1994)

SCALE

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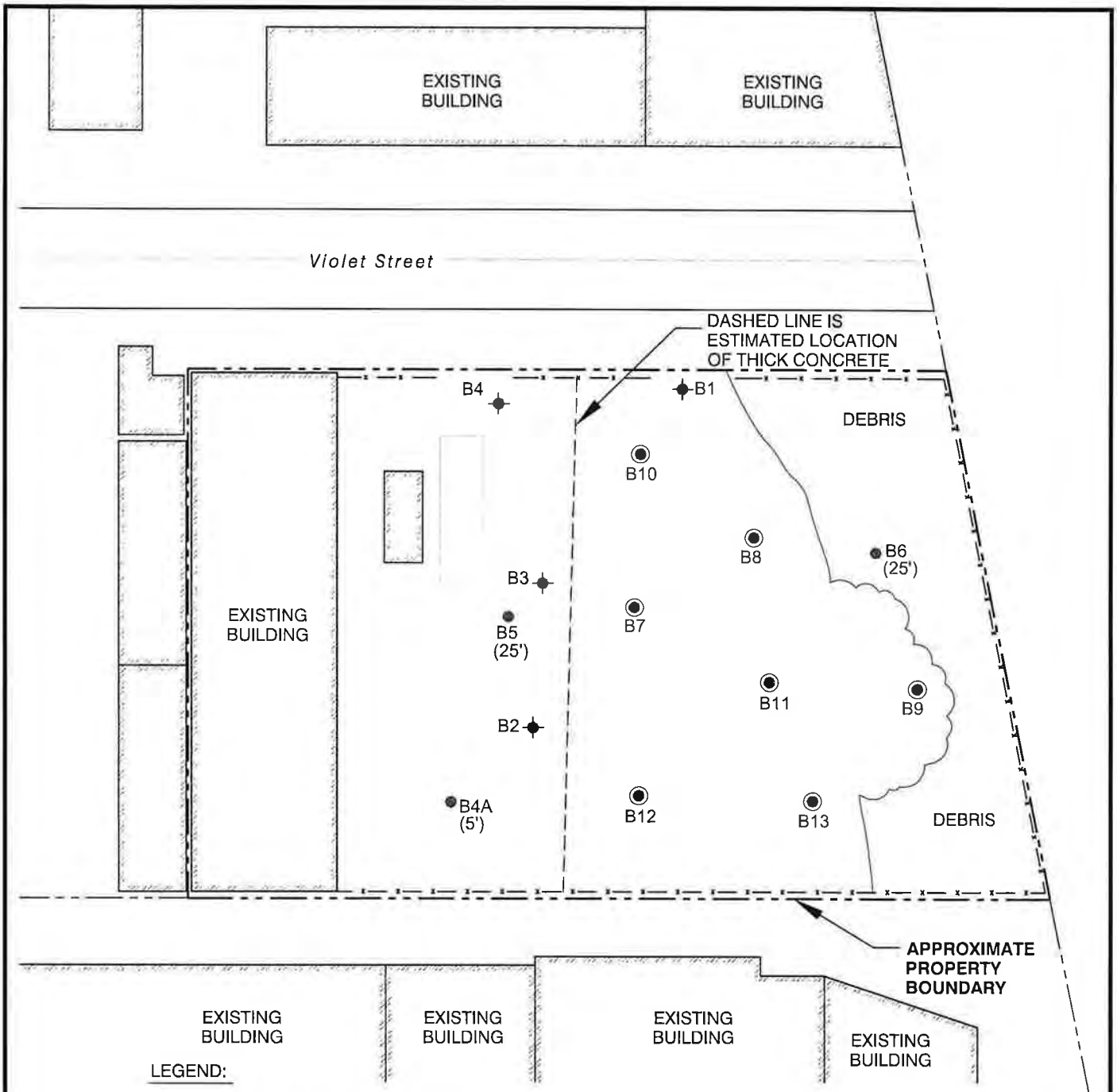
SITE VICINITY MAP

LIMITED PHASE II ESA
METAL RECYCLING FACILITY
2130 VIOLET STREET
LOS ANGELES, CALIFORNIA

PROJECT NUMBER: 1011600153	PHASE: 1	FIGURE
REVIEW BY: G. BUCHANAN	DRAWN BY: DAW	1

Cardno ATC Shaping the Future
25 Cupania Circle
Monterey Park, CA 91755
Ph: (323) 517-9780 *** Fax: (323) 517-9781

FILE: W:\Lowe Enterprises (75205)\1011600153 Violet Street - Metal Recycling Facility\CAD\1011600153_Metal Recycling Facility_LA.dwg Apr 22, 2015



SITE PLAN

APPROXIMATE SCALE: 1" = 40'

LIMITED PHASE II ESA
METAL RECYCLING FACILITY
2130 VIOLET STREET
LOS ANGELES, CALIFORNIA

PROJECT NUMBER: 1011600153	PHASE: 1	FIGURE 2
REVIEW BY: G. BUCHANAN	DRAWN BY: DAW	

Cardno ATC Shaping the Future
25 Cupania Circle
Monterey Park, CA 91755
Ph: (323) 517-9780 *** Fax: (323) 517-9781

FILE: W:\Lowe Enterprises (75205)\1011600153 Violet Street - Metal Recycling Facility\6-30-15 Sampling Event\CAD\1011600153_Metal Recycling Facility_LA_Rev 2.dwg Jul 13, 2015

EXHIBIT C
SCOPE OF WORK

TASK 1. Review and Comment on Preliminary Endangerment Assessment Equivalent (PEAE) Documents

DTSC will review all background information, sample analysis results, environmental assessment reports, and any other information pertinent to the hazardous substance management and/or release, characterization and cleanup of the Site. DTSC will review the information, identify areas and media of concern, and determine the additional work, if any, required to complete the investigation/remediation of the Site. If appropriate, DTSC will issue a "Site Certification" for the Site.

EXHIBIT D

COST ESTIMATE WORKSHEET

VOLUNTARY CLEANUP AGREEMENT

Project Name: 2130 EAST VIOLET STREET, LOS ANGELES, CA

Title	VCP Coord.	Project Manager		Supervisor		Toxicology	Geology	Industrial Hygiene	HQ Engring	Public Particip	Legal	CEQA	Clerical
Classification	Sr. ES	ES	HSE	EPMI	HSESI	Staff Toxicologist	Eng Geol.	Assoc IH	HSE	PPS	Attorney	Env Planner	WPT
TASK: Agreement Prep./Negotiation	2												
Review and comment on PEAE Documents			40	2		16	28						2
General Project Oversight (meetings and communications)													
Supplemental Site Characterization													
- Workplan													
- Implementation													
- Report													
Risk Assessment													
Public Participation													
CEQA NOE													
Removal Action Workplan													
Implement Removal Action													
Remedial Design													
Completion Report													
Certification			4	1									1
Deed Restriction													
Technical/Management meeting													
Operation & Maint													
Total No. Hours/Class	2	0	44	3	0	16	28	0	0	0	4	0	3
Hourly Rate/Class	175	152	218	287	268	206	218	175	217	136	184	136	84
Cost/Class	350	0	9592	861	0	3296	6104	0	0	0	736	0	252
Grand Total Cost	$21,191												

EXHIBIT E

PROJECT SCHEDULE

TASK	TIMELINE
Agreement Execution	November 2017
DTSC will review and comment on Preliminary Endangerment Assessment Equivalent (PEAE) documents for the Site. DTSC will determine the additional work, if any, required to complete the investigation/remediation of the Site.	Within 30 days after execution of agreement

ENSAFE
creative thinking. custom solutions. ®

April 5, 2018

Ms. Folashade Simpson via email: folashade.simpson@dtsc.ca.gov
Project Manager
Department of Toxic Substances Control
Brownfields and Environmental Restoration Program
9211 Oakdale Avenue
Chatsworth, California 91311

Re: Technical Memorandum Work Plan
Revised Preliminary Endangerment Assessment Equivalent — Additional Site Characterization
2130 Violet Street, Los Angeles, California 90021

Dear Ms. Simpson:

EnSafe Inc. is submitting this Technical Memorandum Work Plan for the property located at 2130 Violet Street (Site) in Los Angeles, California (Figure 1). The purpose of this Technical Memorandum is to provide a revised workplan to conduct additional Site characterization in response to: 1) the comments provided by the Department of Toxic Substances Control (DTSC) in the *Comments on Preliminary Endangerment Assessment Equivalent (PEA-E) Reports;* 2) our meeting with the DTSC on March 8, 2018; and 3) the subsequent comments emails dated March 28, 2018, and April 2, 2018. The Site was previously used for unprocessed scrap metal recycling, which no longer exists at the Site. The Site is planned to be developed into a multi-story commercial building including office and street-level retail space.

BACKGROUND

EnSafe received DTSC comments on multiple reports summarizing Site characterization activities since 2014, as outlined below:

- *Phase II Environmental Site Assessment Report* (Certified Environmental Consultants, Inc., November 13, 2014)
- *Limited Phase II Site Assessment Report* (Cardno ATC, August 20, 2015)
- *Excavation Observation and Stockpile Sampling* (E2 ManageTech, Inc., December 8, 2016)

- *Phase I Environmental Site Assessment Report* (Partner Engineering and Science, Inc., January 26, 2017)

- *Preliminary Endangerment Assessment Equivalent Reports: Confirmation Soil Sampling Report* (Partner Engineering and Science, Inc., August 3, 2017)

- *Additional Site Investigation* (E2 ManageTech, Inc. March 2016)

The boring locations and excavation area are shown in Figures 2 and 3. During the prior investigations at the Site, borings were advanced as the recycled metal stockpiles were removed from the facility and PCB impacted soils were removed by excavation. The boring locations and excavation area are shown in Figures 2 and 3. While advancing the prior borings, surficial recycled metal and debris existed above the paving, and concrete paving was encountered to depths of up to 18 inches below ground surface (bgs). As a result, soil samples were first obtained at depths of one to three feet bgs at the Site, depending on the encountered paving conditions and soil sample recovery. In addition, polychlorinated biphenyl (PCB)-impacted soils were removed to a depth of six feet in the area of the excavation. Figures 4 through 10 present the PCB results by boring location and depth, and the excavation area. Based on the results from prior investigations conducted and excavation area, shallow PCB sampling (e.g. one to three feet) has been conducted at the Site; therefore, no additional PCB sampling is needed, except as noted below.

These reports and figures demonstrate the extensive field sampling and analysis program conducted at the Site to date, as well as the presence and nature of hazardous wastes/substances in soil and soil vapor at the Site, as follows:

Phase II Environmental Site Assessment Report (Certified Environmental Consultants, Inc., November 13, 2014)

In November 2014, Certified Environmental Consultants (CEC) performed a Phase II Environmental Site Assessment (ESA) including a soil vapor survey at the Site (CEC, November 2014). Five borings (SV-1 through SV-5 in Figures 2 and 3) were advanced to 2.5 feet below ground surface (bgs) and soil vapor samples were analyzed for volatile organic compounds (VOCs). One soil vapor sample in the warehouse building had detections of tetrachloroethylene (PCE) at 0.11 micrograms per liter (µg/L) below the United States

Environmental Protection Agency (EPA) Regional Screening Level (RSL) for industrial air. No other VOCs were detected above laboratory reporting limits at the Site.

Limited Phase II Site Assessment Report (Cardno ATC, August 20, 2015)

In August of 2015, Cardno ATC conducted a Limited Phase II ESA (Cardno, 2015) and collected soil samples from 13 boring locations (B1 through B13 in Figures 2 and 3) in the exterior scrap yard portion of the Site, limited to areas of the facility not covered by accumulated scrap metal at the time of the investigation. The results of the investigation identified areas of total petroleum hydrocarbon (TPH) contamination in shallow (approximately 2 to 6 feet bgs) soil that was present beneath the scrap yard portion of the Site. TPH (C4-C12) was detected in one sample at 0.912 milligrams per kilogram (mg/kg). TPH (C23-C32) ranged from 9.88 to 9,180 mg/kg in the upper 5 feet, and from 3.70 to 17.6 mg/kg below 5 feet bgs. TPH (C23-C32) was not detected in samples below 20 feet bgs. TPH (C33-C36) was only detected in two samples in the uppermost 5 feet bgs at 124 and 370 mg/kg. Lead was detected above DTSC Screening Levels of 80 mg/kg in the upper 5 feet bgs. Copper and chromium were detected above Screening Levels in two samples above 5 feet bgs, at 4,510 mg/kg and 3,250 mg/kg. Concentrations of polychlorinated biphenyls (PCBs) were detected in shallow soil in the storage yard below the RSLs. Cardno ATC recommended remediation by excavation of the impacted soils followed by proper disposal. However, additional investigation was conducted to further delineate the impacted soils in areas previously covered by unprocessed scrap metal debris.

Additional Site Investigation (E2 Manage Tech, Inc., March 9, 2016)

In February of 2016, E2 ManageTech, Inc. (E2) performed additional Site investigation and collected soil samples from three boring locations (designated as EA01 though EA03 in Figures 2 and 3) to further evaluate the lateral extent of the previously identified onsite contamination of lead, diesel-range TPH (TPH-d), and PCBs. These were locations that were previously inaccessible during the Cardno ATC Site investigation due to stored scrap metal. The results of the investigation indicated that TPH (C12-C24) was detected in two samples collected at 2 feet bgs and in one sample collected 10 feet bgs, at concentrations ranging from 31 mg/kg to 170 mg/kg. Concentrations of TPH (C12-C24) in locations EA01 through EA03 were consistent with nearby adjacent borings from prior investigations (Cardno, 2015) and indicated shallow (2 to 10 feet) contamination and were below the RSLs for TPH. PCBs were not detected in soil samples analyzed from the two borings on the eastern side of the property.

Lead was detected in each of the nine soil samples collected, at concentrations ranging from 1.18 mg/kg to 158 mg/kg. Two of the samples were detected in excess of ten times (10x) the Soluble Threshold Limit Concentration (STLC) for lead and further were analyzed by the Waste Extraction Test by EPA 6010B STLC. One sample was exceeded the STLC at 2 feet bgs with a soluble lead concentration of 9.47 mg/L.

Excavation Observation and Stockpile Sampling (E2 Manage Tech, Inc., December 8, 2016)

In August of 2016, E2 was retained by Lowe Enterprises to observe and document the excavation of impacted soil characterized in the prior Site investigations. The excavation activities consisted of the removal of approximately 1,750 cubic yards of impacted soil from the impacted area identified in the previous investigations. Prior to disposal of the impacted soil, two composite soil samples were collected and analyzed for Title 22 metals by EPA 6010B/3050B, PCBs by EPA Method 8082, VOCs by EPA Method 8260B, and TPH (C12-C24) by EPA Method 8015B. TPH (C12-C24) was detected in both samples at 7.24 mg/kg and 24.1 mg/kg. Chromium was detected in one sample at concentration of 88.1 mg/kg, above 10x the STLC for chromium. The sample was further analyzed by the Waste Extraction Test with EPA 6010B STLC and the reported concentration of 1.14 mg/L was below the STLC level of 5 mg/L. VOCs and PCBs were not detected in the samples analyzed.

Phase I Environmental Site Assessment Report (Partner, January 26, 2017)

In January of 2017, Partner Engineering and Science, Inc. (Partner) conducted a Phase I ESA Report (Partner, 2017a) and identified the following recognized environmental condition (REC):

> "A Phase I ESA conducted in 2014 identified several environmental concerns for the subject property including potential petroleum-related staining in the storage yard, drums with no secondary containment, and abandoned trench-style floor drains within the building. Additional assessment was recommended. Between 2014 and 2016, three subsurface investigations were performed to identify and characterize the vertical and horizontal extents of subsurface contamination at the subject property. Results identified shallow diesel, polychlorinated biphenyl (PCB), and heavy metal (lead, copper, chromium) contamination in soils exceeding applicable Environmental Screening Levels (ESLs). The impacts were delineated and characterized in anticipation of excavation and removal. In 2016, 1,750 tons of soil were excavated and stockpiled onsite at the direction of an environmental contractor. The stockpile was sampled and low levels of total petroleum hydrocarbons as diesel (TPHd) and chromium were identified. No VOCs, PCBs, or other metals were detected at significant

levels. The soils were disposed of offsite as non-hazardous waste. Based on the results of the sampling and analysis and removal of impacted soils at the site, no further action was recommended by the environmental contractor, E2 ManageTech. Based on the provided documents, the low concentrations detected in the stockpiled soil suggest that the remaining impacts were minimal; however, no soil sampling was performed in the excavation pit to confirm that all impacted areas had been adequately excavated and removed. Therefore, it is Partner's opinion that the former soil impacts noted on the site represent a recognized environmental condition to the subject property. It should be noted the excavation had not been backfilled at the time of Partner's on-site assessment." (Partner, 2017a).

Confirmation Soil Sampling Report (Partner, August 3, 2017)

In August of 2017, Partner conducted a Site investigation and collected eight samples (designated as S1 through S8 in Figures 2 and 3) at the bottom of the existing excavation to further characterize the potential residual impact of TPH, VOCs, PCBs and selected metals as a consequence of the historical onsite metal recycling operations and the REC identified in the Phase I ESA Report (Partner, January 26, 2017). Partner concluded:

> *"None of the analyzed soil samples contained detectable concentrations of TPH-cc, VOCs, or PCBs. None of the concentrations of chromium, copper, and lead detected in the analyzed samplings exceeded the residential or industrial RSLs. Based on the results of this Confirmation Soil Sampling, it appears that impacted soil were successfully removed from the site and no evidence of residual contamination was identified. Partner recommends no further investigation with respect to the former metal recycling operations at this time."*

DTSC Comments on Preliminary Endangerment Assessment Equivalent Reports (January 24, 2018)

The DTSC prepared a *DTSC Comments on Preliminary Endangerment Assessment Equivalent Reports* document dated January 24, 2018, which requested additional sampling and analysis in previously assessed areas and spatial gaps in the western, northeastern, and southeastern side of the property. Based upon the DTSC toxicologist's comment letter dated February 1, 2018, EnSafe was requested to conduct additional sampling along the excavation walls and other areas of concern. EnSafe prepared a *Response to Comments Matrix* (RCM) *and Technical Memorandum Workplan* to the DTSC dated February 9, 2018 presenting responses to each of DTSC's comments. EnSafe and Violet Street Partners requested a meeting with the DTSC to discuss the Site and the Workplan and the meeting was held on March 8, 2018.

DTSC Meeting and Comments

Based on the March 8, 2018 meeting, changes in the scope of work regarding soil and soil vapor sampling were discussed and agreed to by all parties. EnSafe prepared an email documenting the proposed changes to the Technical Memorandum Workplan from the March 8, 2018 meeting and submitted it to the DTSC on March 14, 2018. DTSC requested additional changes in emails dated March 28, 2018, and April 2, 2018. As requested, EnSafe has prepared the following revised scope of work for the additional sampling. The proposed scope of work incorporates the DTSC comments and recommendations.

Rationale for Sampling Locations

Twenty two additional sampling locations are proposed at the Site to further evaluate Site conditions in response to the DTSC comments and using information from prior soil and soil vapor investigations conducted to delineate soil and soil vapor in suspected areas of concern at the Site, as shown in Figure 3:

- Twelve soil boring locations (ESB1 through ESB5 and EB8 through ESB14) on the western portion of the Site
- Two soil borings (ESB6 and ESB7) near the excavation
- Eight sampling locations (EXC1 through EXC8) in the sidewalls and bottom of the excavation

The proposed locations are arranged to provide spatial coverage of the subsurface conditions beneath the warehouse and storage yard area with an approximate total area of 140 feet by 240 feet. The proposed borings and samples along the excavated area will be advanced to further characterize soil and soil vapor conditions as requested by the DTSC to provide additional characterization of the Site and address DTSC concerns regarding the potential past site uses.

Radiation Sampling Rationale

Based on DTSC concerns regarding the potential for radioactive scrap metals to have been received at the former scrap metal recycling facility, EnSafe will screen the Site for radiation above background levels using a Geiger counter (or equivalent).

TPH Sampling Rationale

TPH has been laterally and vertically characterized in the soil of the former metals recycling yard as presented in the previous reports and the attached Tables. Sampling in the former metals recycling yard indicated that TPH (C12-C24) was previously present in shallow soils (e.g. above 6 feet bgs) at the Site in concentrations exceeding the RSL but was removed by excavation during the 2016 excavation of impacted soils. However, EnSafe will conduct additional sampling and characterization of the soil beneath the building for TPH, the western storage yard, and the wall and base of the excavation for the presence of TPH as carbon chain (TPH-cc).

VOC Sampling Rationale

VOCs have been characterized in the soil of the former metals recycling yard and in soil vapor in the Site building, as presented in the attached Tables. However, EnSafe will conduct additional sampling and characterization of the soil beneath the building for VOCs, the western storage yard, and the wall and base of the excavation for the presence of VOCs. In addition, Boring ESB6 will be advanced to characterize soil VOCs to a depth of 35 feet below original grade and soil samples obtained will be analyzed to evaluate the presence of 15 feet of non-detectable concentrations.

Metals Sampling Rationale

Total metals have been laterally and vertically characterized in the soil of the former metals recycling yard as presented in the previous reports in the attached Tables. Sampling in the former metals recycling yard indicated that total metals were previously present in shallow soils (e.g. above 6 feet bgs) at the Site in concentrations exceeding the RSL but were removed by excavation during the 2016 excavation of impacted soils. However, EnSafe will conduct additional sampling and characterization of the soil beneath the building for 17 total metals, the western storage yard, and the sidewalls of the excavation.

PCB Sampling Rationale

PCBs have been characterized in the shallow soil in the area of the former metals recycling yard. PCB concentrations in soil have been detected in the upper 5 feet bgs and in the 15 and 20-feet below original grade samples in boring B-6 but were below the detection limit at 25 feet below original grade. The shallow PCB-impacted soils (e.g. surface to 6 feet bgs) at the Site with concentrations exceeding the RSL were removed during the excavation in 2016. Confirmation samples by Partner (2017a) in the excavation area were below the detection limit for PCBs. However, EnSafe will conduct additional sampling and characterization of the soil beneath the building, the western storage yard, and the sidewalls of the excavation for PCBs. In addition,

Boring ESB6 will be advanced to characterize soil PCBs to a depth of 35 feet below original grade and soil samples obtained will be analyzed to evaluate the presence of 15 feet of non-detectable concentrations.

Polycyclic Aromatic Hydrocarbon Sampling Rationale

EnSafe will conduct sampling of the soil beneath the building, the western storage yard, and the bottom and sidewalls of the excavation for polycyclic aromatic hydrocarbons (PAHs), per DTSC request.

Hexavalent Chromium Sampling Rationale

EnSafe will conduct sampling of the soil beneath the building, the western storage yard, and the bottom and sidewalls of the excavation for hexavalent chromium, as described in the following sections.

SCOPE OF WORK

The major tasks associated with the field sampling efforts are listed below.

- Notification and Site access
- Utility clearance and geophysical survey
- Drilling and soil sampling
- Investigation derived waste (IDW) management
- Laboratory analysis
- Quality control procedures
- Data management and reporting

The following housekeeping items will be conducted at the Site:

- The stockpile of construction debris/trash (e.g. old paving) onsite will be sampled for known contaminants of concern with subsequent disposal at a licensed disposal facility in accordance with regulatory requirements.

- Tote bins and drums onsite will be sampled, with subsequent disposal at a licensed disposal facility in accordance with regulatory requirements.

Prior to the field activities, EnSafe will notify and coordinate with DTSC to schedule the fieldwork and obtain Site access. A Site-specific health and safety plan will be prepared to address the field safety requirements for the sampling activities, including potential hazards, contaminants of concern, personal protective equipment (PPE), and directions to the nearest hospital providing emergency services.

Prior to drilling activities, a California underground dig alert will be called in for the Site at least two working days prior to initiation of any subsurface activities. A utility ground penetrating radar survey will be performed on and around all intended boring locations to ensure a safe drilling environment.

A California C-57 licensed drilling contractor will be used for the drilling and sampling activities. The soil investigation involves using hollow stem auger and/or direct push technology to bore into the soil and collecting samples at discreet intervals. The soil boreholes will be advanced by hollow stem auger and/or direct push technology rig to drive 1- to 2-inch stainless-steel diameter rods into the ground with a percussion hammer. Soil samples will be collected using a Geoprobe Macro-core or equivalent with an acetate liner. Non-disposable sampling equipment (e.g., sampler) will be decontaminated between each sample acquisition. Samples will be taken from the first one foot of soil encountered directly under concrete and the last one foot of soil at the bottom of each boring by cutting with the core liner. The lower end of each core liner will be sampled for volatile TPH (C6-C8) and VOCs using EPA Method 5035 EnCore or Terra Core samplers to reduce volatilization. The remaining core liners will be capped with clean Teflon sheets and prepared for shipment to the laboratory for analysis.

The samples will be labeled, packaged in bubble wrap and clean Ziploc bags, as needed. Samples will be stored in coolers containing ice so that the sample temperature will be maintained below six degrees Celsius (ºC) and delivered to the laboratory under chain-of-custody procedures once drilling activities have concluded.

A portable photoionization detector (PID) will be used during the field activities to screen soil for evidence for organic vapors. An additional sample will be collected from each location and placed in a plastic sealable bag for field screening with a PID. A geologist will log each soil boring for lithology per the Unified Soil Classification System. The PID will be calibrated and operated according to the manufacturer's directions.

After drilling activity has concluded, the surface conditions at the soil boring locations will be restored. The boreholes will be backfilled using a bentonite grout and topped with a concrete or asphalt cap as appropriate.

Non-disposable sampling equipment (e.g., sampler) will be decontaminated between each sample acquisition by a three-step decontamination process consisting of Liquinox wash, potable water rinse, distilled/deionized water rinse, and air dry if necessary. Heavy equipment decontamination associated with sampling activity will be performed by the subcontractor.

IDW generated during the investigation activities may include soil cuttings, decontamination fluids, PPE, and other disposable sampling materials. IDW associated with drilling activities will be containerized in Department of Transportation 17H-approved, 55-gallon steel drums and will be appropriately labeled until waste characterization is complete. Pending characterization, IDW will be stored onsite in a secure and controlled area. Upon receipt of the waste characterization analytical results, IDW will be transported and disposed of properly at a designated facility. Disposal of IDW will be performed within 90 days of waste generation.

Non-hazardous PPE and sampling equipment IDW will be generated during the fieldwork. These items will generally be considered non-hazardous and will be double-bagged and disposed of along with other non-hazardous solid waste.

The proposed sampling locations are as follows (see Figure 3):

- **Site Building:** Seven borings (ESB1, ESB2, and ESB8 through ESB 12) will be advanced to 15 feet and converted to dual-nested soil vapor wells at 5 and 15 feet bgs.

- **Former Scrap Metal Yard Area adjacent to Building**: Borings ESB3 through ESB5 will be installed to a depth of 15 feet bgs. Borings ESB4 and ESB5 will be converted to dual-nested soil vapor wells at 5 and 15 feet bgs

- **Excavation Area**: Borings ESB6 and ESB7 will be installed to depths of 35 feet and 30 feet below original grade, respectively. Both borings ESB6 and ESB7 will be converted to dual-nested soil vapor wells at 5 and 15 feet bgs.

- **Additional Former Metal Yard Area Locations:** Borings ESB13 and ESB14 will be installed to a depth of 5 feet bgs to investigate surface staining.

- **Excavation Sidewall Samples:** Soil samples will be collected from the sidewalls of the excavation at six locations (EXC1 through EXC6).

- **Additional Excavation Bottom Samples:** Soil samples will be collected at the bottom of the excavation at two locations (EXC7 and EXC8).

- **Radioactive Materials Screening:** A radiation survey will be performed in the former metals recycling yard area.

Methodologies and procedures for conducting field activities, laboratory analyses, and data quality control (QC) to ensure data quality and usability are described in the following sections.

Site Building

Three soil/soil vapor borings (ESB1, ESB2, and ESB8) will be advanced to a depth of 15 feet bgs using a limited access push probe rig on the northern and southern part of the building, as shown in Figure 3. Discrete soil samples will be collected to provide additional soil data and will be collected at sub-slab, 5, 10, and 15 feet bgs. The soil samples will be collected using a Geoprobe Macro-core or equivalent with an acetate liner or laboratory-provided supplied jars and EPA Method 5035 sampling kits. The samples will be analyzed for VOCs by EPA Method 5035/8260B, 17 total metals by EPA Method 6010, TPH-cc (C6-C8, C9-C16, and C17-C32) by EPA Method 8015B, and PCBs by EPA Method 8082. Samples will be analyzed for PCBs at 5 feet bgs, and deeper samples will be analyzed if additional vertical delineation is needed. Samples with TPH detections will be analyzed for the presence of PAHs by EPA Method 8270SIM. The sub-slab samples will be analyzed for hexavalent chromium by EPA Method 7196A.

Four soil vapor borings (ESB9 through ESB12) will be advanced to a depth of 15 feet bgs using a limited-access push probe rig on the northern and southern part of the building, as shown in Figure 3.

The borings will be converted to dual-nested soil vapor probes at 5 and 15 feet bgs and will consist of a temporary airstone filter, one-eighth-inch Nylaflow tubing, and a valve at the tubing termination. Fifteen soil vapor samples (including one quality assurance sample) will be collected by a laboratory technician and the soil vapor samples will be analyzed for VOCs by EPA Method 8260SV. An onsite mobile laboratory will analyze the soil vapor samples collected. Soil vapor

sampling will be conducted in general conformance to the DTSC Active Soil Gas Investigation and Vapor Intrusion Guidance documents.

Storage Yard

Borings ESB3 through ESB5 will be installed to a depth of 15 feet bgs, boring ESB6 will be installed to a depth of 35 feet below original grade, and boring ESB7 will be installed to a depth of 30 feet below original grade as shown on Figure 3. Discrete soil samples will be collected to provide additional soil data and will be collected and analyzed as discussed below.

Per DTSC request, borings ESB3 through ESB5 will be advanced to characterize the western side of the storage yard, as shown in Figure 3. Boring location ESB5 will be at the location where the former trench drain ends at the building exterior wall as shown on the attached revised Figure 3. Please note that the trench drain appears to end at the current location of a power panel. The samples will be collected using laboratory-provided containers and EPA method 5035 sampling kits, and will be subsequently analyzed for 17 total metals, TPH as carbon chain (C6-C8, C9-C16, and C17-C32), and PCBs by EPA Method 8082. Samples from 5 feet bgs will initially be analyzed for PCBs, and samples from deeper intervals will be analyzed if vertical delineation is needed. PCBs will be extracted from soil samples using EPA Methods 3540C. Samples with TPH detections will also be analyzed for the presence of PAHs.

Boring ESB6 will be advanced to characterize soil to a depth of 35 feet below original grade and soil samples obtained will be analyzed to evaluate the presence of 15 feet of non-detectable concentrations. Discrete soil samples will be collected from the boring on five-foot intervals and analyzed for PCBs by EPA Method 8082 and VOCs by EPA Method 5035/8260B. PCBs will be extracted from soil samples using EPA Methods 3540C or 3541.

Boring ESB7 will be advanced to characterize soil to a depth of 30 feet bgs and soil vapor in the excavation area to a depth of 15 feet bgs. Discrete soil samples will be collected at 5, 10, and 25 feet bgs and analyzed for PCBs by EPA Method 8082. Samples collected at 5 and 10 feet bgs, in the TPH-impacted area, will be analyzed for the presence of PAHs.

Borings ESB6 and ESB7 will be converted to dual-nested soil vapor probes at 5 and 15 feet bgs and will consist of a temporary airstone filter, one-eighth-inch Nylaflow tubing, and a valve at the tubing termination. Five soil vapor samples (including one quality assurance sample) will be collected by a laboratory technician and the soil vapor samples will be analyzed for VOCs by

EPA Method 8260SV. An onsite mobile laboratory will analyze the soil vapor samples collected. Soil vapor sampling will be conducted in general conformance to the DTSC Active Soil Gas Investigation and Vapor Intrusion Guidance documents.

Borings ESB13 and ESB14 will be advanced to five feet and soil samples collected at 1, 3, and 5-feet below grade. The soil samples will be analyzed for 17 total metals, TPH as carbon chain (C6-C8, C9-C16, and C17-C32), and PCBs by EPA Method 8082. PCBs will be extracted from soil samples using EPA Methods 3540C or 3541. Samples with TPH detections will also be analyzed for the presence of PAHs.

Eight samples (EXC1 through EXC8) will be collected at the Site in the excavation area as shown in Figure 3. Six sample locations (EXC1 through EXC6) were selected on the walls of the excavation to confirm lateral delineation, if any, of chemicals of concern in the sidewalls of the excavation. Per DTSC request, these sample locations were selected to provide spatial coverage along the perimeter of the excavation, as shown on Figure 3. Samples EXC7 and EXC8 will be collected at the bottom of the excavation to provide coverage at the bottom of the excavation. The samples will be analyzed for chromium and lead using EPA Method 6010. Sample with concentrations of lead or chromium in exceedance of 10x TTLC will be analyzed by the STLC in the event further soil excavation and disposal is needed. Samples EXC7 and EXC8 will be collected at the bottom of the excavation to assess for the presence of PAHs associated with the presence of other petroleum hydrocarbons. Up to six soil samples in the storage yard area will be collected and analyzed for hexavalent chromium by EPA Method 7196A.

A radiation survey will be performed in the former metals recycling yard area to assess for the presence of radioactive materials derived from improperly disposed metals. A properly calibrated Ludlum 2241-2RK (or equivalent) portable general-purpose survey meter equipped with a Geiger-Mueller detector for measurement of alpha, beta, and gamma radiation will be used to screen the Site for radioactive materials over background concentrations. Measurements will be collected and recorded on a field log. If the radiation survey measurements indicate radioactive materials exist onsite, soil samples will be collected for radiological analysis, after consultation with the DTSC.

Upon completion of sampling, the borings will be abandoned, backfilled with bentonite, and the surface will be patched to match surrounding surface conditions. Soil cuttings will be placed in 55-gallon drums and stored temporarily onsite pending analytical results.

EnSafe will include the results in a PEA-E report documenting the field activities, sample locations, radiation survey results, and field observations. The analytical results will also be summarized along with interpretations of the findings. Summary tables and figures will be included to facilitate discussion of the sample locations and analytical results. The analytical results will be compared to published health risk standards such as the EPA RSLs, and the recommendations of the DTSC Human Health Risk Office Note 3 Screening Levels.

LABORATORY ANALYSES

Selected soil samples will be analyzed for TPH (C6-C8, C9-C16, and C17-C32), VOCs including fuel oxygenates, PAHs, Title 22 Metals including mercury, lead, and hexavalent chrome. A California Department of Health Services Environmental Laboratory Accreditation Program accredited laboratory will be used to perform the analyses. The EPA Standard Methods, sample containers and preservations, and technical holding time requirements are presented in the following table.

Parameter	Analytical Method	Sample Container	Preservation	Maximum Holding Time
TPH (C6-C8)	EPA 8015-M	• Two pre-labeled 5G EnCore vials, or • Two pre-weighted 40-mL Terra Core vials	• 2 to 6 ^{0}C, no preservation for EnCore vials, or • 2 to 6 ^{0}C. Two Terra Core vial preserved with methanol. No head space.	• 48 hours for EnCore vials, or • 14 days for Terra Core vials
TPH (C9-C16, and C17-C32)	EPA 8015-M	• One 1 to 2"-ID 6" long acetate liner	• 2 to 6 ^{0}C	14 days to extraction
VOCs	EPA 8260B/C	• Two pre-labeled 5G EnCore vials, or • Two pre-weighted 40-mL Terra Core vials	• 2 to 6 ^{0}C, no preservation for EnCore vials, or • 2 to 6 ^{0}C. One Terra Core vial preserved with methanol, and two vials preserved with sodium bisulfate. No head space.	• 48 hours for EnCore vials, or • 14 days for Terra Core vials
PCBs	EPA 8082	• One 1 to 2"-ID 6" long acetate liner	• 2 to 6 ^{0}C	• 14 days to extraction
PAHs	EPA 8270	• One 1 to 2"-ID 6" long acetate liner	• 2 to 6 ^{0}C	14 days to extraction
Title 22 Metals and Hg	EPA 6010/7471B	• One 1 to 2"-ID 6" long acetate liner	• 2 to 6 ^{0}C	6 months for metals and 28 days for Hg
Hexavalent Chromium	EPA 7199	• One 1 to 2"-ID 6" long acetate liner	• 2 to 6 ^{0}C	30 days

Notes:

ID	=	inner diameter
Hg	=	mercury
mg/L	=	milligrams per liter
"	=	inch

DATA QUALITY AND USABILITY EVALUATION

Field QC samples will include an equipment blank, field matrix spike and matrix spike duplicates, and a temperature blank for quality assurance purposes. The analytical groups, sample frequency, and QC requirements for the QC samples are presented in the following table.

QC Samples	Analytical Groups	Frequency	QC Criteria
Equipment Blank	• TPH (C6-C8), • VOCs and fuel oxygenates • Hexavalent Chromium	• One per day	• No analytes > laboratory reporting limits
Field MS/MSD	• TPH (C6-C8, C9-C16, and C17-C32) • VOCs and fuel oxygenates • SVOCs • Title 22 Metals and Hg • Hexavalent Chromium	• One per 20 samples	• Method percent relative percent difference (%RPD) criteria (precision) • Method percent recovery (%R) criteria (accuracy)

Notes:
Hg = mercury

SCHEDULE

We would greatly appreciate receiving written confirmation of DTSC approval of this proposed Workplan by April 13, 2018.

If the above-described scope of work meets with your approval, please respond via e-mail to jmadden@ensafe.com. If you have any questions regarding this technical memorandum, please call Jim Madden at 562-257-1538.

Sincerely,

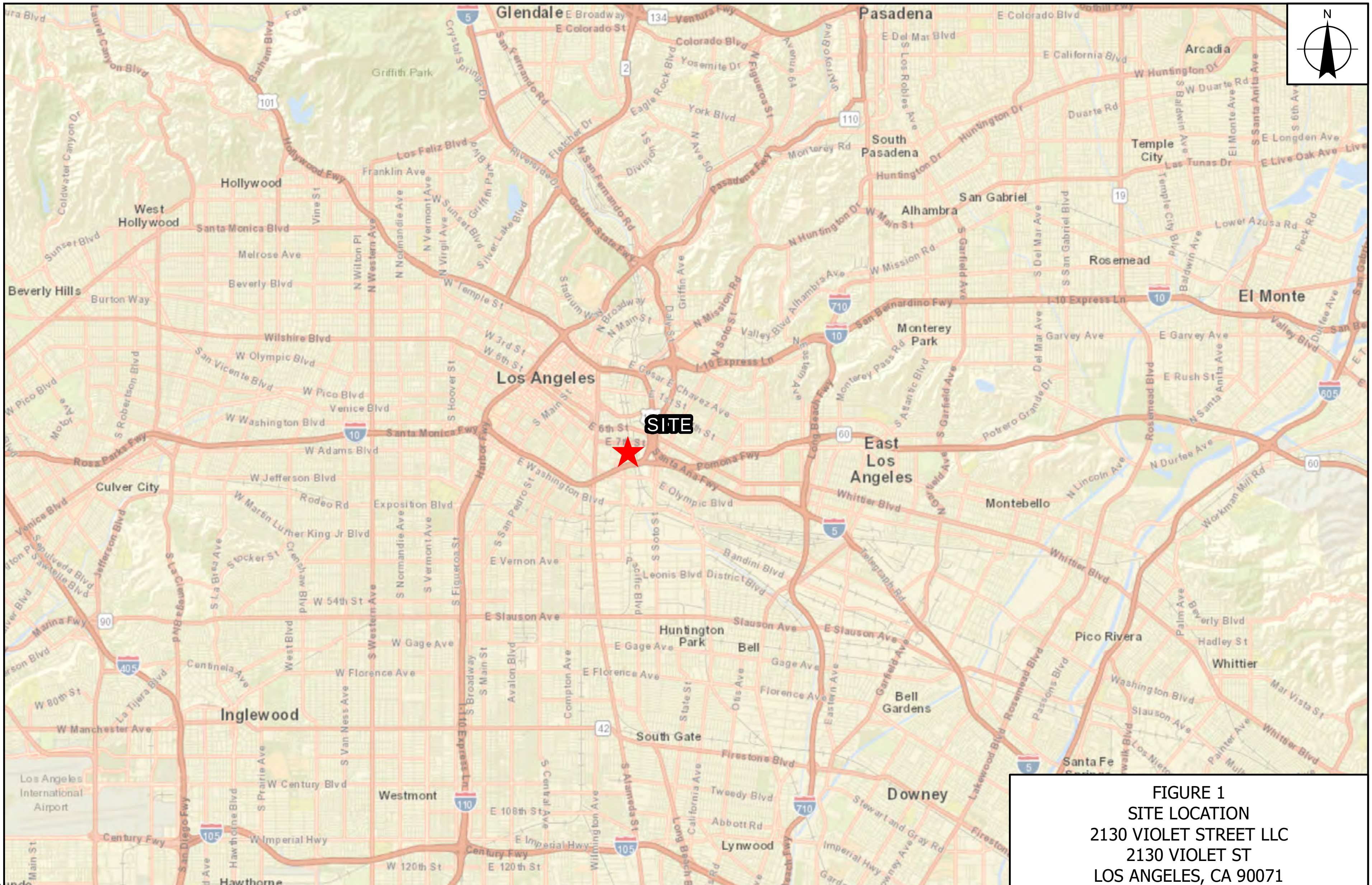
EnSafe Inc.

By: Jim Madden, PG, LEED AP, CEM
Sr. Project Manager/Geologist

David Dunbar, MS PG
Senior Project Director

Attachments:
Figures
Tables

Figures



X:\LOWE ENTERPRISES\FIG 1- VIOLET ST.MXD

FIGURE 1
SITE LOCATION
2130 VIOLET STREET LLC
2130 VIOLET ST
LOS ANGELES, CA 90071

REQUESTED BY:	JM
DRAWN BY:	NR
DATE:	4/3/2018
PROJECT:	0888821710

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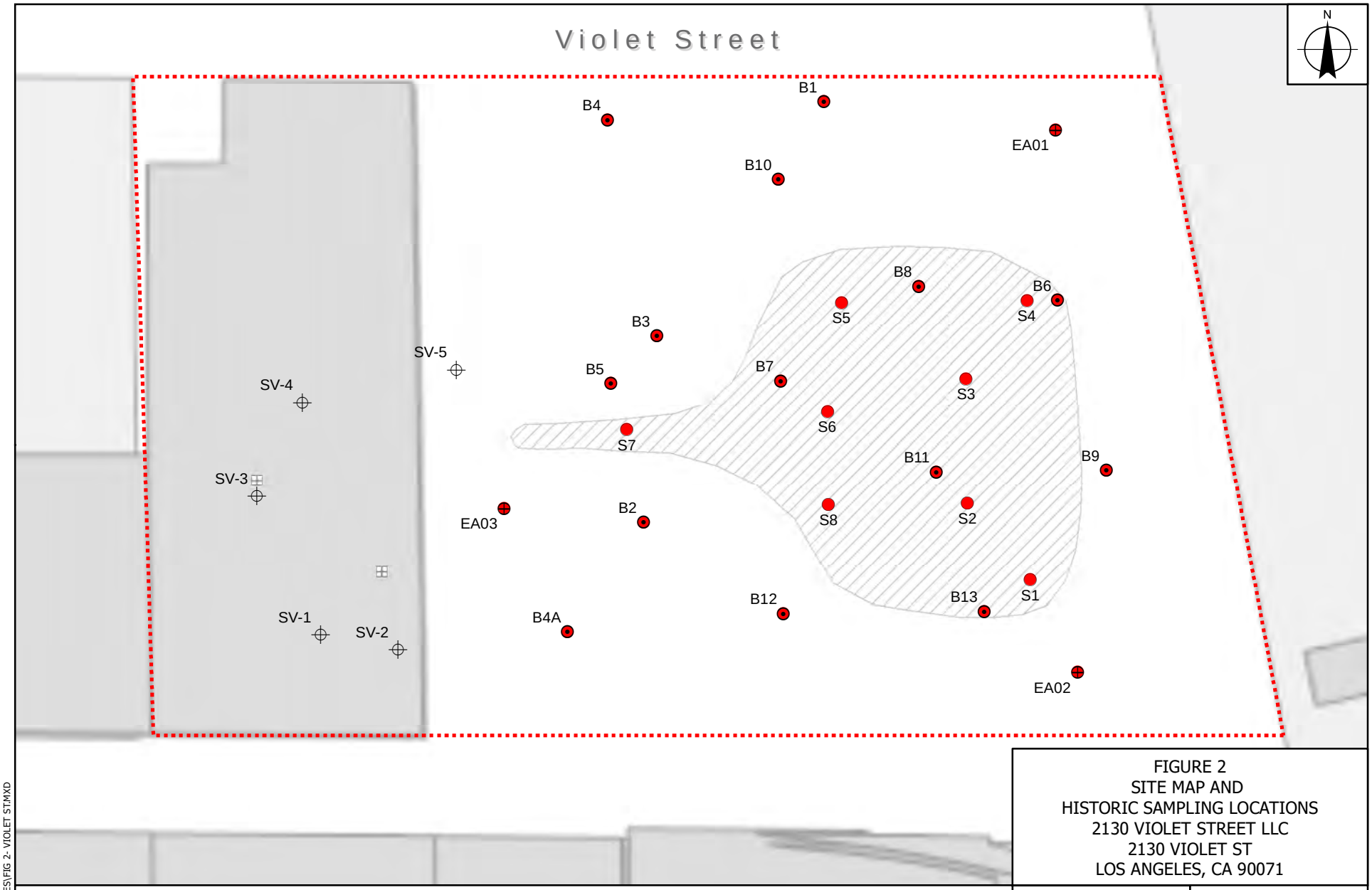
LEGEND
2130 VIOLET ST
★ SITE

0 1.5 3
Miles

COORDINATE SYSTEM: WGS 1984
WEB MERCATOR AUXILIARY SPHERE

DATA SOURCES: SOURCES: ESRI, HERE, GARMIN, USGS, INTERMAP, INCREMENT P, NRCAN, ESRI JAPAN, METI, ESRI CHINA (HONG KONG), ESRI KOREA, ESRI (THAILAND), NGCC, © OPENSTREETMAP CONTRIBUTORS, AND THE GIS USER COMMUNITY



LEGEND

SAMPLE LOCATIONS

- CEC SOIL VAPOR SAMPLE (11/7/14)
- CARDNO ATC SOIL SAMPLE (04/17/15 - 6/30/15)
- E2MANAGETECH SOIL SAMPLE (02/03/15)
- PARTNER CONFIRMATION SAMPLE (07/27/17)
- CAPPED FLOOR DRAINS
- EXCAVATION FOOTPRINT

0 17.5 35

SCALE IN FEET

COORDINATE SYSTEM: WGS 1984
WEB MERCATOR AUXILIARY SPHERE

FIGURE 2
SITE MAP AND
HISTORIC SAMPLING LOCATIONS
2130 VIOLET STREET LLC
2130 VIOLET ST
LOS ANGELES, CA 90071

REQUESTED BY:	JM
DRAWN BY:	NR
DATE:	4/3/2018
PROJECT:	0888821710

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X:\LOWE ENTERPRISES\FIG 2- VIOLET ST.MXD

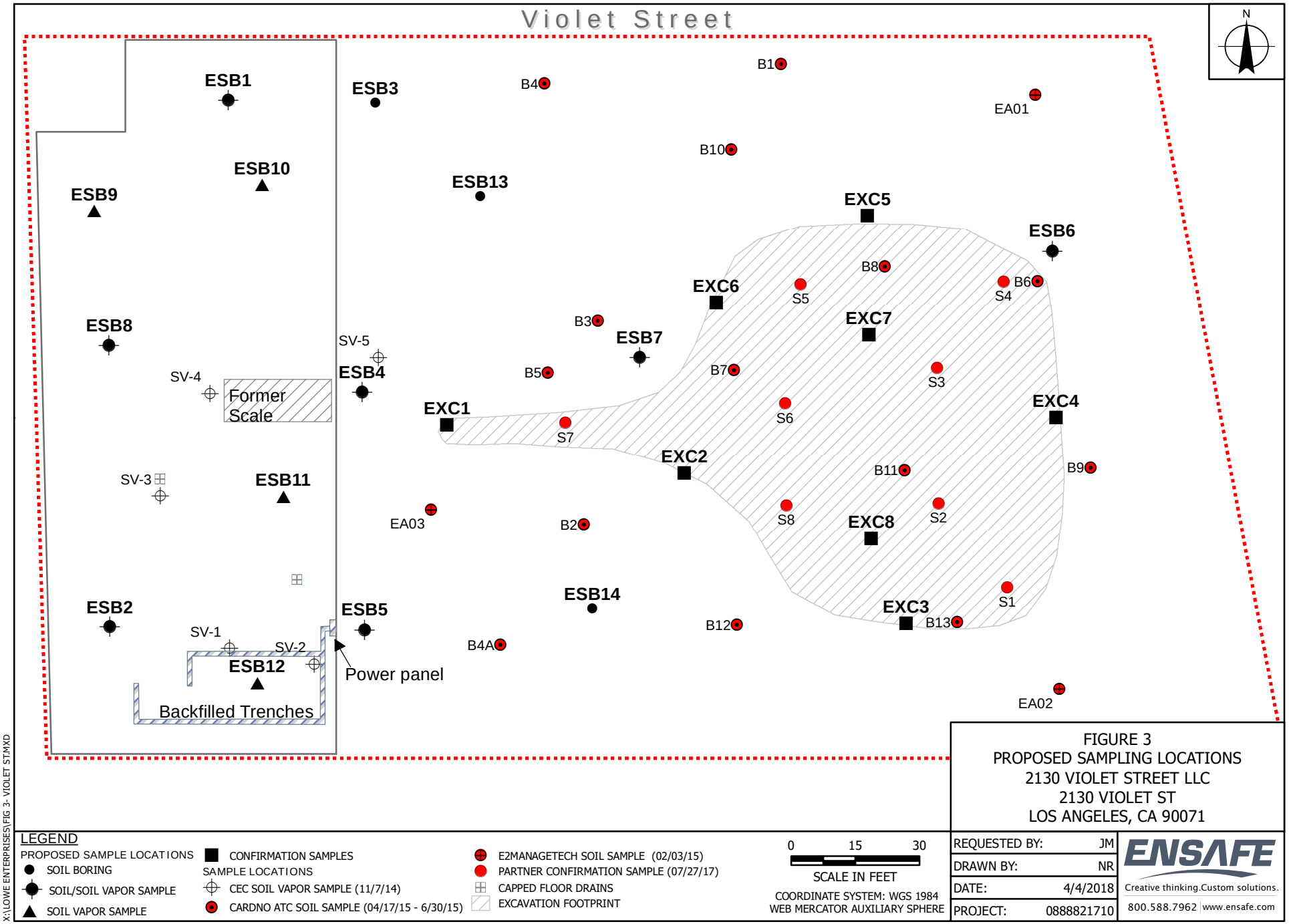

FIGURE 3
PROPOSED SAMPLING LOCATIONS
2130 VIOLET STREET LLC
2130 VIOLET ST
LOS ANGELES, CA 90071

LEGEND

PROPOSED SAMPLE LOCATIONS
- SOIL BORING
- SOIL/SOIL VAPOR SAMPLE
- SOIL VAPOR SAMPLE

CONFIRMATION SAMPLES

SAMPLE LOCATIONS
- CEC SOIL VAPOR SAMPLE (11/7/14)
- CARDNO ATC SOIL SAMPLE (04/17/15 - 6/30/15)
- E2MANAGETECH SOIL SAMPLE (02/03/15)
- PARTNER CONFIRMATION SAMPLE (07/27/17)
- CAPPED FLOOR DRAINS
- EXCAVATION FOOTPRINT

0 15 30
SCALE IN FEET

COORDINATE SYSTEM: WGS 1984
WEB MERCATOR AUXILIARY SPHERE

REQUESTED BY:	JM
DRAWN BY:	NR
DATE:	4/4/2018
PROJECT:	0888821710

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X:\LOWE ENTERPRISES\FIG 3- VIOLET ST.MXD

Tables

Table 1
Summary of Detected Total Petroleum Hydrocarbons in Soil Samples
Test Method EPA 8015B (M)
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

Field Sample ID	Depth (feet bgs)	Date	Total Petroleum Hydrocarbons - Carbon Chain			
			C6-C8	C13-C22	C23-C32	C20-C35
B1-1	1	4/17/2015	ND	ND	ND	ND
B1-3	3	4/17/2015	ND	ND	ND	ND
B1-5	5	4/17/2015	ND	ND	ND	ND
B2-2	2	4/17/2015	ND	**29.6**	**363**	**124**
B2-3	3	4/17/2015	ND	ND	ND	ND
B2-5	5	4/17/2015	ND	ND	ND	ND
B3-2	2	4/17/2015	ND	ND	ND	ND
B3-3	3	4/17/2015	ND	ND	ND	ND
B3-5	5	4/17/2015	ND	**9.88**	**132**	ND
B4-2	2	4/17/2015	ND	ND	ND	ND
B4-3	3	4/17/2015	ND	ND	ND	ND
B4-5	5	4/17/2015	ND	ND	ND	ND
B4A-2	2	5/6/2017	ND	**18.2**	**227**	ND
B4A-5	5	5/6/2017	ND	ND	ND	ND
B5-2	2	5/6/2017	ND	ND	ND	ND
B5-5	5	5/6/2017	ND	ND	ND	ND
B5-10	10	5/6/2017	ND	**9.5**	ND	ND
B5-25	25	5/6/2017	ND	ND	ND	ND
B6-2	2	5/6/2017	ND	**763**	**1500**	ND
B6-6	6	5/6/2017	ND	**1240**	**9180**	ND
B6-10	10	5/6/2017	ND	**17.6**	**199**	ND
B6-15	15	5/6/2017	ND	ND	**35.7**	**303**
B6-20	20	5/6/2017	ND	**10.1**	**109**	**303**
B6-25	25	5/6/2017	ND	ND	ND	ND
B7-2	2	6/30/2015	NA	NA	NA	NA
B7-5	5	6/30/2015	ND	**5950**	**2310**	ND
B7-10	10	6/30/2015	ND	**3.7**	ND	ND
B7-15	15	6/30/2015	ND	ND	ND	ND
B7-20	20	6/30/2015	ND	**4.6**	ND	ND
B8-2	2	6/30/2015	NA	NA	NA	NA
B8-5	5	6/30/2015	**0.912**	**1510**	**4070**	**370**
B8-10	10	6/30/2015	ND	**8.62**	ND	ND
B8-15	15	6/30/2015	ND	**9.11**	ND	ND
B8-20	20	6/30/2015	ND	ND	ND	ND
B9-3	3	6/30/2015	NA	NA	NA	NA
B9-5	5	6/30/2015	ND	**10.9**	ND	ND
B9-10	10	6/30/2015	ND	ND	ND	ND
B9-15	15	6/30/2015	ND	ND	ND	ND
B9-20	15	6/30/2015	NA	NA	NA	NA
B10-3	3	6/30/2015	NA	NA	NA	NA
B10-5	5	6/30/2015	ND	**43.3**	**189**	ND
B10-10	10	6/30/2015	ND	ND	ND	ND
B10-15	15	6/30/2015	ND	ND	ND	ND
B10-20	20	6/30/2015	ND	ND	ND	ND
B11-2	2	6/30/2015	NA	NA	NA	NA
B11-5	5	6/30/2015	ND	ND	ND	ND
B11-10	10	6/30/2015	ND	ND	ND	ND
B11-15	15	6/30/2015	ND	ND	ND	ND
B11-20	20	6/30/2015	ND	ND	ND	ND
B12-3	3	6/30/2015	NA	NA	NA	NA
B12-5	5	6/30/2015	ND	**95.5**	**1040**	**124**
B12-10	10	6/30/2015	ND	ND	ND	ND
B12-15	15	6/30/2015	ND	ND	ND	ND
B12-20	20	6/30/2015	ND	ND	ND	ND
B13-2	2	6/30/2015	NA	NA	NA	NA
B13-5	5	6/30/2015	ND	ND	ND	ND
B13-10	10	6/30/2015	ND	ND	ND	ND
B13-15	15	6/30/2015	ND	ND	ND	ND
B13-20	20	6/30/2015	ND	ND	ND	ND
EA01-S-02*	2	2/3/2016	NA	ND (<5.0)	NA	NA
EA01-S-05*	5	2/3/2016	NA	ND (<5.0)	NA	NA
EA01-S-10*	10	2/3/2016	NA	**31**	NA	NA
EA02-S-02*	2	2/3/2016	NA	**31**	NA	NA
EA02-S-05*	5	2/3/2016	NA	ND (<5.0)	NA	NA
EA02-S-10*	10	2/3/2016	NA	ND (<5.0)	NA	NA
EA03-S-02*	2	2/3/2016	NA	**170**	NA	NA
EA03-S-05*	5	2/3/2016	NA	ND (<5.0)	NA	NA
EA03-S-10*	10	2/3/2016	NA	ND (<5.0)	NA	NA
E2-SP1*	-	8/25/2016	NA	**7.24**	NA	NA
E2-SP2*	-	8/25/2016	NA	**24.1**	NA	NA
S1	-	7/27/2017	ND	ND	ND	ND
S2	-	7/27/2017	ND	ND	ND	ND
S3	-	7/27/2017	ND	ND	ND	ND
S4	-	7/27/2017	ND	ND	ND	ND
S5	-	7/27/2017	ND	ND	ND	ND
S6	-	7/27/2017	ND	ND	ND	ND
S7	-	7/27/2017	ND	ND	ND	ND
S8	-	7/27/2017	ND	ND	ND	ND
Residential Region 9 RSL (mg/kg)			82^	110^^	2500^^^	
Commercial Region 9 RSL (mg/kg)			420^	600^^	33000^^^	

Notes:

mg/kg - milligrams per kilogram

bgs - below ground surface

ND (<X) - denotes result was below the detection limit of X mg/kg

* - Analyzed for C12-C24

Human Health Risk Assessment Note 3 – DTSC-Modified Screening Levels (DTSC-SLs), January 2018 Update.

USEPA - Regional Screening Levels (RSLs) - Generic Tables THQ 1.0 (November 2017)

^ - RSL for low aromatic hydrocarbons (C6-C8)

^^ - RSL for medium aromatic hydrocarbons (C9-C16)

^^^ - RSL for high aromatic hydrocarbons (C17-C32)

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Table 2
Summary of Detected Volatile Organic Compounds in Soil Samples
Test Method EPA 8260
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

			Volatile Organic Compounds (µg/kg)												
Field Sample ID	Depth (feet bgs)	Date	1,2,4-Trimethylbenzene	1,2-Dichloroethane (EDC)	1,3,5-Trimethylbenzene	4-Methyl-2-pentanone (MIBK)	Acetone	Benzene	Ethylbenzene	m,p-Xylene	o-Xylene	Styrene	Tert-butyl alcohol (TBA)	Toluene	Trichlorofluoromethane (F11)
			95-63-6	107-06-2	108-67-8	108-10-1	67-64-1	71-43-2	100-41-4	179601-23-1	95-47-6	100-42-5	75-65-0	108-88-3	75-69-4
B1-1	1	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B1-3	3	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B1-5	5	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B2-2	2	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B2-3	3	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B2-5	5	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B3-2	2	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B3-3	3	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B3-5	5	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4-2	2	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4-3	3	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4-5	5	4/17/2015	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4A-2	2	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B4A-5	5	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B5-2	2	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B5-5	5	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B5-10	10	5/6/2017	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B5-15	15	5/6/2017	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B5-25	25	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B6-2	2	5/6/2017	ND	**5.99**	ND	**60.6**	**109**	**5.76**	**3.22**	**5.00**	**3.00**	**4.18**	**43.5**	**4.67**	**13.1**
B6-6	6	5/6/2017	**16.0**	**6.90**	**5.24**	ND	ND	**5.2**	**9.42**	**12.9**	**7.88**	**50.5**	**79.7**	**12.4**	**40.8**
B6-10	10	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B6-15	15	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B6-20	20	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B6-25	25	5/6/2017	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
B7-2	2	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-2	2	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-3	3	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-20	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-3	3	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-2	2	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

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Table 2
Continued from previous page
Summary of Detected Volatile Organic Compounds in Soil
Samples Test Method EPA 8260
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

			Volatile Organic Compounds (µg/kg)												
Field Sample ID	Depth (feet bgs)	Date	1,2,4-Trimethylbenzene	1,2-Dichloroethane (EDC)	1,3,5-Trimethylbenzene	4-Methyl-2-pentanone (MIBK)	Acetone	Benzene	Ethylbenzene	m,p-Xylene	o-Xylene	Styrene	Tert-butyl alcohol (TBA)	Toluene	Trichlorofluoromethane (F11)
			95-63-6	107-06-2	108-67-8	108-10-1	67-64-1	71-43-2	100-41-4	179601-23-1	95-47-6	100-42-5	75-65-0	108-88-3	75-69-4
B11-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-3	3	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-2	2	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-5	5	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-02*	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-05*	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-10*	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-02*	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-05*	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-10*	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-02*	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-05*	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-10*	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
E2-SP1*	-	8/25/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
E2-SP2*	-	8/25/16 0:00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
S1	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S2	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S3	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S4	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S5	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S6	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S7	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
S8	-	7/27/17 0:00	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND
Residential DTSC Screening Levels (ug/kg)			-	-	-	-	-	330	-	-	-	-	-	1,100,000	1,200,000
Commercial DTSC Screening Levels (ug/kg)			-	-	-	-	-	1,400	-	-	-	-	-	5,400,000	5,400,000
Residential Region 9 RSL (ug/kg)			300,000	460	270,000	33,000,000	61,000,000	1,200	5,800	-	650,000	6,000,000	-	4,900,000	23,000,000
Commercial Region 9 RSL (ug/kg)			1,800,000	2,000	1,500,000	140,000,000	670,000,000	5,100	25,000	-	2,800,000	35,000,000	-	47,000,000	350,000,000

Notes:

µg/kg - micrograms per liter

bgs - below ground surface

ND - denotes result was below the detection limit

NA - Not analyzed

"-" Not Available

Human Health Risk Assessment Note 3 – DTSC-Modified Screening Levels (DTSC-SLs), January 2018 Update.

USEPA - Regional Screening Levels (RSLs) - Generic Tables THQ 1.0 (November 2017)

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Table 3
Summary of Detected Title 22 Metals in Soil Samples
Test Method EPA 6010B / STLC 6010B
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

			Title 22 - Metals (mg/kg)																		
			Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium		Cobalt	Copper	Lead		Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc	Mercury
			7440-36-0	7440-38-2	7440-39-3	7440-41-7	7440-43-9	7440-47-3	7440-47-3	7440-48-4	7440-50-8	7439-92-1	7439-92-1	7439-98-7	7440-02-0	7782-49-2	7440-22-4	7440-28-0	7440-62-2	7440-66-6	7439-97-6
Field Sample ID	Depth (feet bgs)	Date						TTLC	STLC			TTLC	STLC								
B1-1	1	4/17/2015	ND	3.08	112	ND	ND	17.1	NA	10.6	17.4	4.85	NA	ND	13.3	ND	ND	ND	38.3	52.6	0.171
B1-3	3	4/17/2015	ND	2.86	112	ND	ND	17.1	NA	10.2	16.9	3.747	NA	ND	13.6	ND	ND	ND	38.6	52.5	ND
B1-5	5	4/17/2015	ND	2.69	101	ND	ND	16.8	NA	10.0	14.4	3.26	NA	ND	11.3	ND	ND	ND	37.8	47.3	ND
B2-2	2	4/17/2015	7.51	9.17	43.6	ND	ND	17.7	NA	7.43	4510	297	NA	1.6	25.6	ND	1.42	ND	29.7	342	ND
B2-3	3	4/17/2015	ND	3.19	148	ND	ND	21.7	NA	14.5	19.3	3.87	NA	1.47	17.1	ND	ND	ND	49.9	70.8	ND
B2-5	5	4/17/2015	ND	2.57	102	ND	ND	16.9	NA	10.1	25.9	4.37	NA	1.22	16.7	ND	ND	ND	38.8	51.3	ND
B3-2	2	4/17/2015	ND	1.54	65.0	ND	ND	11.9	NA	7.17	9.26	2.16	NA	ND	17.5	ND	ND	ND	29.4	35.6	ND
B3-3	3	4/17/2015	ND	2.85	107	ND	ND	16.9	NA	10.3	14.8	3.42	NA	ND	165.6	ND	ND	ND	39	50.4	0.18
B3-5	5	4/17/2015	ND	3.29	119	ND	ND	17.8	NA	10.9	21.4	10.2	NA	ND	21.6	ND	ND	ND	39.7	54.3	0.27
B4-2	2	4/17/2015	ND	2.75	93.8	ND	ND	25.7	NA	9.27	15.0	3.05	NA	ND	13.5	ND	ND	ND	35.3	44.2	ND
B4-3	3	4/17/2015	ND	3.44	115	ND	ND	18.8	NA	10.7	17.7	4.00	NA	ND	14.8	ND	ND	ND	39.3	51.8	ND
B4-5	5	4/17/2015	ND	3.79	124	ND	ND	20.4	NA	12.1	17.7	3.92	NA	ND	14.3	ND	ND	ND	42.4	55.4	ND
B4A-2	2	5/6/2017	ND	2.74	75.9	ND	ND	13.9	NA	6.26	25.3	95.0	NA	ND	15.9	ND	ND	ND	30.1	72.2	0.106
B4A-5	5	5/6/2017	ND	2.91	109	ND	ND	30.3	NA	10.0	16.3	4.19	NA	ND	11.4	ND	ND	ND	39.8	50.6	ND
B5-2	2	5/6/2017	ND	1.20	58.2	ND	ND	9.49	NA	6.04	12.0	2.16	NA	ND	7.48	ND	ND	ND	27.6	33.4	ND
B5-5	5	5/6/2017	ND	2.76	121	ND	ND	18.1	NA	11.2	16.8	3.75	NA	ND	12.3	ND	ND	ND	44.0	53.9	ND
B5-10	10	5/6/2017	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B5-25	25	5/6/2017	ND	1.47	61.4	ND	ND	8.25	NA	4.07	24.5	5.22	NA	ND	4.91	ND	ND	ND	19.7	23.8	ND
B6-2	2	5/6/2017	10.1	7.3	253	ND	5.46	51.7	NA	11.2	206	441	NA	5.07	62.4	1.35	4.82	ND	24.1	1560	3.05
B6-6	6	5/6/2017	11.0	5.07	320	ND	6.94	56.5	NA	9.32	195	232	NA	8.55	52.3	ND	3.66	ND	21.9	1090	ND
B6-10	10	5/6/2017	ND	1.44	69.3	ND	ND	9.88	NA	6.43	9.06	4.49	NA	ND	12.1	ND	ND	ND	25.8	43.7	ND
B6-15	15	5/6/2017	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B6-20	20	5/6/2017	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B6-25	25	5/6/2017	ND	1.93	98.5	ND	ND	11.7	NA	7.90	13.3	4.19	NA	ND	8.56	ND	ND	ND	27.5	41.8	ND
B7-2	2	6/30/2015	ND	2.66	112	ND	ND	16.4	NA	10.2	16.4	3.68	NA	ND	11.6	ND	ND	ND	41.4	56.2	ND
B7-5	5	6/30/2015	45.2	7.19	194	ND	3.32	3250	NA	24.6	211	265	NA	70.1	1580	ND	1.44	ND	33.7	1170	0.862
B7-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-2	2	6/30/2015	5.51	7.75	187	ND	4.01	65.5	NA	10.7	124	230	NA	10.1	56.2	ND	3.22	ND	25.5	1850	2.48
B8-5	5	6/30/2015	13.8	8.82	226	ND	6.70	97.0	NA	12.6	377	253	NA	8.54	73.5	1.30	5.45	ND	20.2	1620	6.4
B8-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-3	3	6/30/2015	ND	1.62	91.1	ND	ND	12.2	NA	8.54	11.1	2.57	NA	ND	11.6	1.02	ND	ND	32.5	41.0	ND
B9-5	5	6/30/2015	ND	7.49	132	ND	ND	24.6	NA	6.44	26.77	18.3	NA	3.20	15.3	1.52	ND	ND	32.3	56.5	ND
B9-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B9-20	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-3	3	6/30/2015	ND	2.40	114	ND	ND	17.5	NA	10.8	16.2	4.32	NA	ND	12.0	ND	ND	ND	44.9	67.2	ND
B10-5	5	6/30/2015	ND	5.85	161	ND	2.77	25.0	NA	7.15	208	78.0	NA	2.80	26.3	1.20	2.91	ND	30.6	1050	0.639
B10-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B10-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-2	2	6/30/2015	ND	7.20	149	ND	ND	42.4	NA	5.20	19.9	19.3	NA	4.05	44.2	2.22	ND	ND	28.5	44.8	ND
B11-5	5	6/30/2015	ND	3.34	131	ND	ND	18.3	NA	10.9	20.3	3.94	NA	ND	15.9	1.03	ND	ND	40.3	50.8	ND
B11-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B11-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-3	3	6/30/2015	ND	7.47	153	ND	1.49	22.0	NA	8.26	239	180	NA	1.38	18.4	1.16	ND	ND	27.9	232	0.213
B12-5	5	6/30/2015	ND	5.48	69.6	ND	ND	15.3	NA	5.33	23.0	6.17	NA	ND	15.1	2.22	ND	ND	21.3	59.0	2.22
B12-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

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Table 3
Continued from previous page
Summary of Detected Title 22 Metals in Soil Samples
Test Method EPA 6010B / STLC 6010B
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

Field Sample ID	Depth (feet bgs)	Date	Title 22 - Metals (mg/kg)																	
			Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium		Cobalt	Copper	Lead		Molybdenum	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc	Mercury
			7440-36-0	7440-38-2	7440-39-3	7440-41-7	7440-43-9	7440-47-3 TTLC	7440-47-3 STLC	7440-48-4	7440-50-8	7439-92-1 TTLC	7439-92-1 STLC	7439-98-7	7440-02-0	7782-49-2	7440-22-4	7440-28-0	7440-62-2	7440-66-6	7439-97-6
B12-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B12-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-2	2	6/30/2015	**3.01**	**2.35**	**88.6**	ND	ND	**38.9**	NA	**5.02**	**66.9**	**119**	NA	**1.99**	**24.7**	**1.31**	ND	ND	**18.7**	**131**	ND
B13-5	5	6/30/2015	ND	**1.47**	**46.7**	ND	ND	**6.78**	NA	**4.67**	**6.46**	**1.86**	NA	ND	**5.07**	ND	ND	ND	**22.3**	**25.5**	ND
B13-10	10	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-15	15	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-20	20	6/30/2015	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-02	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**2.44**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-05	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**1.38**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA01-S-10	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**52.3**	**4.20**	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-02	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**49.9**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-05	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**1.35**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA02-S-10	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**1.18**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-02	2	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**158**	**9.47**	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-05	5	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**2.79**	NA	NA	NA	NA	NA	NA	NA	NA	NA
EA03-S-10	10	2/3/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	**2.65**	NA	NA	NA	NA	NA	NA	NA	NA	NA
E2-SP1		8/25/2016	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
E2-SP2		8/25/2016	NA	NA	NA	NA	NA	**88.1**	**1.14**	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
S1		7/27/2017	NA	NA	NA	NA	NA	**9.0**	NA	NA	**6.0**	**3.9**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S2		7/27/2017	NA	NA	NA	NA	NA	**8.8**	NA	NA	**6.4**	**4.7**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S3		7/27/2017	NA	NA	NA	NA	NA	**6.7**	NA	NA	**27.2**	**7.9**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S4		7/27/2017	NA	NA	NA	NA	NA	**17.2**	NA	NA	**42.2**	**42.5**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S5		7/27/2017	NA	NA	NA	NA	NA	**15.2**	NA	NA	**14.9**	**4.6**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S6		7/27/2017	NA	NA	NA	NA	NA	**18.6**	NA	NA	**14.6**	**2.8**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S7		7/27/2017	NA	NA	NA	NA	NA	**17.2**	NA	NA	**68.3**	**21.6**	NA	NA	NA	NA	NA	NA	NA	NA	NA
S8		7/27/2017	NA	NA	NA	NA	NA	**20.1**	NA	NA	**45.0**	**32.2**	NA	NA	NA	NA	NA	NA	NA	NA	NA
Residential DTSC Screening Levels (mg/kg)			-	0.11	-	1,600	-	-	-	-	-	80	80	-	15,000	-	390	-	390	-	1
Commercial DTSC Screening Levels (mg/kg)			-	0.36	-	6,900	-	-	-	-	-	320	320	-	64,000	-	1,500	-	1,000	-	5
Residential Region 9 RSL (mg/kg)			31	0.68	15,000	160	71			23	3,100	400	400	390	1,500	390	390	0.78	390	23,000	11
Commercial Region 9 RSL (mg/kg)			470	3	220,000	2,300	980			350	47,000	800	800	5,800	22,000	5,800	5,800	12	5,800	350,000	46

Notes:

g/kg - milligrams per kilogram

bgs - below ground surface

NA - not analyzed

es result was below the detection limit

"-" - Not available

DTSC-Modified Screening Levels (DTSC-SLs), January 2018 Update.

evels (RSLs) - Generic Tables THQ 1.0 (November 2017)

ENSAFE

Table 4
Summary of Detected Polychlorinated Biphenyls (PCBs-Aroclors) in Soil Samples
Test Method EPA 8082
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

Field Sample ID	Depth (feet bgs)	Date	PCB Compounds (ug/kg)		
			Aroclor-1016	Aroclor-1254	Aroclor-1260
			12674-11-2	11097-69-1	11096-82-5
B1-1	1	4/17/2015	ND	ND	ND
B1-3	3	4/17/2015	ND	ND	ND
B1-5	5	4/17/2015	ND	ND	ND
B2-2	2	4/17/2015	ND	ND	ND
B2-3	3	4/17/2015	ND	ND	ND
B2-5	5	4/17/2015	ND	ND	ND
B3-2	2	4/17/2015	ND	ND	ND
B3-3	3	4/17/2015	ND	ND	ND
B3-5	5	4/17/2015	ND	ND	ND
B4-2	2	4/17/2015	ND	**94.1**	ND
B4-3	3	4/17/2015	ND	ND	ND
B4-5	5	4/17/2015	ND	ND	ND
B4A-2	2	5/6/2017	ND	ND	ND
B4A-5	5	5/6/2017	ND	ND	ND
B5-2	2	5/6/2017	ND	ND	ND
B5-5	5	5/6/2017	ND	ND	ND
B5-10	10	5/6/2017	ND	ND	ND
B5-25	25	5/6/2017	ND	ND	ND
B6-2	2	5/6/2017	**5600**	**350**	**169**
B6-6	6	5/6/2017	**4390**	**267**	ND
B6-10	10	5/6/2017	ND	ND	ND
B6-15	15	5/6/2017	**130**	ND	ND
B6-20	20	5/6/2017	**99.6**	ND	ND
B6-25	25	5/6/2017	ND	ND	ND
B7-2	2	6/30/2015	NA	NA	NA
B7-5	5	6/30/2015	**2730**	**403**	ND
B7-10	10	6/30/2015	ND	ND	ND
B7-15	15	6/30/2015	ND	ND	ND
B7-20	20	6/30/2015	ND	ND	ND
B8-2	2	6/30/2015	NA	NA	NA
B8-5	5	6/30/2015	**11300**	**502**	ND
B8-10	10	6/30/2015	ND	ND	ND
B8-15	15	6/30/2015	ND	ND	ND
B8-20	20	6/30/2015	ND	ND	ND
B9-3	3	6/30/2015	NA	NA	NA
B9-5	5	6/30/2015	ND	**233**	**65.5**
B9-10	10	6/30/2015	ND	ND	ND
B9-15	15	6/30/2015	ND	ND	ND
B9-20	15	6/30/2015	ND	ND	ND
B10-3	3	6/30/2015	NA	NA	NA
B10-5	5	6/30/2015	**110**	**72**	**59**
B10-10	10	6/30/2015	ND	ND	ND
B10-15	15	6/30/2015	ND	ND	ND
B10-20	20	6/30/2015	ND	ND	ND
B11-2	2	6/30/2015	NA	NA	NA
B11-5	5	6/30/2015	ND	ND	ND
B11-10	10	6/30/2015	ND	ND	ND
B11-15	15	6/30/2015	ND	ND	ND
B11-20	20	6/30/2015	ND	ND	ND
B12-3	3	6/30/2015	NA	NA	NA
B12-5	5	6/30/2015	**396**	**135**	ND
B12-10	10	6/30/2015	ND	ND	ND
B12-15	15	6/30/2015	ND	ND	ND
B12-20	20	6/30/2015	ND	ND	ND
B13-2	2	6/30/2015	NA	NA	NA
B13-5	5	6/30/2015	ND	ND	ND
B13-10	10	6/30/2015	ND	ND	ND
B13-15	15	6/30/2015	ND	ND	ND

Table 4
Summary of Detected Polychlorinated Biphenyls (PCBs-Aroclors) in Soil Samples
Test Method EPA 8082
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

Field Sample ID	Depth (feet bgs)	Date	PCB Compounds (ug/kg)		
			Aroclor-1016	Aroclor-1254	Aroclor-1260
			12674-11-2	11097-69-1	11096-82-5
B13-20	20	6/30/2015	ND	ND	ND
EA01-S-02	2	2/3/2016	ND	ND	ND
EA01-S-05	5	2/3/2016	ND	ND	ND
EA01-S-10	10	2/3/2016	ND	ND	ND
EA02-S-02	2	2/3/2016	ND	ND	ND
EA02-S-05	5	2/3/2016	ND	ND	ND
EA02-S-10	10	2/3/2016	ND	ND	ND
EA03-S-02	2	2/3/2016	NA	NA	NA
EA03-S-05	5	2/3/2016	NA	NA	NA
EA03-S-10	10	2/3/2016	NA	NA	NA
E2-SP1	-	NA	ND	ND	ND
E2-SP2	-	NA	ND	ND	ND
S1	-	7/27/2017	ND	ND	ND
S2	-	7/27/2017	ND	ND	ND
S3	-	7/27/2017	ND	ND	ND
S4	-	7/27/2017	ND	ND	ND
S5	-	7/27/2017	ND	ND	ND
S6	-	7/27/2017	ND	ND	ND
S7	-	7/27/2017	ND	ND	ND
S8	-	7/27/2017	ND	ND	ND
Residential DTSC Screening Levels (ug/kg)			-	-	-
Commercial DTSC Screening Levels (ug/kg)			-	-	-
Residential Region 9 RSL (ug/kg)			4,100	240	240
Commercial Region 9 RSL (ug/kg)			27,000	970	990

Notes:

ug/kg - micrograms per kilogram

bgs - below ground surface

PCB - polychlorinated biphenyls

ND - denotes result was below the detection limit

NA - denotes sample not analyzed

"-" - Not available

Human Health Risk Assessment Note 3 – DTSC-Modified Screening Levels (DTSC-SLs), January 2018 Update.

USEPA - Regional Screening Levels (RSLs) - Generic Tables THQ 1.0 (November 2017)

Table 5
Summary of Detected Volatile Organic Compounds in Soil Vapor Samples
Test Method EPA 8260SV (Modified EPA 8260B)
Lowe Enterprises Real Estate Group
2130 Violet Street, Los Angeles, CA 90021

			Volatile Organic Compounds (µg/L)
			Tetrachloroethene
Field Sample ID	Depth (feet bgs)	Date	127-18-4
SV-1	2.5	11/7/2014	ND
SV-2	2.5	11/7/2014	ND
SV-3	2.5	11/7/2014	ND
SV-4	2.5	11/7/2014	**0.10**
SV-4 Dup	2.5	11/7/2014	**0.11**
SV-5	2.5	11/7/2014	ND
Residential DTSC Screening Levels			4.60E-04
Commercial DTSC Screening Levels			2.00E-03
Residential Region 9 RSL			1.10E-02
Commercial Region 9 RSL			4.70E-02

Notes:

µg/L - micrograms per liter

bgs - below ground surface

ND - denotes result was below the detection limit

Human Health Risk Assessment Note 3 – DTSC-Modified Screening Levels (DTSC-SLs), January 2018 Update.

USEPA - Regional Screening Levels (RSLs) THQ 1.0 - Generic Tables (November 2017)

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Barbara A. Lee, Director
9211 Oakdale Avenue
Chatsworth, California 91311

Edmund G. Brown Jr.
Governor

April 20, 2018

Mr. Jim Madden, PG, LEED AP, CEM
EnSafe Inc.
5001 Airport Plaza Drive; Suite 260
Long Beach, California 90815

APPROVAL OF REVISED PRELIMINARY ENDGANGERMENT ASSESSMENT (PEAE) EQUIVALENT- ADDITIONAL SITE CHARACTERIZATION FOR 2130 VIOLET STREET LOS ANGELES, SITE CODE (301807).

The Department of Toxic Substances Control (DTSC) reviewed the Revised Preliminary Endangerment Assessment Equivalent (PEAE) Additional Site Characterization Workplan (EnSafe, April 5, 2018). The PEAE was reviewed pursuant to the Voluntary Cleanup Agreement (VCA 17/18-038).

The Site is approximately 0.74 acres and is located in an industrial zoned area of Los Angeles. From the 1800's until 2016 the Site has been utilized for industrial/commercial purposes. Historically, the Site was used for cold storage by the oil and gas industries, as an automotive impound, for the pattern works industry, as a metal polishing shop, and as a radio and repair shop. A commercial metal recycling center was active onsite from 2012 until 2016. There is a building located on the western portion of the Site with suspected hazardous waste stored in drums and in crates. The remainder of the Site is unpaved and currently vacant. Ensafe met with DTSC on March 8, 2018 to discuss the Scope of Work. DTSC's comments and recommendations from that meeting and subsequent emails thereafter dated March 28, 2018, and April 2, 2018 have been incorporated into the Workplan which was submitted by EnSafe to DTSC on April 5, 2018.

Multiple Site assessments were conducted to evaluate potential impacts from past environmental concerns at the Site. These reports summarized Site characterization activities since 2014 and include the following: Phase II Environmental Site Assessment Report (Certified Environmental Consultants, Inc., November 13, 2014), Limited Phase II Site Assessment Report (Cardno ATC, August 20, 2015), Excavation Observation and Stockpile Sampling (E2 ManageTech, Inc., December 8, 2016), Phase I Environmental Site Assessment Report (Partner Engineering and Science, Inc., January 26, 2017), Preliminary Endangerment Assessment Equivalent Reports: Confirmation Soil Sampling

Report (Partner Engineering and Science, Inc., August 3, 2017), and the Additional Site Investigation (E2 ManageTech, Inc. March 2016).

The Preliminary Endangerment Assessment Equivalent (PEAE) Additional Site Characterization Workplan provides additional soil vapor sampling in the onsite building, in the unpaved yard and additional confirmation sampling in the excavation pit to provide a more complete characterization of the Site and to address remaining data gaps.

DTSC hereby approves EnSafe's Revised Preliminary Endangerment Assessment Equivalent Additional Site Characterization Workplan. Please notify DTSC seven (7) business days before the start of work (markings). Provide DTSC with a work implementation schedule, which includes the dates for marking the sampling locations, drilling and sampling so that DTSC may provide the appropriate oversight. In addition, please ensure that all work performed is done in accordance with the Workplan. Please consult with DTSC prior to any deviations from Workplan, should they occur. If you have any questions, please contact me at (818) 717-6543, or e-mail folashade.simpson@dtsc.ca.gov.

Sincerely,

Folashade Simpson, M.S., R.E.H.S.
Project Manager
Brownfields and Environmental Restoration Program – Chatsworth Office