Google Groups

Fwd: Subject line: Business letter- 2136 E. Violet - 2148 E. Violet St / Council File #17-0025

Sharon Dickinson Apr 25, 2017 5:01 PM

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

From: **Georgianna Allen** <whadupgangsta@ymail.com>
Date: Tue, Apr 25, 2017 at 2:06 PM
Subject: Subject line: Business letter- 2136 E. Violet - 2148 E. Violet St / Council File #17-0025
To: "jojo.pewsawang@lacity.org" <jojo.pewsawang@lacity.org>, "sharon.dickinson@lacity.org" <sharon.dickinson@lacity.org>, "ari.simon@lacity.org" <ari.simon@lacity.org>
Cc: "clare.eberle@lacity.org" <clare.eberle@lacity.org>

Subject line: Business letter- 2136 E. Violet - 2148 E. Violet St / Council File #17-0025

Dear Council Member Huizar,

As business owners and artists in the Arts District, we are writing to urge a full environmental impact report be conducted for Lowe Enterprises' 2130 Violet St project. The site is contaminated by elevated levels of TPH-D, lead, and PCBs. Despite this, Lowe has not disclosed on how they plan to clean up the site or agreed to subject the site to oversight by the State Department of Toxic Substance Control.

We are concerned by Lowe's environmental record. Lowe Enterprises' Chairman & CEO has given over 300,000 to politicians who back President Trump's rollback of environmental protections, including climate deniers.

Accordingly, we urge you to stand with environmental groups and our community and require a full environmental impact report at 2130 Violet St. As environmental group Food & Water Watch wrote in their letter to the council office, "As an Administration full of climate deniers wages wholesale war on environmental regulations, Californians must use all the legal tools available to be good environmental stewards, not undercut our rules."

Signed,

Genevieve Gergis
Bestia
genevieve@bestia.com

Oliver Ryan
Everson Royce Bar
Oliver@eversonroyce.com

Richard
Stumptown Coffeee
richardl@stumptowncoffee.com
mark@stumptowncoffee.com

Bert Youn
The Good Liver
info@good-liver.com

Mari Bennet
Carpe Diem
mari.carpediem@gmail.com

Prince Latimer
Pizzanista

Heather Dubin
Undefeated Creative
h.dubin@undefeatedcreative.com

MacKenzie Aivais
Urban Radish
MacKenize@urban-radish.com

Sarkis Vartanian
Daily Dose
Su@dailydoseinc.com

Carol Rosenthal
Carol Rosenthal Casting
Carol@rosenthalcasting.com

Geoffrey Bernstein
Urban Palate
Geoff@urbanpalate.com

Cindi Thompson
Crafted Kitchen
cindi@craftedkitchen.com

Salman Agah
Pizzanista

Miller Duval
President, The Spirit Guild, LLC

Claudia Perez
Zinc Café
cperez@zinccafe.com

Charlie Curtis
The Rec Center Crossfit Gym
thereccentercrossfit@gmail.com

Georgianna Allen
Commune Advertising & Design, LLC
gallen@communeadvertising.com

Subject line: Business letter- 2136 E. Violet - 2148 E. Violet St / Council File #17-0025

Dear Councilmember Huizar,

As business owners and artists in the Arts District, we are writing to urge a full environmental impact report be conducted for Lowe Enterprises' 2130 Violet St project. The site is contaminated by elevated levels of TPH-D, lead, and PCBs. Despite this, Lowe has not disclosed on how they plan to clean up the site or agreed to subject the site to oversight by the State Department of Toxic Substance Control.

We are concerned by Lowe's environmental record. Lowe Enterprises' Chairman & CEO has given over 300,000 to politicians who back President Trump's rollback of environmental protections, including climate deniers.

Accordingly, we urge you to stand with environmental groups and our community and require a full environmental impact report at 2130 Violet St. As environmental group Food & Water Watch wrote in their letter to the council office, "As an Administration full of climate deniers wages wholesale war on environmental regulations, Californians must use all the legal tools available to be good environmental stewards, not undercut our rules."

Signed,

Genevieve Gergis
Bestia
genevieve@bestia.com

Oliver Ryan
Everson Royce Bar
Oliver@eversonroyce.com

Richard
Stumptown Coffeee
richardl@stumptowncoffee.com
mark@stumptowncoffee.com

Bert Youn
The Good Liver
info@good-liver.com

Mari Bennet
Carpe Diem
mari.carpediem@gmail.com

Prince Latimer
Pizzanista

Heather Dubin
Undefeated Creative
h.dubin@undefeatedcreative.com

MacKenzie Aivais
Urban Radish
MacKenize@urban-radish.com

Sarkis Vartanian
Daily Dose
Su@dailydoseinc.com

Carol Rosenthal
Carol Rosenthal Casting
Carol@rosenthalcasting.com

Geoffrey Bernstein
Urban Palate
Geoff@urbanpalate.com

Cindi Thompson
Crafted Kitchen
cindi@craftedkitchen.com

Salman Agah
Pizzanista

Miller Duval
President, The Spirit Guild, LLC

Claudia Perez
Zinc Café
cperez@zinccafe.com

Charlie Curtis
The Rec Center Crossfit Gym
thereccentercrossfit@gmail.com

Georgianna Allen
Commune Advertising & Design, LLC
gallen@communeadvertising.com

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

2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
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

Dear Mr. Kracov:

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

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

Hazards and Hazardous Waste

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

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

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

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

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

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

---

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

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

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

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

Greenhouse Gas

Failure to Evaluate All Sources of Greenhouse Gas Emissions

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Failure to Adequately Evaluate the Project's Cumulative GHG Impact

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

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

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

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

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

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

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

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

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

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

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

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

Additional Feasible Mitigation Measures Available

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

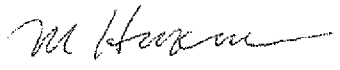
- Implement Commute Trip Reduction Marketing
  - The project can implement marketing strategies to reduce commute trips. Information sharing and marketing are important components to successful commute trip reduction strategies. Implementing commute trip reduction strategies without a complementary marketing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

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

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

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

Sincerely,



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

Jessie Jaeger