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

**Sharon Dickinson**

Mar 7, 2017 5:04 PM

Posted in group: **Clerk-PLUM-Committee**

\*\*\*NOTE TO LA CITY STAFF\*\*\*

\*\*\*Please Cc zina,cheng@lacity.org on all emails related to PLUM Committee.\*\*

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From: <gk@gideonlaw.net>  
Date: Tue, Mar 7, 2017 at 3:59 PM  
Subject: Comments on 2136-2148 E. Violet Street; CPC-2016-1706-VZC-HD-SPR & ENV-2016-177-MND; Council File # 17-005  
To: jojo.pewsawang@lacity.org, sharon.dickinson@lacity.org  
Cc: ccarnow@unitehere11.org, jordan@gideonlaw.net

Dear Mr. Pewsawang and Ms. Dickinson:

This Office respectfully writes on behalf of Unite HERE Local 11 and downtown Los Angeles resident Antonio Mendoza with regard to the referenced City of Los Angeles land use approvals for the Violet Street Project (CPC-2016-1706-VZC-HD-SPR, ENV-2016-177-MND), proposed by Lowe Enterprises/Violet Street Investor.

Our understanding is that the Project will be heard by the City Council's Planning and Land Use Management Committee in the upcoming weeks. This letter supplements the February 28, 2017 letter we wrote you about the Project.

Please confirm receipt, and put it in the project files. Thanks.

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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 Violet 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.

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*

(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.

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.4<sup>th</sup> 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).

### **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.

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,

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 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

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:

“[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.

Critical Movement	Analysis Scenario				
	Future Without Project <sup>1</sup>	Future With Project <sup>1</sup>		Modified Future With Project <sup>2</sup>	
	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 <sup>3</sup>	0.964		0.983		0.984
Adjusted V/C Ratio <sup>4</sup>	0.864		0.883		0.884
Level of Service	D		D		D
Project V/C Increment	--		0.019		0.020
Significant Impact? <sup>5</sup>	--		No		Yes <sup>5</sup>
Notes: <sup>1</sup> Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p. 34). <sup>2</sup> Modified to add one northbound left turn. <sup>3</sup> Volume/capacity ratio, based on a capacity value of 1,425 vehicles/hour. <sup>4</sup> Reduced by 0.100 to reflect ATSAC/ATCS at intersection. <sup>5</sup> Project-related increase in V/C of 0.020 or greater at LOS D, according to LADOT significance criteria. (Source: LADOT, <i>Traffic Study Policies and Procedures</i> , 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.

### **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:

#### **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<sub>2</sub>e per year (MT CO<sub>2</sub>e/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”)<sup>1</sup> to estimate emissions generated during Project construction and operation, the IS/MND determines that the “proposed Project would

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<sup>1</sup> CalEEMod website, available at: <http://www.caleemod.com/>

result in a net increase of 2,177.93 MT CO<sub>2</sub>e/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,<sup>2</sup> 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.<sup>3</sup>

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,<sup>4</sup> 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<sub>2</sub>e/yr, which is above the significance threshold of 3,000 MT CO<sub>2</sub>e/yr set forth by the SCAQMD (see table below) (p. III-35).

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<sup>2</sup> Final Statement of Reasons, pp. 83-84, *available at*, [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf)

<sup>3</sup> 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.”)

<sup>4</sup> 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 CO<sub>2</sub>e 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).



<b>Annual Greenhouse Gas Emissions</b>	
<b>Emission Source</b>	<b>Proposed Project (MT CO<sub>2</sub>e/year)</b>
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
<b>Project Total</b>	<b>3,072.58</b>
<b>Significance Threshold</b>	<b>3,000</b>
<b>Exceed?</b>	<b><u>Yes</u></b>

As you can see in the table above, when we compare the Project’s unmitigated emissions of 3,072.58 MT CO<sub>2</sub>e/yr, which is provided in Table III-8 of the IS/MND, to the SCAQMD recommended threshold of 3,000 MT CO<sub>2</sub>e/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<sub>2</sub>e/yr screening-level threshold, a more detailed review of the Project’s GHG emissions is warranted.<sup>5</sup> SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTCO<sub>2</sub>e per year per service population (MT CO<sub>2</sub>e/sp/yr) for project-level analyses and 6.6 MT CO<sub>2</sub>e/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<sub>2</sub>e/sp/yr and an efficiency threshold at the

<sup>5</sup> 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](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<sub>2</sub>e/sp/yr.<sup>6</sup> Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/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".<sup>7</sup> 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<sub>2</sub>e/sp/yr.

When we compare the Project's per capita GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/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 <sub>2</sub> e/year
Maximum Service Population	414	Employees
<b>Per Capita Annual Emissions</b>	<b>7.4</b>	<b>MTCO<sub>2</sub>e/sp/year</b>
2020 SCAQMD Project Level Efficiency Threshold	4.8	MTCO <sub>2</sub> e/sp/year
<b>Exceed?</b>	<b>Yes</b>	-
<b>Per Capita Annual Emissions</b>	<b>7.4</b>	<b>MTCO<sub>2</sub>e/sp/year</b>
2035 SCAQMD Project Level Efficiency Threshold	3.0	MTCO <sub>2</sub> e/sp/year
<b>Exceed?</b>	<b>Yes</b>	-

As you can see in the table above, the Project's total GHG per capita emissions of 7.4 MT CO<sub>2</sub>e/sp/yr greatly exceed the SCAQMD 2020 efficiency threshold of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/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:**

"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

<sup>6</sup> 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](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)

<sup>7</sup> "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.<sup>8</sup> 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”.<sup>9</sup>

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

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<sup>8</sup> 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](http://www.sohagi.com/publications/GordonHerson_DemystifyingCEQAsCumulativeImpactAnalysis.pdf)

<sup>9</sup> “Technical Advisory on CEQA and Climate Change.” Office of Planning and Research Technical Advisory, June 2008, available at: <https://www.opr.ca.gov/docs/junc08-ccqa.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.

### **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:<sup>10</sup>

- Use passive solar design, such as:<sup>11,12</sup>
  - 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.<sup>13</sup>
- 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.

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<sup>10</sup> [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

<sup>11</sup> Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.

<sup>12</sup> Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.

<sup>13</sup> See Irvine Sustainable Travelways “Green Street” Guidelines; [www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934](http://www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934); and Cool Houston Plan; [www.harc.edu/Projects/CoolHouston](http://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.<sup>14</sup> See Hagemann letter Attachment 2 hereto.

### **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:

**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).<sup>15</sup>

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).<sup>16</sup> 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).<sup>17</sup>

**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>

<sup>14</sup> <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

<sup>15</sup> 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](http://planning.lacity.org/Code_Studies/LanduseProj/Industrial_Files/Attachment%20B.pdf).

<sup>16</sup> Available at <http://planning.lacity.org/cwd/framwk/chapters/03/03209.htm>.

<sup>17</sup> 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.

**Redevelopment Plan<sup>18</sup> Compliance.** As for the Redevelopment Plan,<sup>19</sup> 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.

**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

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<sup>18</sup> Available at [http://www.crala.org/internet-site/Projects/Central\\_Industrial/upload/centralindustrial-4.pdf](http://www.crala.org/internet-site/Projects/Central_Industrial/upload/centralindustrial-4.pdf).

<sup>19</sup> 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<sup>20</sup>) (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).

### **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<sup>21</sup> 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.<sup>22</sup>
- 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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<sup>20</sup> 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).

<sup>21</sup> Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC.

<sup>22</sup>[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/ESL/ESL%20Workbook\\_ESLs\\_Interim%20Final\\_22Feb16\\_Rev3\\_PDF.pdf](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.<sup>23</sup>

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).<sup>24</sup>

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 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

<sup>23</sup> 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.

<sup>24</sup> <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.

### **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.”).

### **Conclusion**

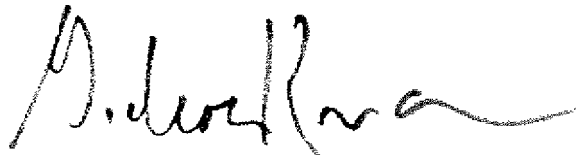
Commentors write to express concerns about the Project’s inadequate IS/MND in areas including traffic, land use inconsistency, hazardous substances and GHG impacts. Indeed, this letter incorporates the comments of expert traffic engineer Neal Liddicoat, P.E. dated January 23, 2017 that show, as matter 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, 11<sup>th</sup> Fl., Los Angeles, CA 90017, [gk@gideonlaw.net](mailto:gk@gideonlaw.net).

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gideon Kracov". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

**M R O**

**ENGINEERS**

660 Auburn Folsom Rd.

Suite 201B  
Auburn, California

95603

PHONE (916) 782-3838

FAX (916) 782-5003

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.

### **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%

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.

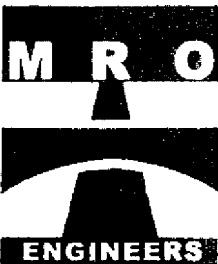
Also shown on the figure in Attachment B are the actual numbers of project trips assigned in each direction, based on review of the project traffic volumes at each of the study intersections. Those numbers are shown in red.

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.



	<b>In</b>	<b>Out</b>	<b>Total</b>
IS/MND Table III-28	39	122	161
Actual Project Traffic Assignment	38	118	156
<b>Difference</b>	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 to 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 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.

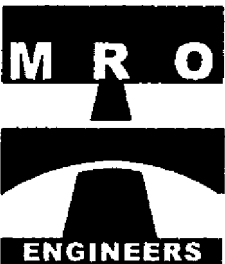
Critical Movement	Analysis Scenario				
	Future Without Project <sup>1</sup>	Future With Project <sup>1</sup>		Modified Future With Project <sup>2</sup>	
	Lane Volume	Project Traffic	Lane Volume	Project Traffic	Lane Volume
Northbound Left Turn	199	12	211	13	212
Southbound Through	447	4	451	4	451
Eastbound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

Notes:

- <sup>1</sup> Source: IS/MND Table III-32 (p. III-121) and TMG Table 4.3 (p. 34).
- <sup>2</sup> Modified to add one northbound left turn.
- <sup>3</sup> Volume/capacity ratio, based on a capacity value of 1,425 vehicles/hour.
- <sup>4</sup> Reduced by 0.100 to reflect ATSAC/ATCS at intersection.
- <sup>5</sup> 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).

## 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.

Sincerely,

**MRO ENGINEERS, INC.**

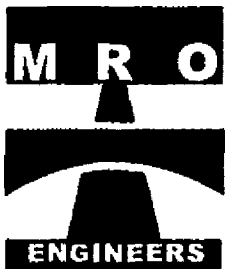
A handwritten signature in black ink, which appears to read 'Neal K. Liddicoat'. The signature is written in a cursive, flowing style.

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



**ATTACHMENT A**

**TMG FIGURE 4.5 - PROJECT ONLY TRAFFIC VOLUMES - PM PEAK HOUR**



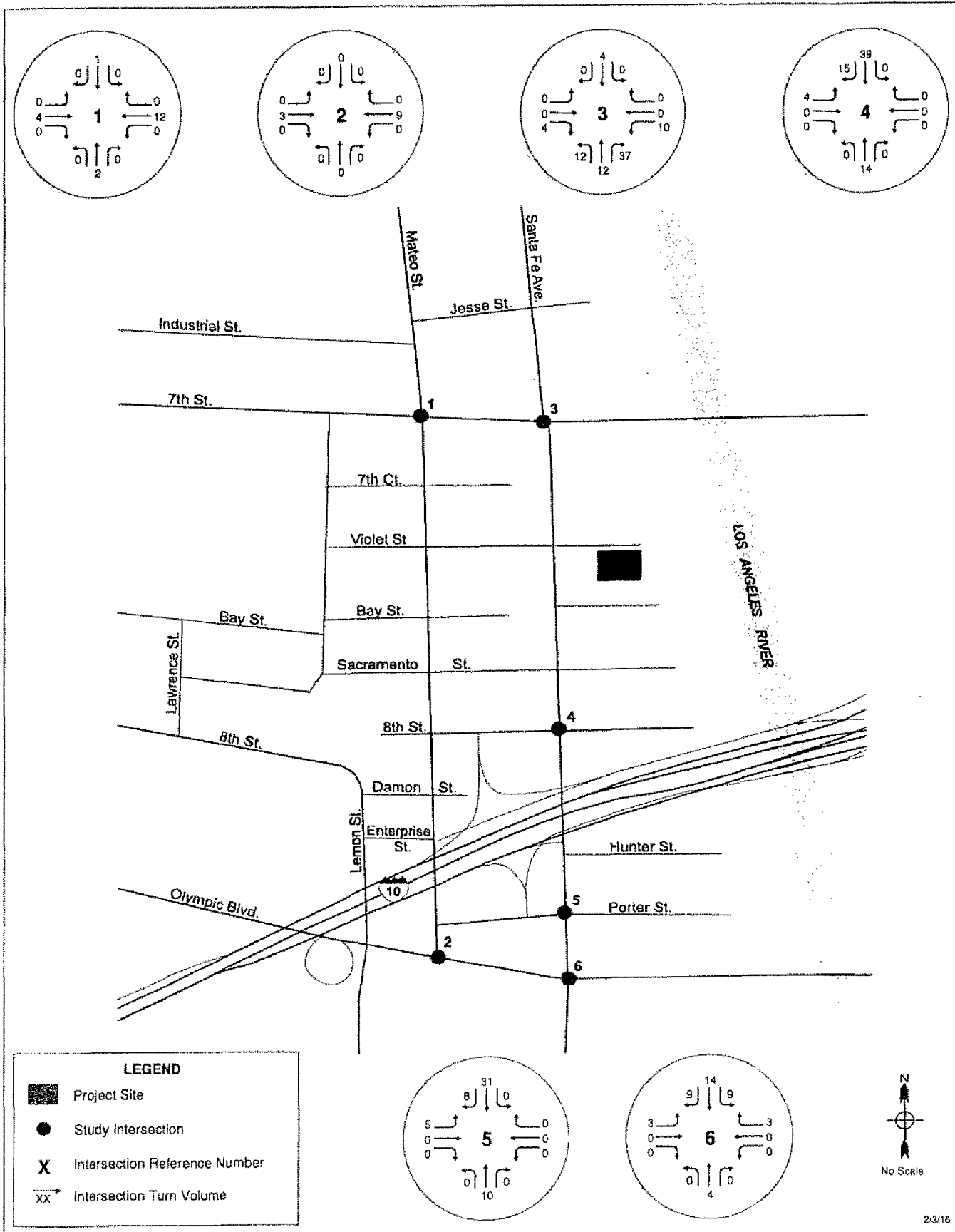


Figure 4.2  
Project Only Traffic Volumes - PM Peak Hour

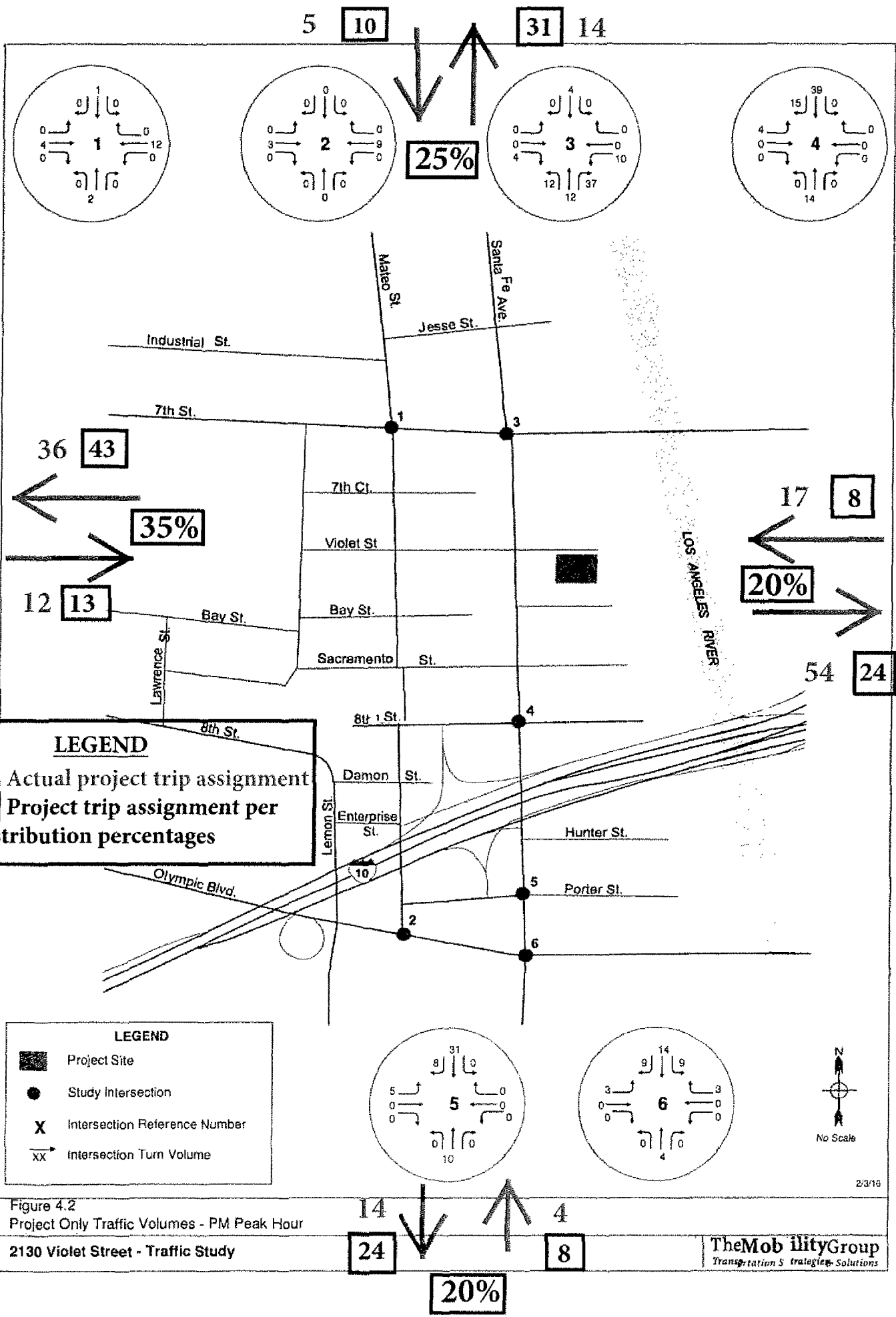
**M R O**



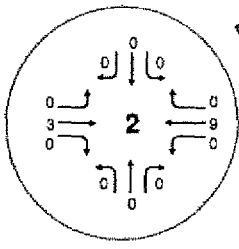
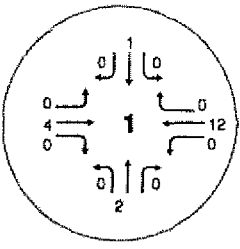
**ENGINEERS**

**ATTACHMENT B**

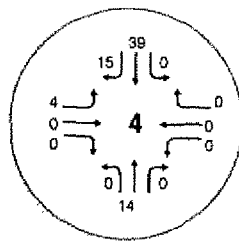
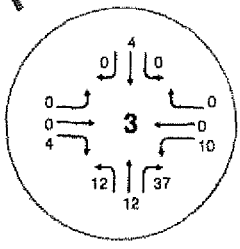
**TMG FIGURE 4.5 - PROJECT ONLY TRAFFIC VOLUMES - PM PEAK HOUR  
(ANNOTATED)**



5 10 31 14



25%



36 43

35%

12 13

17 8

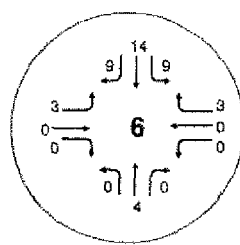
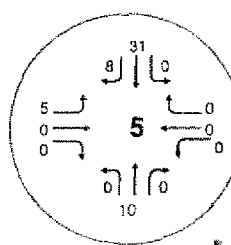
20%

54 24

**LEGEND**

00 Actual project trip assignment  
 00 Project trip assignment per distribution percentages

**LEGEND**  
 ■ Project Site  
 ● Study Intersection  
 X Intersection Reference Number  
 xx Intersection Turn Volume



14 24 4 8

20%



**M R O**

**ENGINEERS**

**ATTACHMENT C**

**SANTA FE AVENUE/SEVENTH STREET LEVEL OF SERVICE WORKSHEET**

# 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						
	East-West Street:	7 <sup>th</sup> Street	Projection Year:		2018	Peak Hour:		PM	Reviewed by:		Project:	2130 Violet						
	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							
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	1	127	12	139	139	68	199	1	199	12	211	1	211	0	211	1	211
	Left-Through	0							0				0				0	
	Through	1	362	12	374	374	109	482	1	482	12	494	1	494	0	494	1	494
	Through-Right	0							0				0				0	
	Right	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	0	49	0	49	49	20	70	0	70	0	70	0	70	0	70	0	70
	Left-Through	0							0				0				0	
	Through	0	316	4	251	320	94	348	0	447	4	352	0	451	0	352	0	451
	Through-Right	0							0				0				0	
	Right	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	1	34	0	34	34	13	48	1	48	0	48	1	48	0	48	1	48
	Left-Through	0							0				0				0	
	Through	1	388	0	651	390	120	791	1	479	0	791	1	481	0	791	1	481
	Through-Right	1							1				1				1	
	Right	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	1	220	10	230	230	21	248	1	248	10	258	1	258	0	258	1	258
	Left-Through	0							0				0				0	
	Through	1	206	0	353	206	177	541	1	314	0	541	1	314	0	541	1	314
	Through-Right	1							1				1				1	
	Right	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	East-West: 608	SUM: 1051	North-South: 459	East-West: 620	SUM: 1079	North-South: 646	East-West: 727	SUM: 1373	North-South: 662	East-West: 739	SUM: 1401	North-South: 662	East-West: 739	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

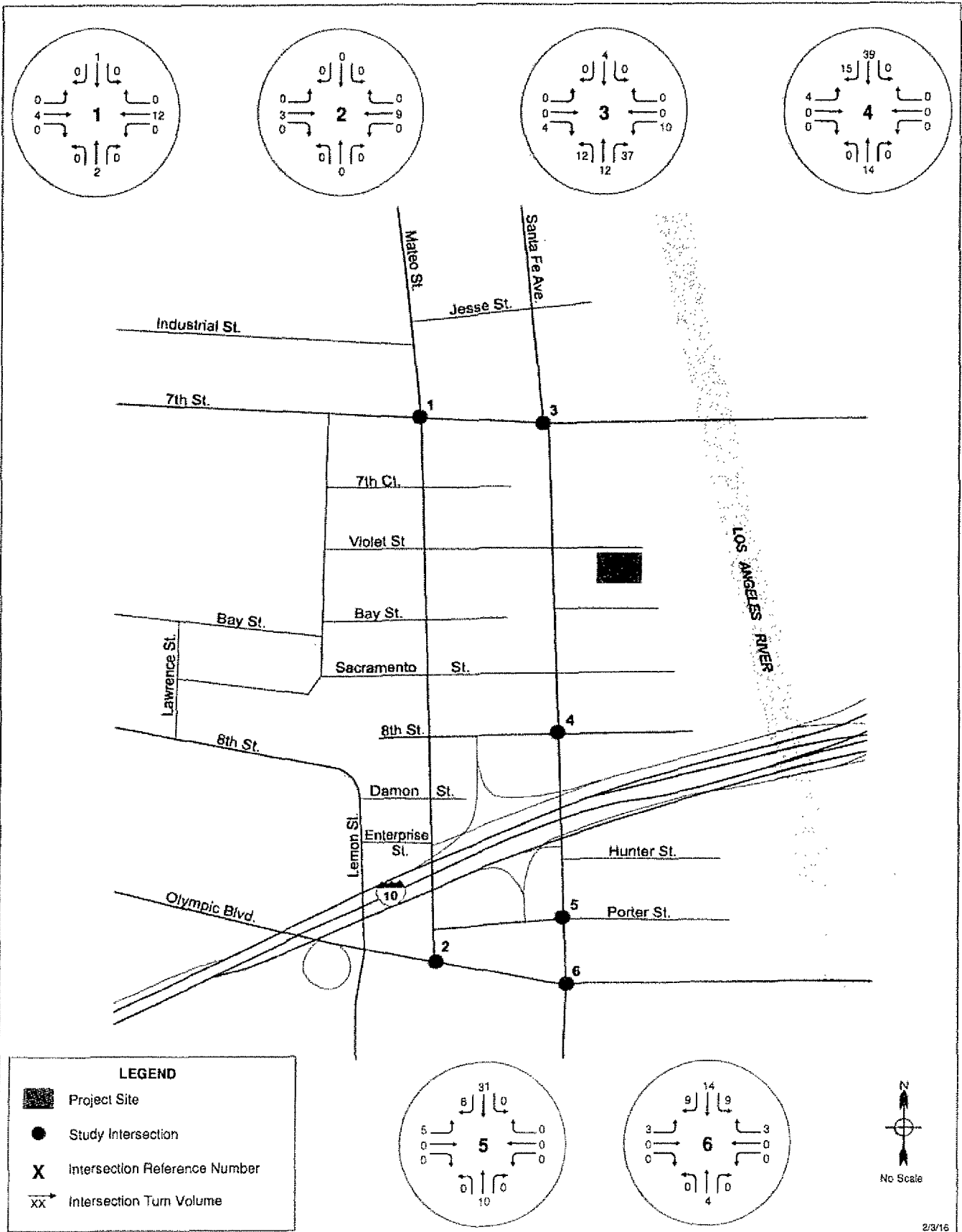
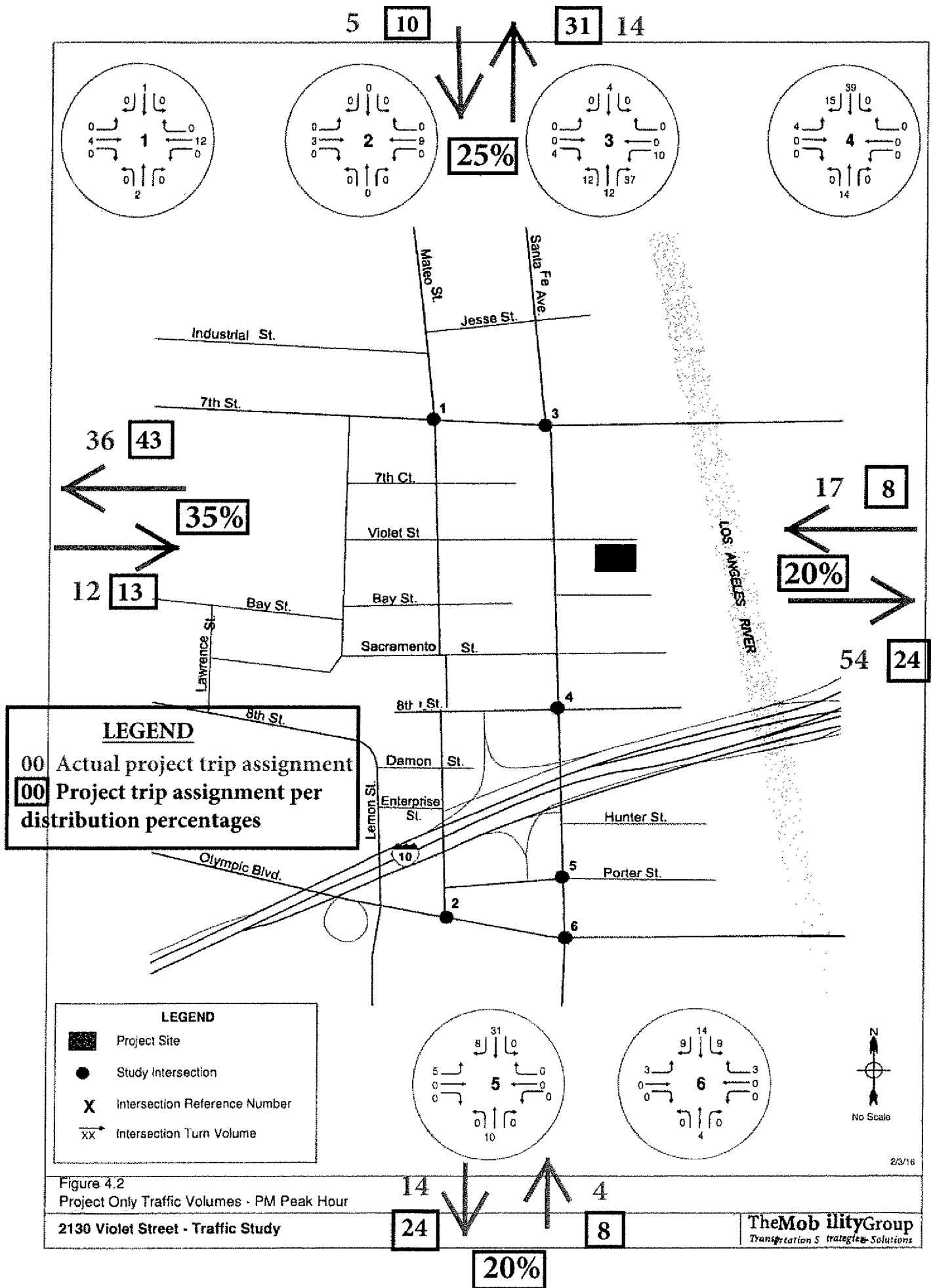


Figure 4.2  
Project Only Traffic Volumes - PM Peak Hour

2130 Violet Street - Traffic Study



# Level of Service Worksheet

2130 Violet Street Project - PM Peak Hour

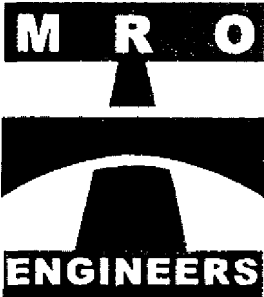


I/S #:	North-South Street:		Santa Fe Avenue		Year of Count:		2015		Ambient Growth: (%)		1		Conducted by:		Azadeh Azad		Date:		12/30/2015	
	3	East-West Street:		7 <sup>th</sup> Street		Projection Year:		2018		Peak Hour:		PM		Reviewed by:		Project:		2130 Violet		
No. of Phases					3					3					3					
Opposed $\phi$ ing: N/S-1, EW-2 or Both-3?					0					0					0					
Right Turns: FREE-1, NRTOR-2 or OLA-3?					NB- 3 SB- 0					NB- 3 SB- 0					NB- 3 SB- 0					
ATSAC-1 or ATSAC+ATCS-2?					EB- 0 WB- 0					EB- 0 WB- 0					EB- 0 WB- 0					
Override Capacity					1					2					2					
					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       $\Delta$ v/c after mitigation: 0.019  
Significant impacted? NO      Fully mitigated? N/A





**Education:**  
 BSCE/1977  
 Michigan State University  
 Graduate Studies/1977-80  
 University of Tennessee

**Registrations:**  
 California  
 Civil Engineer - C35005  
 Michigan  
 Professional Engineer -  
 6201037605

**Technical Specialties**  
 Traffic Impact Analysis  
 Traffic Engineering/  
 Operations  
 Transportation Planning  
 Parking Analysis  
 Pedestrian/Bicycle  
 Analysis

**Affiliations:**  
 Institute of  
 Transportation  
 Engineers - Fellow  
 American Society of  
 Civil Engineers -  
 Member

# 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
- Canyon Springs Residential, Truckee, CA
- Oil Exploration Zoning Ordinance Amendment, Kern County, CA
- Saddle Crest Homes, Orange County, CA
- State Route 85 Express Lanes, Santa Clara Co., CA
- Highway 43/198 Retail Ctr., Hanford, CA
- Vacaville General Plan, Vacaville, 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
  - Elk Grove Boulevard Master Plan, Elk Grove
  - Disney "California Adventure" Preliminary Traffic Analysis, Anaheim
  - CSUS Bicycle/Pedestrian Study, Sacramento
  - SR 99/Twin Cities Road Traffic Operations, Galt
  - Thunder Valley Casino, Placer County, CA



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

2656 29<sup>th</sup> Street, Suite 201  
Santa Monica, CA 90405

Matt Hagemann, P.G., C.Hg.  
(949) 887-9013  
[mhagemann@swape.com](mailto:mhagemann@swape.com)

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**

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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<sup>1</sup> 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.<sup>2</sup>
- 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.<sup>3</sup>

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).<sup>4</sup>

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.

---

<sup>1</sup> Limited Phase II Site Assessment Report, Metals Recycling Facility, 2130 Violet Street, August 20, 2015, Cardno ATC.

<sup>2</sup>[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/ESL/ESL%20Workbook\\_ESLs\\_Interim%20Final\\_22Feb16\\_Rev3\\_PDF.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Workbook_ESLs_Interim%20Final_22Feb16_Rev3_PDF.pdf), p. 10

<sup>3</sup> 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.

<sup>4</sup> <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<sub>2</sub>e per year (MT CO<sub>2</sub>e/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")<sup>5</sup> 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<sub>2</sub>e/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,<sup>6</sup> 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.<sup>7</sup>

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,<sup>8</sup> 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

---

<sup>5</sup> CalEEMod website, *available at*: <http://www.caleemod.com/>

<sup>6</sup> Final Statement of Reasons, pp. 83-84, *available at*, [http://resources.ca.gov/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf)

<sup>7</sup> 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.")

<sup>8</sup> 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 CO<sub>2</sub>e 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<sub>2</sub>e/yr, which is above the significance threshold of 3,000 MT CO<sub>2</sub>e/yr set forth by the SCAQMD (see table below) (p. III-35).

<b>Annual Greenhouse Gas Emissions</b>	
<b>Emission Source</b>	<b>Proposed Project (MT CO<sub>2</sub>e/year)</b>
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
<b>Project Total</b>	<b>3,072.58</b>
<b>Significance Threshold</b>	<b>3,000</b>
<b><i>Exceed?</i></b>	<b><i>Yes</i></b>

As you can see in the table above, when we compare the Project's unmitigated emissions of 3,072.58 MT CO<sub>2</sub>e/yr, which is provided in Table III-8 of the IS/MND, to the SCAQMD recommended threshold of 3,000 MT CO<sub>2</sub>e/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 DPR 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<sub>2</sub>e/yr screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.<sup>9</sup> SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTCO<sub>2</sub>e per year per service population (MT CO<sub>2</sub>e/sp/yr) for project-level analyses and 6.6 MT CO<sub>2</sub>e/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<sub>2</sub>e/sp/yr and an efficiency threshold at the project level of 3.0 MT CO<sub>2</sub>e/sp/yr.<sup>10</sup> Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO<sub>2</sub>e/yr screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/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".<sup>11</sup> 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<sub>2</sub>e/sp/yr. When we compare the Project's per capita GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency target of 3.0 MT CO<sub>2</sub>e/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 <sub>2</sub> e/year
Maximum Service Population	414	Employees
<b>Per Capita Annual Emissions</b>	<b>7.4</b>	<b>MTCO<sub>2</sub>e/sp/year</b>
2020 SCAQMD Project Level Efficiency Threshold	4.8	MTCO <sub>2</sub> e/sp/year
<i>Exceed?</i>	<i>Yes</i>	-
<b>Per Capita Annual Emissions</b>	<b>7.4</b>	<b>MTCO<sub>2</sub>e/sp/year</b>
2035 SCAQMD Project Level Efficiency Threshold	3.0	MTCO <sub>2</sub> e/sp/year
<i>Exceed?</i>	<i>Yes</i>	-

As you can see in the table above, the Project's total GHG per capita emissions of 7.4 MT CO<sub>2</sub>e/sp/yr greatly exceed the SCAQMD 2020 efficiency threshold of 4.8 MT CO<sub>2</sub>e/sp/yr and the 2035 efficiency

<sup>9</sup> 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](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2)

<sup>10</sup> 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](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)

<sup>11</sup> "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<sub>2</sub>e/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".<sup>12</sup> 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

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<sup>12</sup> "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.<sup>13</sup> 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”.<sup>14</sup>

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).

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<sup>13</sup> 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](http://www.sohagi.com/publications/GordonHerson_DemystifyingCEQAsCumulativeImpactAnalysis.pdf)

<sup>14</sup> “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: <sup>15</sup>

<sup>15</sup> [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf)

- Use passive solar design, such as: <sup>16,17</sup>
  - 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.<sup>18</sup>
- 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<sub>x</sub> 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

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<sup>16</sup> Santa Barbara Air Pollution Control District, Scope and Content of Air Quality Sections in Environmental Documents, September 1997.

<sup>17</sup> Butte County Air Quality Management District, Indirect Source Review Guidelines, March 1997.

<sup>18</sup> See Irvine Sustainable Travelways “Green Street” Guidelines; [www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934](http://www.ci.irvine.ca.us/civica/filebank/blobdload.asp?BlobID=8934); and Cool Houston Plan; [www.harc.edu/Projects/CoolHouston](http://www.harc.edu/Projects/CoolHouston).

recommended for the Waterman Logistic Center that are also applicable for this Project's commercial uses include:<sup>19</sup>

- 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:<sup>20</sup>

- 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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<sup>19</sup> 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>

<sup>20</sup> 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.<sup>21</sup> 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

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

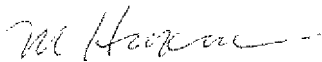


- Encouraging telecommuting and alternative work schedules reduces the number of commute trips and therefore VMT traveled by employees. Alternative work schedules could take the form of staggered starting times, flexible schedules, or compressed work weeks.
- Implement Commute Trip Reduction Marketing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

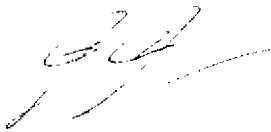
- This project can establish a bike-sharing program to reduce VMTs. Stations should be at regular intervals throughout the project site.
  - The IS/MND states that a Metro bike share location, located at Imperial & 7th, already exists within the Project site (p. A-4). However, the Project Applicant can 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



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**Geologic and Hydrogeologic Characterization  
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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);



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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**