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### III. RESPONSES TO COMMENTS

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#### INTRODUCTION

This section contains a summary of the distribution list for the Draft EIR and a listing of the parties that provided comments during the public review period. The distribution list/respondents have been divided into the following categories:

- A. Federal Agencies
- B. State Agencies
- C. Regional and Local Agencies
- D. City Agencies and Related Entities
- E. Individuals

Table 3-1, *Summary of Comments on the Draft EIR*, provides a list of the comment letters received and a summary of issues raised in response to the Draft EIR.

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**Table 3-1  
Summary of Comments on the Draft EIR**

Letter No.	SUMMARY OF WRITTEN COMMENTS	Project Description	Environmental Setting	Aesthetics and Views	Air Quality	Archaeological/Paleontological Resources	Historical Resources	Geology	Greenhouse Gas Emissions	Hazards and Hazardous Materials	Hydrology and Water Quality	Land Use and Planning	Noise	Population, Housing, and Employment	Public Services	Recreation	Transportation and Circulation	Utilities	Alternatives	Other CEQA Considerations	Other Comments	EXPLANATION OF OTHER
<b>Public Agencies</b>																						
B1	State of California Department of Transportation Rick Holland, Acting Branch Chief, Community Planning & LD/IGR Review District 7 Office of Transportation and Planning 100 S. Main Street, MS 16 Los Angeles, CA 90012																X					
B2	State of California Department of Toxic Substances Control Haissam Y. Solloum, P.E., Senior Engineer Brownfields and Environmental Restoration Program – Chatsworth Office 9211 Oakdale Ave. Chatsworth, CA 91311									X												
B3	State of California Public Utilities Commission Chi Cheung To, P.E. Utilities Engineer Rail Crossings and Engineering Section Safety and Enforcement Division 320 West 45th Street, Suite 500 Los Angeles, CA 90013																X	X				
B4	State of California Governor’s Office of Planning and Research Scott Morgan, Director, State Clearinghouse 1400 10th Street Sacramento, CA 95812-3044																			X		Acknowledgment of receipt and distribution to State agencies

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B5	State of California Governor’s Office of Planning and Research Scott Morgan, Director, State Clearinghouse 1400 10th Street Sacramento, CA 95812-3044																			X		Acknowledgment of transmittal of comments received after the close of the comment period
D1	City of Los Angeles Department of Water and Power Earl Moosbrugger, PE Resources Development and Supply Assessment Group Water Resources 111 N. Hope St., Room 1450 Los Angeles, CA 90012																	X				
D2	City of Los Angeles Department of Sanitation Ali Poosti, Division Manager Wastewater Services Division 2714 Media Center Dr. Los Angeles CA 90065																	X				

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<b>Individuals and Businesses</b>																						
E1	Victorina Alcoser No address provided																				X	Support of project
E2	Andrew Altamirano <a href="mailto:Andrew_altamirano@yahoo.com">Andrew_altamirano@yahoo.com</a>				X												X				X	Environmental Justice
E3	Jose Angel Amigon 516 E 61st Los Angeles, CA 90003																				X	Support of project
E4	Victoria Angon No address provided																				X	Support of project
E5	Eulalia Baranda No address provided																				X	Support of project
E6	Valerie Belt <a href="mailto:vbelt@hotmail.com">vbelt@hotmail.com</a>				X												X				X	Environmental Justice
E7	Michelle Black 2200 Pacific Coast Highway, Suite 318 Hermosa Beach, CA 90254	X	X		X					X		X				X			X	X		Adequacy of mitigation measures
E8	Silvia Borges No address provided																				X	Support of project
E9	Craig Borstein 11766 Wilshire Blvd., Suite 820 Los Angeles, CA 90025	X	X	X													X					
E10	Bruce Campbell <a href="mailto:madroneweb@aol.com">madroneweb@aol.com</a>	X	X		X					X							X			X		Request for recirculation of Draft EIR because NOP comments letters were not included in Draft EIR appendix. City classification of project as not regional in significance.
E11	Bruce Campbell <a href="mailto:madroneweb@aol.com">madroneweb@aol.com</a>	X	X		X					X							X			X		

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E12	Bruce Campbell madroneweb@aol.com																X			X	X	Environmental Justice, Request for recirculation of Draft EIR because NOP comments letters were not included in Draft EIR appendix
E13	Bruce Campbell madroneweb@aol.com				X															X		Environmental Justice, Request for recirculation of Draft EIR because NOP comments letters were not included in Draft EIR appendix, Cumulative impacts
E14	Bruce Campbell madroneweb@aol.com	X			X												X				X	Environmental justice
E15	Bruce Campbell madroneweb@aol.com																					Request for recirculation of Draft EIR because NOP comments letters were not included in Draft EIR appendix
E16	Antonio Cano No address provided																				X	Support for project
E17	Jesus Chagoya No address provided																				X	Support for project
E18	Carmelo Cruz No address provided																				X	Support for project
E19	Juan Diego No address provided																				X	Support for project
E20	Leticia Flores lety@impact4989.com																				X	Support for project
E21	Gwendolyn Forrest gmforrest@hotmail.com				X																X	Environmental justice
E22	Janneth Garcia janneth@impact4989.com																				X	Support for project
E23	Maria Garcia No address provided																				X	Support for project

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E24	Artemio Gonzalez temo0335@gmail.com																				X	Support for project	
E25	Crystal Gonzalez crystal.t.gonzalez@gmail.com															X							
E26	Maria V. Gonzalez 4865 Ascot Ave. Los Angeles, CA 90011																				X	Support for project	
E27	Ira Gottlieb buddyg@bushgottlieb.com															X							
E28	Lisa Green lisaannverde@gmail.com															X							
E29	Nallely Hernandez sach.nelly@gmail.com																				X	Support for project	
E30	Norma Hernandez No address provided																				X	Support for project	
E31	Salvador E. Hernandez No address provided																				X	Support for project	
E32	Fousto Herrera No address provided																				X	Support for project	
E33	Karen Iglesias kareni2@me.com																				X	Support for project	
E34	Arcadio Jacinto No address provided																				X	Support for project	
E35	David Jo No address provided																				X	Support for project	
E36	Kathy Knight Kathy.knight@verizon.net											X				X					X	Environmental justice. Healthy activity of gardening for families not analyze in EIR	
E37	Bryan Lee No address provided																				X	Support for project	
E38	Carlos Lopez No address provided																				X	Support for project	
E39	Jose Lopez joselopez@hotmail.com				X												X				X	Environmental justice.	
E40	Maria Lorenzo No address provided																				X	Support for project	

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E41	Adulfo Marin No address provided																				X	Support for project
E42	Juliana Martinez No address provided																				X	Support for project
E43	Mario Montano <a href="mailto:mmontano@coloradocollege.edu">mmontano@coloradocollege.edu</a>				X												X				X	Environmental justice
E44	Leslie Jeanne Morava <a href="mailto:leslie.morava@gmail.com">leslie.morava@gmail.com</a>				X								X			X	X				X	Environmental justice
E45	Leonile Munoz No address provided																				X	Support for project
E46	Jack Neff <a href="mailto:jackneff01@yahoo.com">jackneff01@yahoo.com</a>	X			X				X	X		X					X	X		X	X	Organization of Draft EIR. Request for extension of comment period. Developers request for concessions. Environmental justice
E47	Jack Neff <a href="mailto:jackneff01@yahoo.com">jackneff01@yahoo.com</a>																			X		Request for extension of comment period.
E48	Ernesto Nevarez 52041 Panorama Dr. Morongo Valley, CA 92256									X							X					
E49	Ernesto Nevarez <a href="mailto:portofaztlan@yahoo.com">portofaztlan@yahoo.com</a>																			X		Request for acknowledgment of second submittal of comments
E50	Senorina Nieva No address provided																				X	Support for project
E51	Erika Perrez No address provided																				X	Support for project
E52	Linda Piera-Avila <a href="mailto:lindap_a@verizon.net">lindap_a@verizon.net</a>				X							X				X					X	Environmental justice
E53	Efrain Pinoa No address provided																				X	Support for project
E54	John Quigley <a href="mailto:spectralq@aol.com">spectralq@aol.com</a>				X							X	X			X				X	X	Cumulative impacts. Environmental justice



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E55	William Ramirez No address provided																				X	Support for project
E56	R.S. Rense <a href="mailto:rippost@verizon.net">rippost@verizon.net</a>																				X	Opposition to project. Request that it be made a park.
E57	Anahi Reyes No address provided																				X	Support for project
E58	Anne Richardson 610 S. Ardmore Avenue Los Angeles, CA 90005 <a href="mailto:arichardson@publiccounsel.org">arichardson@publiccounsel.org</a>				X											X					X	Disputing the economic benefits of the project.
E59	Miriam Rodriguez No address provided																				X	Support for project
E60	Abel Ruiz No address provided																				X	Support for project
E61	Samuel Ruiz No address provided																				X	Support for project
E62	Eugene Ruyle <a href="mailto:cuyleruyle@mac.com">cuyleruyle@mac.com</a>				X				X										X		X	Environmental justice
E63	Eugene Ruyle <a href="mailto:Eugene.ruyle@csulb.edu">Eugene.ruyle@csulb.edu</a>										X								X			
E64	Marilyn Sanchez No address provided																				X	Support for project
E65	Fernando Santay No address provided																				X	Support for project
E66	Damien Serrano No address provided																				X	Support for project
E67	Ramya Sivasubramanian and Spencer Eldred 1314 2nd Street Santa Monica, CA 90401 <a href="mailto:seldred@nrdc.org">seldred@nrdc.org</a>				X				X			X				X			X		X	Request for acknowledgment of attached comments. Questioning adequacy of mitigation measures
E68	Nancy Smith <a href="mailto:nancysourceress@gmail.com">nancysourceress@gmail.com</a>				X												X				X	Environmental justice
E69	Jonathan Sosa <a href="mailto:seldred@nrdc.org">seldred@nrdc.org</a>																				X	Support for project

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E70	Laura Soto <a href="mailto:seldred@nrdc.org">seldred@nrdc.org</a>																				X	Support for project	
E71	Lisa Taylor <a href="mailto:lisathetay@gmail.com">lisathetay@gmail.com</a>				X							X	X			X							
E72	Mr. Tezozomoc <a href="mailto:tezozomoc@hotmail.com">tezozomoc@hotmail.com</a>				X												X				X	Environmental justice	
E73	Mr. Tezozomoc <a href="mailto:tezozomoc@hotmail.com">tezozomoc@hotmail.com</a>																			X		Request to be informed of hearing and decision information	
E74	Mr. Tezozomoc <a href="mailto:tezozomoc@hotmail.com">tezozomoc@hotmail.com</a>																			X		Attached petition containing signatures of 88 persons opposed to the project	
E75	Sonia Torres No address provided																				X	Support for project	
E76	Jose Urias No address provided																				X	Support for project	
E77	Enrique Vasquez No address provided																				X	Support for project	
E78	Teresa Ventura No address provided																				X	Support for project	
E79	Ayanna Ware <a href="mailto:tollyzeekay@gmail.com">tollyzeekay@gmail.com</a>				X												X				X	Environmental justice	
E80	Marcy Winograd <a href="mailto:winogradteach@gmail.com">winogradteach@gmail.com</a>											X				X					X	Environmental justice	
E81	Carol Yost <a href="mailto:yost@hotmail.com">yost@hotmail.com</a>				X												X				X	Environmental justice	

**A. FEDERAL AGENCIES**

No letters of comment were received from federal agencies.

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**B. STATE AGENCIES****LETTER NO. B1**

*California Department of Transportation  
Rick Holland, Acting Branch Chief, Community Planning & LD/IGR Review  
District 7 Office of Transportation and Planning  
100 S. Main Street, MS 16  
Los Angeles, CA 90012*

**COMMENT NO. B1-1**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project includes the construction of a new industrial park consisting of four warehousing facility buildings totaling 480,000 square feet gross floor area including ancillary office spaces.

Attached please find Caltrans letter prepared on July 14, 2014. In the Draft Environmental Impact Report (DEIR) prepared in January 2015 and in the Appendix IS-5 Traffic Impact Study (TIS) prepared on September 26, 2012, Caltrans traffic concerns have not been addressed.

**RESPONSE NO. B1-1**

The City of Los Angeles (City) has noted the reference to concerns raised in Caltrans' July 14, 2014 letter. The concerns raised in the July 14, 2014 letter are addressed below.

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

***FREEWAY IMPACT ANALYSIS SCREENING CRITERIA***

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

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

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

Accordingly, the proposed project's traffic study and existing conditions section on freeway segment analysis included an analysis of the proposed project's estimated trip generation and distribution, existing traffic counts, lane configuration and level of service (LOS). Information for freeway segment and ramp intersections was analyzed to determine if the proposed project meets the agreed upon criteria in order to proceed with freeway impact analysis using the Caltrans Guide for the Preparation of Traffic Impact Studies (latest version, December 2002, which is included as Appendix C to the Final EIR). The freeway segments of I-10 EB (East of Alameda Street, and West of Alameda Street) as well as I-10 WB (East of Alameda Street, and West of Alameda Street) were analyzed. The results of this analysis indicated that the proposed project does not meet any of the criteria requiring a freeway impact analysis. At freeway LOS E or F, project trips must increase freeway peak hour volume by 100 in either direction (i.e., 1 percent of 5-lane freeway capacity, 10,000 vehicles per hour). The existing I-10 Freeway segments in the study area are operating at LOS F. The project contributes a maximum of 22 trips in both EB and WB direction of the freeway (Table IV G.3, p. IV.G-8 of the Draft EIR) during the peak hour, which is less than the 100 trips threshold requiring additional impact analysis.

The comments raised in the NOP letter on July 14, 2014, concerning cumulative traffic impacts are addressed in the Draft EIR Section IV.G Traffic, page IV.G-17, and in the Traffic Impact Study (Appendix III IS-5 of the Draft EIR, pages 22 through 24, and Addendum to Traffic Impact Study, Appendix IX to the Draft EIR, pages 2, 5, 7-9, and 23). Project trip assignments to I-10 and on/off ramps were completed for use in the screening level evaluation to determine if the project traffic contribution to freeway and off-ramps is large enough for the analysis of remaining items mentioned in the July 14, 2014, letter. As discussed above, the screening level evaluation showed that the project traffic contribution to freeway and off-ramps is not large enough to warrant further analysis.

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

A cumulative analysis was undertaken for all the study surface intersections as required by LADOT Policy and Procedures. However, because the number of peak-hour trips generated by the proposed project would not exceed the applicable threshold of 100 peak-hour trips in either direction on the I-10 Freeway, the project's traffic contribution to freeways and off-ramps was determined to be not large enough to include in the analysis as per LADOT "Traffic Study Policies and Procedures" document. As a result, a cumulative analysis was determined not to be required for freeways and off-ramps.

**COMMENT NO. B1-2**

Again, the TIS did not include a traffic analysis of the State's highway facilities. There are 1,021/171 AM/PM cumulative peak hour trips.

**RESPONSE NO. B1-2**

As discussed in Response to Comment No. B1-1, the City of Los Angeles (City) has noted the necessity of a traffic analysis of the State's highway facilities. The traffic analysis was conducted per scope of study identified in the MOU signed in consultation with LADOT. Since the proposed project site is entirely within the jurisdiction of the City of Los Angeles, LADOT requires the traffic study to follow the guidelines established in its "Traffic Study Policies and Procedures" document. The most recent version of the guidelines, dated August 2014, includes a section that addresses the need for analysis of State highway facilities. The following is an excerpt from LADOT guidelines relevant to State highway facilities (refer to Section E, page 8 of Traffic Study Policies and Procedures, which is included as Appendix B of the Final EIR):

***FREEWAY IMPACT ANALYSIS SCREENING CRITERIA***

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

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

Accordingly, the proposed project's traffic study and existing conditions section on freeway segment analysis included an analysis of the proposed project's estimated trip generation and distribution, existing traffic counts, lane configuration and LOS. Information for freeway segment and ramp intersections was analyzed to determine if the proposed project meets the agreed upon criteria in order to proceed with freeway impact analysis using the Caltrans Guide for the Preparation of Traffic Impact Studies (latest version, December 2002). The freeway segments of I-10 EB (East of Alameda Street, and West of Alameda Street) as well as I-10 WB (East of Alameda Street, and West of Alameda Street) were analyzed. The results of this analysis indicated that the proposed project does not meet any of the criteria requiring a freeway impact analysis. At freeway LOS E or F, project trips must increase freeway peak hour volume by 100 in either direction (i.e., 1 percent of 5-lane freeway capacity, 10,000 vehicles per hour). The existing I-10 Freeway segments in the study area are operating at LOS F. The project contributes a maximum of 22 trips in both EB and WB direction of the freeway (Page IV.G-8, Table IV.

G.3) during the peak hour, which is less than the 100 trips threshold requiring additional impact analysis.

Cumulative traffic impacts are addressed in Draft EIR Section IV.G Traffic, page IV.G-17, and in the Traffic Impact Study (Appendix III IS-5 of the Draft EIR, pages 22 through 24, and Addendum to Traffic Impact Study, Appendix IX to the Draft EIR, pages 5, 7–9, and 23). The City has determined that the project is not regionally significant, as defined by Section 15206(b)(2) of the CEQA Guidelines, since the project is not an industrial, manufacturing, or processing plant, or industrial park that plans to house more than 1,000 persons, occupy more than 40 acres of land, or encompass more than 650,000 square feet of floor area. The proposed project consists of 994 planned employees. The project area is 14 acres, and the total floor area of all four proposed buildings is 480,120 square feet. Therefore, the project meets none of the criteria that require it to be considered as regionally significant. Therefore, the proposed project is not of regional significance and would not change trip patterns or induce growth of trips regionally. Section IV.G Traffic, page IV.G-17 and the Traffic Impact Study (Appendix III IS-5 of the Draft EIR, pages 22 through 24, and Addendum to Traffic Impact Study, Appendix IX to the Draft EIR, pages 5, 7–9, and 23) in the Draft EIR discuss in detail why additional cumulative analysis, including further discussion of state facilities in the vicinity of the project, would not be required under CEQA.

### **COMMENT NO. B1-3**

In addition, the SOLA Village Project, a mixed use project consisting of 2.53 million square feet of development, is a few blocks away from the project site. Based on the size of the both of these projects, a significant cumulative traffic impact to the State facilities may occur.

### **RESPONSE NO. B1-3**

Your comment regarding the cumulative traffic impacts from the proposed project has been noted. The criteria to determine if a traffic study should include a freeway impact analysis is outlined in LADOT's "Traffic Study Policies and Procedures" document (August 2014) (refer to Section E, page 8 of Traffic Study Policies and Procedures, Appendix B of the Final EIR). The procedures require an EIR to compare a project's traffic generation and distribution data to existing freeway traffic volumes, lane configuration, and LOS information. The SOLA Village Project will be required to conduct a freeway impact analysis if it exceeds the trip generation and distribution requirements for LADOT's Traffic Study on the freeway facilities. The Notice of Preparation (NOP) for the SOLA project (July 2014) was subsequent to that of the proposed project (June 2014). As required by Section 15125(a) of the State California Environmental Quality Act (CEQA) Guidelines, the project environmental setting was described based on the conditions as they existed at the time of publication of the NOP. The SOLA Village Project would need to consider a combination of projects along with the proposed project in the cumulative impact discussion as guided by standards of practicality and reasonableness for each of the related past, present, and probable future projects.

### **COMMENT NO. B1-4**

As a reminder, in Caltrans' Guide "The level of service (LOS) for operating State highway facilities is based upon measures of effectiveness (MOEs). Caltrans endeavors to maintain a target LOS at the transition between LOS 'C' and LOS 'D' on State highway facilities. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained." The existing LOS on the freeway should be disclosed regardless of how many trips will be assigned to the highway. Currently the LOS on I-10 and I-110 are operating at or near capacity during peak hours. Additional vehicle trips from the project or related projects may contribute significant impacts to the I-10 and I-110. The decision makers should be aware of this issue and be prepared to mitigate cumulative traffic impacts in the future.



**RESPONSE NO. B1-4**

The City of Los Angeles has noted the comment relating to LOS and cumulative traffic impacts. To analyze cumulative traffic impacts, traffic study guidelines require an analysis of trip generation, distribution and level of service at key intersections and roadways using the list of all planned and approved projects in the vicinity of the project that would be assumed to be built prior to construction of the project. Accordingly, a list of such projects was obtained from the City and a total of five projects were identified for cumulative traffic analysis. The estimated traffic volume from these projects was added to project traffic volumes and the existing traffic volumes (multiplied by a traffic growth factor to account for any smaller projects and population growth through the opening year of the project). The intersection level of service determined with this combined volume was used to measure cumulative traffic impacts. A cumulative analysis was undertaken for all the study surface intersections as required by LADOT Policy and Procedures. However, as discussed in Response to Comment Nos. B1-1 and B1-2 above, the project's traffic contribution to freeways and off-ramps was determined to be not large enough to include in the analysis. As a result, a cumulative analysis was deemed unnecessary for freeways and off-ramps.

LOS F (more demand than capacity) criteria were used in the traffic study to determine if freeway impact analysis would be required for the proposed project. The proposed project's traffic contribution for freeway I-10 eastbound and westbound segments, east and west of Alameda Street, as well as the intersection of I-10 eastbound off ramp at Alameda Street and the intersection of I-10 westbound off ramp is no more than 22 vehicles (in terms of passenger car equivalent) in any direction during any peak hour. Considering five lanes of travel on the freeway, any traffic impact of this amount of traffic from the proposed project alone would be insignificant. Specifically, with respect to the MOE for the nearest highway on-ramps at I-10 eastbound ramps at Alameda Street and I-10 westbound ramps at Alameda Street, LOS E (at or near capacity level) criteria were used in the traffic study to determine if freeway impact analysis would be required for the project. The project's traffic contribution is no more than 22 vehicles (in terms of passenger car equivalent) in any direction during any peak hour, which does not constitute a significant impact, based on the City's criteria established in the traffic study policies and procedure per agreement with Caltrans, in relation to the baseline condition, the future baseline with project, or the future baseline with related projects. The October 2014 Addendum to the Traffic Impact Study, (Appendix IX in Volume VI of the Draft EIR) includes an analysis of I-10 freeway ramps and mainline segments (at Alameda Street) to show that the project-related 22 vehicles per hour would not be considered significant to change LOS from the existing MOE. The 22-project related trips do not include cumulative trips. The I-10 freeway segments at Alameda Street are currently at LOS E, but ramp intersections are at LOS C during the peak hours and these facilities would not worsen with project traffic. Cumulative trips on Freeway segments were not estimated as the project's contribution to freeway segments did not meet volume threshold for further analysis as per the LADOT "Traffic Study Policies and Procedures" document. The proposed project is a relocation of four light manufacturing facilities to a new location (per project plans); thus, although all 351 project-related trips were analyzed for purpose of the traffic study in accordance with the ITE Manual, the majority of the trips (over 50 percent) already occur in the baseline conditions. No trip subtraction was taken due to any existing on-street project traffic in order to assume a conservative worst-case scenario. No-project baseline conditions, as discussed in Alternative A of Chapter IV Alternatives, is based on the assumption that no project would be constructed and the existing conditions at the site would remain unchanged.

**COMMENT NO. B1-5**

In the spirit of mutual cooperation, we encourage the City to work with Caltrans in an effort to evaluate traffic impacts, identify potential improvements, and establish a funding mechanism that helps mitigate cumulative transportation impacts in the area.

**RESPONSE NO. B1-5**

Your comment encouraging mutual cooperation between the City and Caltrans is noted. The City is working with Caltrans on these issues as evidenced by inclusion of a Freeway Impact Analysis Screening Criteria in its “Traffic Study Policies and Procedures” document (August 2014).

**LETTER NO. B2**

*California Department of Toxic Substances Control  
Haissam Y. Solloum, P.E., Senior Engineer  
Brownfields and Environmental Restoration Program – Chatsworth Office  
9211 Oakdale Ave.  
Chatsworth, CA 91311*

**COMMENT NO. B2-1**

The Department of Toxic Substances Control (DTSC) has received the Draft Environmental Impact Report (EIR) for the subject property.

The DTSC review of the Draft EIR revealed that Hazardous Substances are present at the subject project site. Based on this review the following are DTSC's comments.

**RESPONSE NO. B2-1**

This comment provides introductory transmittal comments and states that the DTSC review of the Draft EIR revealed the presence of Hazardous Materials on the project site. Comments on the Draft EIR, including the comment that Hazardous Materials are present at the subject project site, follow with responses.

**COMMENT NO. B2-2**

1. During the Initial Study Phase, DTSC made comments indicating that concentrations of Hazardous Substances are present at the site. Property owners provided DTSC with various investigation reports confirming the presence of Hazardous Substances at the site.

**RESPONSE NO. B2-2**

During the Initial Study phase, concerns were raised about the potential for the subject property to contain hazardous substances. A Human Health Screening Evaluation (HHSE) prepared by Kleinfelder and dated July 15, 2014, was performed and submitted to the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) for review during October 2014, and is included as Appendix VIII in Volume VI of the Draft EIR. The HHSE was undertaken using U.S. EPA Risk Screening Levels based on guidance published by DTSC in 2013: *Human Health Risk Assessment (HHRA) Note3 – DTSC Recommended Methodology for Use of EPA Regional Screening Levels (RSL) in the Human Risk Assessment Process at Hazardous Waste Sites and Permitted Facilities*. The HHSE indicates that there are no constituents of potential concern (COPCs) present in environmental media (soil, soil vapor, or groundwater) at concentrations that may be associated with adverse health effects under future industrial land uses. The HHSE resulted in a determination that further investigation or mitigation to protect subsurface utility workers during construction or employees during operation of the facility is not warranted, based on cancer and non-cancer risk levels being below established regulatory standards.

The results of the HHSE in coordination with several surface and subsurface investigations conducted at the proposed project site indicate that the concentrations of herbicides, organochlorine pesticides, hexavalent chromium, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and total petroleum hydrocarbons (TPH) are generally below regulatory limits for commercial land use. Elevated concentrations of certain metals (primarily lead and

arsenic) were detected in a limited number of samples, but in no discernible pattern. Based on the analytical results, the available data do not indicate any significant release of contamination to the Property (p. IV.E-4 and p. IV.E-9-10 of the Draft EIR). The HHSE states that no COPCs are present (Appendix VIII in Volume VI of the Draft EIR), and all investigation reports were submitted to DTSC for review during the Initial Study/NOP phase.

The following reports were reviewed in the preparation of the HHSE, and are included as Appendices D through K in the Final EIR:

- Preliminary Health Risk Evaluation – Lancer Site, January 18, 1995. Prepared by Hart Crowser, Inc. (excerpt) (Appendix D to Final EIR)
- Site Investigation Report – Lancer Site, October 29, 2003. Prepared by Pacific Edge Engineering, Inc. (Appendix E to Final EIR)
- Phase I Environmental Site Assessment, September 1, 2006. Prepared by Professional Service Industries, Inc. (PSI). (Appendix F to Final EIR)
- Phase II and Limited Phase III Environmental Site Assessment, October 9, 2006. Prepared by PSI. (Appendix G to Final EIR)
- Phase I/II Environmental Site Assessment, May 25, 2006. Prepared by Advantage Environmental Consultants, LLC. (Appendix H to Final EIR)
- Hexavalent Chromium Analysis, November 3, 2006. Prepared by PSI. (Appendix I to Final EIR)
- Preliminary Risk Assessment, May 31, 2007. Prepared by PSI. (Appendix J to Final EIR)
- Soil Vapor Survey, March 2011. Prepared by SCS Engineers. (Appendix K to Final EIR)
- Phase I Environmental Site Assessment, June 2013. Prepared by SCS Engineers. (Appendix VII to Draft EIR)

The site was found to be suitable for commercial/industrial development based on the conceptual site model described in the HHSE, which identified subsurface utility workers and on-site employees as appropriate human receptor groups, and as presented in a comparison of the maximum concentration of any analyte detected at least once in soil or soil vapor to levels of regulatory concern. The HHSE methods, approach, and findings are discussed in more detail in the following responses. The HHSE can be found in Volume VI, Appendix VIII of the Draft EIR.

Collectively, these reports provide a representative summary of environmental conditions on the subject site based on:

1. The number and location of soil and soil vapor samples that have been collected and analyzed for chemical constituents of potential concern based on past land uses. As summarized in the Phase I ESA (page 15) and documented in the reports identified above, 176 soil samples have been collected from 146 locations across the subject site, and 16 soil vapor samples have been collected from 14 locations across the subject site. The sampling locations were distributed to provide information representative of conditions across the site.
2. The breadth of chemical analyses performed on the soil and soil vapor samples collected from the subject site. As summarized in the HHSE (page 2), the soil samples were analyzed for petroleum hydrocarbons by Environmental Protection Agency (EPA) Methods 418.1 and 8015M, semi-volatile organic compounds (SVOCs) by EPA Method 8270C, volatile organic compounds (VOCs) by EPA Method 8260B, California Title 22 metals by EPA Method 6010B, hexavalent chromium by EPA Method 7199,

organochlorine pesticides, and polychlorinated biphenyls (PCBs) by EPA Method 8081A/8082, and herbicides by EPA Method 8151. Soil vapor samples collected from five or 15 feet below ground surface were analyzed for VOCs by EPA Method 8260B. The sample types and analytical methods broadly provide information representative of conditions across the site. Each chemical type generally representative of environmental conditions on property developed in an urban setting was addressed by the analyses performed.

3. The quality of the analytical data developed from the analysis of environmental samples collected from the subject site. As summarized in the HHSE (page 2), laboratory analytical reports, including analysis of quality assurance/quality control samples, were available and reviewed for most soil data and for the soil vapor data. The analytical results appear to be of adequate quality and suitable for use in a risk assessment based on the analysis of laboratory blank samples, LCS, matrix spike and matrix spike duplicate samples, all of which were within acceptable control ranges. Reporting limits apparently were sufficiently low to detect concentrations of health concern.

Based on the HHSE, understanding the regulatory points of departure for risk management, a cumulative cancer risk of  $1 \times 10^{-6}$  indicates that there may be one additional case of cancer for every 1,000,000 people in a population exposed to the COPCs under the exposure conditions identified in the HHSE. To put this cancer risk in perspective, the background rate of cancer in the United States is approximately 1 in 3 (American Cancer Society, 2010). Therefore, of the roughly 300,000,000 citizens of the United States, 100,000,000 can expect to develop some form of cancer at some time in their lives. If the entire population of the United States were to reside on a site where, due to chemical contamination, the excess lifetime cancer risk was  $1 \times 10^{-6}$ , then an additional 300 individuals might develop some form of cancer as a result, and the total number of cancer cases would be 100,000,300.

As indicated on page 10 of the HHSE, the analysis was performed consistent with the guidance provided by the DTSC, using Risk Screening Levels for estimating cancer risk and non-cancer risk. Threshold values for risk management decisions based on Cal/EPA and federal EPA policy are  $1 \times 10^{-6}$  (one in one million) for cancer risks and a non-cancer hazard quotient of 1.0. For lead, which is evaluated by different methodology than all other constituents of concern, the threshold for risk management decisions based on Cal/EPA policy is a soil concentration of 320 mg/kg; therefore, where lead concentrations in soil are less than 320 mg/kg, action is not required.

The results of the analysis are provided in Tables 4 and 5 of the HHSE for the construction scenario based on a subsurface utility worker. Using the methods described in the HHSE, the total cancer risk was determined to be  $7 \times 10^{-7}$  which is less than the Cal/EPA regulatory point of departure of  $1 \times 10^{-6}$  for risk management decisions based on cancer risk. The non-cancer risk was 0.867 which is less than the Cal/EPA regulatory point of departure of 1.0 for risk management decisions based on non-cancer risk. The results of the analysis are provided in Tables 6 and 7 of the HHSE for the operational phase of the project based on an analysis for potential soil vapor intrusion. Using the methods described in the HHSE, the total cancer risk was determined to be  $6 \times 10^{-7}$  which is less than the Cal/EPA regulatory point of departure of  $1 \times 10^{-6}$  for risk management decisions based on cancer risk. The non-cancer risk was 0.009 which is less than the Cal/EPA regulatory point of departure of 1.0 for risk management decisions based on non-cancer risk.

According to the Phase I Environmental Site Assessment prepared by SCS Engineers dated June 2013 and included as Appendix VII, Volume V of the Draft EIR (Phase I ESA), the subject site has supported residential and commercial land uses since the early 1900s as described in previous environmental reports (Pacific Edge 2003; Advantage 2006; PSI 2006-2007; GeoSystems 2007; SCS Engineers 2011)

summarized on pages 11–16 of the Phase I ESA. These land uses are detailed in Figure IV.E-1 Historical Hazardous Materials Land Uses at 4051 South Alameda Project Site of the Draft EIR. Based on information in the Phase I, Phase II, and limited Phase III Environmental Site Assessments prepared by Professional Services Industries, Inc. in 2006 and summarized in the Phase I ESA, the site has been cleared of all residential and commercial land uses, and the infrastructure removed without additional developments since 2006 (Appendix VII of the Draft EIR). Releases of hazardous materials that require mitigation or remediation have not occurred as a result of residential and commercial land uses.

Based on the Phase I ESA, there is no expected potential for the release of hazardous materials at the current vacant project site (Appendix VII in Volume V of the Draft EIR). There have been past land uses on adjoining property that likely have contributed to the presence of some hazardous materials on those sites (see Figure IV.E-1, Historic Hazardous Materials Land Uses at 4051 South Alameda Street Project Site), however no recognized environmental conditions regarding the proposed project site being exposed to contamination migrating from off-site sources have been observed (pg. IV.E-4 of the Draft EIR). The Phase I ESA indicated that the concentrations of herbicides, organochlorine pesticides, hexavalent chromium, VOCs, SVOCs, PCBs, and TPH were generally below regulatory limits for commercial land use, however elevated concentrations of certain metals (primarily lead and arsenic) were detected in a limited number of samples but below levels that would pose a risk or hazards to people or property (pg. IV.E-9-10 of the Draft EIR).

As further detailed in the HHSE, four of 141 soil samples contained arsenic at a concentration that exceeded the background concentration of 12 mg/kg. Four of 142 soil samples contained lead at a concentration greater than 320 mg/kg, and three of those samples only slightly exceeded the limit (334, 335, and 354 mg/kg). The range of arsenic concentrations reported in 141 samples was 0.25 mg/kg to 90.3 mg/kg with an average concentration of 2.5 mg/kg and a 95% upper confidence limit on the average concentration of 3.9 mg/kg. Further investigation or mitigation is not considered to be warranted since the 95% upper confidence limit of the average concentration is 3.9 mg/kg as compared to the estimated background concentration of 12 mg/kg; and only four of 141 soil samples contained arsenic at a concentration greater than 12 mg/kg. The range of lead concentrations reported in 142 samples was 0.42 mg/kg to 726 mg/kg with an average concentration of 70.9 mg/kg and a 95% upper confidence limit on the average concentration of 92.2 mg/kg. Because actual exposures of subsurface utility workers is likely to be best represented by an average of site soil concentrations, and because the 95% upper confidence limit of the average concentration is 92.2 mg/kg as compared to the acceptable concentration of 320 mg/kg, further investigation or mitigation is not considered to be warranted based on the presence of lead in site soil.

As documented in the HHSE, the total cancer risk was  $7 \times 10^{-7}$ , which is less than the Cal/EPA regulatory point of departure for risk management decisions based on cancer risk (i.e.,  $1 \times 10^{-6}$ ). The non-cancer hazard index was determined to be 0.867, which is below the Cal/EPA regulatory point of departure for risk management decisions based on non-cancer hazard (i.e., 1.0) (pg. IV.E-9 of the Draft EIR).

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>1</sup>

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<sup>1</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

**COMMENT NO. B2-3**

2. DTSC did not receive oversight evidence of a Regulatory Agency making a determination that concentrations of hazardous substances do not require further action.
3. Regulatory Agency oversight and determination is required to clear this site for development.

**RESPONSE NO. B2-3**

As set forth above, the results of the HHSE in coordination with several surface and subsurface investigations conducted at the proposed project site indicated that the concentrations of herbicides, organochlorine pesticides, hexavalent chromium, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and total petroleum hydrocarbons (TPH) were generally below regulatory limits for commercial land use. There were elevated concentrations of certain metals (primarily lead and arsenic) detected in a limited number of samples, but in no discernible pattern. Based on the analytical results, the available data do not indicate any significant release of contamination to the Property (Pg. IV.E-4 of the Draft EIR). Indeed, all of the available evidence supports the conclusion that there are no COPCs present in environmental media (soil, soil vapor, or groundwater) at concentrations that may be associated with adverse health effects under future industrial land uses. The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>2</sup>

**COMMENT NO. B2-4**

4. Based on the aforementioned comments a release of Hazardous Substances is present at the site. Any decision on required action for this release should be made by an authorized regulatory agency. This issue should be complied with prior to finalizing the EIR and it should be clearly stated in the EIR along with supporting documents. The EIR should identify how any required investigation and/or remediation will be conducted, and which government agency will provide oversight.

**RESPONSE NO. B2-4**

Multiple studies summarized in Section IV.E and attached as Appendices VII and VIII in Volumes V and VI of the Draft EIR document the absence of COPC's at concentrations that may be adverse. Please see Response to Comment No. B2-2 for more detailed information with respect to the absence of hazardous materials at the project site at concentrations that may be associated with adverse health effects under future industrial land uses. The project applicant entered into a Voluntary Cleanup Agreement with the Department of Toxic Substances Control (DTSC) in connection with DTSC's review of the available documentation regarding the presence of hazardous materials at the site. DTSC has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>3</sup>

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<sup>2</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

<sup>3</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration

**COMMENT NO. B2-5**

5. DTSC provides guidance for Preliminary Endangerment Assessment preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP please visit DTSC's website at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

**RESPONSE NO. B2-5**

Your comment regarding the availability of Preliminary Endangerment Assessment and cleanup oversight has been noted. The project applicant entered into a Voluntary Cleanup Agreement with the Department of Toxic Substances Control (DTSC) in connection with DTSC's review of the available documentation regarding the presence of hazardous materials at the site. The DTSC has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>4</sup>

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Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

<sup>4</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.



**LETTER NO. B3**

*California Public Utilities Commission  
Chi Cheung To, P.E.  
Utilities Engineer  
Rail Crossings and Engineering Section  
Safety and Enforcement Division  
320 West 45<sup>th</sup> Street, Suite 500  
Los Angeles, CA 90013*

**COMMENT NO. B3-1**

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings. The Commission's Rail Crossings Engineering Branch (RCEB) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the 4051 South Alameda Street project. The City of Los Angeles (City) is the lead agency.

**RESPONSE NO. B3-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. B3-2**

The 41st Street at-grade crossing (ID: CPUC No. 001BBH-486.13 and DOT No. 747835D) and the 38th Place crossing (ID: CPUC No. 001BG-486.00 and DOT No. 747607R) are located immediately on the west and east sides of the project site respectively. Currently, there are over 100 combined light-rail and freight train movements per day at the 41st Street crossing, with a maximum speed of 30 miles per hour.

According to the DEIR, the proposed Industrial Park Warehouse project will generate approximately 342 truck trips per day. While the DEIR concludes that the additional traffic would not significantly affect the level of service of the key intersections in the surrounding roadway system, RCEB has concerns on whether the existing simultaneous preemption at the above crossings can adequately clear design vehicles off the tracks prior to train arrivals. RECB recommends the City to investigate current preemption operations at the two (2) crossing locations and implement appropriate safety mitigations if it is needed. Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind.

**RESPONSE NO. B3-2**

Your comment regarding concerns about the clearance of design vehicles off tracks prior to train arrivals has been noted. Existing simultaneous preemption adequately clears vehicles as shown in the Level of Service (LOS) analysis for adjacent intersections in Appendix IX in Volume VI of the Draft EIR, Addendum to Traffic Impact Study, page 5. According to the Institute of Transportation Engineers *Trip Generation Manual*, 9<sup>th</sup> Edition, the number of truck trips estimated to be generated by the proposed project is 351.

There are two at-grade rail crossings in the vicinity of the proposed project. The 41st Street at-grade crossing is located immediately on the west side of the project site, while the 38th Place at-grade crossing

is located immediately on the east side of the project site. According to the Addendum to Traffic Impact Study prepared by Traffic Design, Inc. dated October 3, 2014 and included as Appendix IX in Volume VI of the Draft EIR, the proposed project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the proposed project. Therefore, the proposed project's truck trips are not expected to impact the operation of existing safety devices at the rail road crossings

Although a typical warehouse project of this size is assumed to generate 351 truck trips per day, under Alternative C only, this project is expected not to exceed 75 truck trips per day. Of these, a total of 7 truck trips will be during the AM peak hour (5 inbound, 2 outbound) and 7 during the PM peak hour (2 inbound, 5 outbound). Trucks will travel primarily in the north-south direction and will have minimal travel needs to go east-west crossing railroad tracks. However, the current air quality and noise analysis is conducted to describe the full effects of the 351-truck projects, and the rail crossings' analysis is written to describe full effect of the entire 351 truck trips, to take into account the "worst case" and most conservative scenario of development. The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the p.m. peak hour, while a maximum of seven vehicles will use 38th Place at-grade crossing to travel inbound from the east during the a.m. and p.m. peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the proposed project. Therefore, the proposed project's truck trips are not expected to impact the operation of existing safety devices at the rail road crossings. Additionally, the proposed project is not of regional significance and would not change trip patterns or induce growth of trips regionally.

### **COMMENT NO. B3-3**

Modification to an existing public rail crossing requires authorization from the Commission. RCEB representatives are available for consultation on any potential safety impacts or concerns at crossings. Please continue to keep RCEB informed of the project's development. More information can be found at: <http://www.cpuc.ca.gov/PUC/safety/Rail/Crossings/index.htm>.

### **RESPONSE NO. B3-3**

Your comment regarding the modification of an existing public rail crossing has been noted. No modifications to existing public rail crossings are proposed. Your name and contact information have been added to the project distribution list, and the City will keep the Rail Crossings and Engineering Section informed of the proposed project's development.

**LETTER NO. B4**

*Governor's Office of Planning and Research  
Scott Morgan, Director, State Clearinghouse  
1400 10<sup>th</sup> Street  
Sacramento, CA 95812-3044*

**COMMENT NO. B4-1**

The enclosed comment(s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on March 6, 2015. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional changes into your final environmental document and to consider them prior to taking action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if there are any questions concerning the environmental review process. If there is a question regarding the above-named project, please refer to the 10-digit State Clearinghouse number (2014061030) when contacting this office.

**RESPONSE NO. B4-1**

Thank you for forwarding five letters in response to the proposed project that were received after the end of the State review period. These comments have been incorporated into the Final EIR.

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**LETTER NO. B5**

*Governor's Office of Planning and Research  
Scott Morgan, Director, State Clearinghouse  
1400 10<sup>th</sup> Street  
Sacramento, CA 95812-3044*

**COMMENT NO. B5-1**

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 6, 2015, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

**RESPONSE NO. B5-1**

This comment acknowledges receipt of the Draft EIR by the State Clearinghouse and that circulation of the Draft EIR to State Agencies has occurred through the State Clearinghouse. The comment documents that State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (CEQA), have been met. This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR.

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**C. REGIONAL AND LOCAL AGENCIES**

No letters of comment were received from regional and local agencies.

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**D. CITY AGENCIES AND RELATED ENTITIES****LETTER NO. D1**

*City of Los Angeles Department of Water and Power  
Earl Moosbrugger, PE  
Resources Development and Supply Assessment Group  
Water Resources  
111 N. Hope St., Room 1450  
Los Angeles, CA 90012*

**COMMENT NO. D1-1**

We are submitting to you the following comments to the Draft Environmental Impact Report (DEIR) for the 4051 South Alameda Street Project (City Case No. ENV-2012-920-EIR; State Clearinghouse No. 2014061030). These comments reflect our review of the Water Supply chapter only for matters related to water resources for the project; you may receive additional comments from other divisions at LADWP, separately, for other respective areas in the DEIR, such as water infrastructure capacity, etc.

**RESPONSE NO. D1-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. D1-2**

1. The last sentences of the first paragraphs of p. IV.H-5 and p. B-175 of the DEIR – see excerpt below – indicate a 2007-2011 average annual flow value. Footnote 7 (p.IV.H-5) and 6 (p. B-175) specify the source (dated May 2008) for the 2007-2011 average annual flow value; however, the source does not contain the 2007-2011 actual/projected average annual flow values. Therefore, please replace the footnotes on p.IV.H-5 and p. B-175.

Paragraph Excerpt from DEIR, p. IV.H-5 and p. B-175 of Attachment B of Appendix III of DEIR:

“To serve the residents, businesses, and industries of Los Angeles, the LADWP has more than 7,200 miles of pipelines; 699,600 service connections; 59,346 fire hydrants; over 70 pumping stations; and 110 reservoirs and tanks. From 2007 to 2011, the LADWP supplied about 197 billion gallons of water annually for the City’s residential and business services.<sup>6</sup>”

Foot note Excerpt from DEIR, p.IV.H-5 and p. B-175 of Attachment B of Appendix III of DEIR:

“ Villaraigosa, Antonio R. Securing L.A.’s Water Supply. Prepared by the City of Los Angeles Department of Water and Power. May 2008.”

Replace footnote above from DEIR, p.IV.H-5 and p. B-175 with the following, and include the date accessed within the quote below:

“City of Los Angeles, Department of Water and Power, ladwp.com > About Us > Water > Past & Present ([https://www.ladwp.com/ladwp/faces/ladwp/aboutus/awater/a-w-pastandpresent?\\_adf.ctrl-state=il7srf7qf\\_4&\\_afrcLoop=399895236462180](https://www.ladwp.com/ladwp/faces/ladwp/aboutus/awater/a-w-pastandpresent?_adf.ctrl-state=il7srf7qf_4&_afrcLoop=399895236462180)) – Accessed on X/XX/20XX.”

**RESPONSE NO. D1-2**

Your comment has been noted. The requested correction to Section IV.H-5, Utilities and Service Systems (page IV.H-5) has been completed, as noted in Section IV, *Corrections and Additions to the Draft EIR* (Page IV-5), of this Final Environmental Impact Report.

**COMMENT NO. D1-3**

2. The first sentence after the bullet point list of p. B-178 of Attachment B of Appendix III of DEIR – see excerpt below – appears to imply that sufficient water supplies are available to serve the proposed project because a water supply assessment is not required for this project.

Excerpt from DEIR, p. B-178

“Therefore, the proposed project would not result in significant impacts to utilities and service systems, and no further analysis related to having sufficient water supplies available to serve the proposed project from existing entitlements and resources is warranted.”

However, the methodology for determining whether the project’s demand is included in supply projections is not based on water supply assessment requirements. Instead, it is based on demographic projections included in the Regional Transportation Plan by the Southern California Association of Governments. Therefore, additional clarification should be provided as follows:

Replace above Excerpt from DEIR, p. B-178 of Attachment B of Appendix III of DEIR:

**“Proposed Project is consistent with growth projections anticipated by the SCAG. Consistency with the demographic projection for the City from the 2012 RTP is required for Proposed Project. City’s water demand projection in the 2010 UWMP was developed based on the 2008 Regional Transportation Plan (RTP) demographic projection by the Southern California Association of Governments (SCAG) using the 2000 U.S. Census for the City. The 2012 RTP demographic projection for the City was based on the 2010 U.S. Census, and is lower than the 2008 RTP demographic projection. The region’s economic growth is usually a major factor behind net migration and the consequent population growth. The economic recession of 2007-2009 had a negative impact on the region’s population growth, resulting in decrease in population growth from 2000 Census to 2010 Census. Our preliminary analysis shows that the City water demand projection to year 2035 based on demographic projection from 2012 RTP using population, housing and employment, as well as water conservation, and weather will be lower than the City’s water demand projection in the 2010 UWMP. As a result, City’s water supply projections in the 2010 UWMP are sufficient to meet the City’s water demand projections based on the 2012 RTP.”**

**RESPONSE NO. D1-3**

Your comment regarding demographic projections has been noted. The recommended text has been added to Section IV.H of the Draft EIR (see Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR). Attachment B of Appendix III of the Draft EIR consists of the Initial Study for the proposed project, which is not revised as part of the Draft EIR review process.

“The proposed project is consistent with growth projections anticipated by the SCAG. Consistency with the demographic projection for the City from the 2012 RTP is required for Proposed Project. The City’s water demand projection in the 2010 UWMP was developed based on the 2008 Regional Transportation Plan (RTP) demographic projection by the Southern California Association of Governments (SCAG)

using the 2000 U.S. Census for the City. The 2012 RTP demographic projection for the City was based on the 2010 U.S. Census, and is lower than the 2008 RTP demographic projection. The region's economic growth is usually a major factor behind net migration and the consequent population growth. The economic recession of 2007-2009 had a negative impact on the region's population growth, resulting in decrease in population growth from 2000 Census to 2010 Census. Our preliminary analysis shows that the City water demand projection to year 2035 based on demographic projection from 2012 RTP using population, housing and employment, as well as water conservation, and weather will be lower than the City's water demand projection in the 2010 UWMP. As a result, City's water supply projections in the 2010 UWMP are sufficient to meet the City's water demand projections based on the 2012 RTP."

#### **COMMENT NO. D1-4**

3. The last sentence of the third paragraph of p.IV.H-8 of the DEIR, see below in bold, appears to imply that the project would not require new water and wastewater treatment facilities or expansion of existing treatment plants because of sufficient capacity at Hyperion Treatment Plant.

Excerpt from DEIR, p. IV.H-8

**"Therefore, with the increased expansion of the HTP service area and a remaining capacity of approximately 88 mgd at HTP, there would be no impacts to utilities and service systems related to the construction of new water or wastewater treatment facilities."**

However, with respect to water treatment, it is not accurate to estimate the capacity of the existing water treatment plant (LAAFP – Los Angeles Aqueduct Filtration Plant) to meet project demand based on wastewater treatment plant data. Please remove any reference to water treatment from the last sentence of the third paragraph of p.IV.H-8 of the DEIR and address water treatment, separately, using the following:

**"The maximum water treatment capacity at the LAAFP is 600 million gallons per day, or approximately 672,000 acre-feet per year (AFY). LAAFP typically treats water from LAA (Los Angeles Aqueduct) and purchases from MWD (Metropolitan Water District). The current average annual flow through LAAFP is approximately 362 million gallons per day, or 405,000 AFY – Acre-feet per year – (averaged over CY 2013). Exhibit 11E, of LADWP's 2010 Urban Water Management Plan (UWMP), shows that the total annual water supplies from LAA and MWD between years 2020 through 2035 are less than 470,000 AFY. The project's water demand is accounted for in the City's future projected demands. Consequently, the current treatment capacity of LAAFP is estimated to be adequate to accommodate future demands. Therefore, there would be no impacts to utilities and service systems related to the construction of new water treatment facilities."**

#### **RESPONSE NO. D1-4**

Your comment has been noted. Reference to the water treatment on page IV.H-8 of the Draft EIR has been removed and replaced by the text recommended (also see Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR):

"The maximum water treatment capacity at the LAAFP is 600 million gallons per day, or approximately 672,000 acre-fee per year (AFY). LAAFP typically treats water from LAA (Los Angeles Aqueduct) and purchases from MWD (Metropolitan Water District). The current average annual flow through LAAFP is approximately 362 million gallons per day, or 405,000 AFY – Acre-feet per year – (averaged over CY 2013). Exhibit 11E, of LADWP's 2010 Urban Water Management Plan (UWMP), shows that the total annual water supplies from LAA and MWD between years 2020 through 2035 are less than 470,000

AFY. The project's water demand is accounted for in the City's future projected demands. Consequently, the current treatment capacity of LAAFP is estimated to be adequate to accommodate future demands. Therefore, there would be no impacts to utilities and service systems related to the construction of new water treatment facilities."

#### **COMMENT NO. D1-5**

4. The last sentence of the last paragraph of p. B-177 of Attachment B of Appendix III of the DEIR – see excerpt below in bold – appears to imply that the project would not require new water and wastewater treatment facilities or expansion of existing treatment plants because of sufficient capacity at Hyperion Treatment Plant.

Excerpt from DEIR, p. B-177 of Attachment B of Appendix III of DEIR:

**"Therefore, with the increased expansion of the HTP service area and a remaining capacity of approximately 88 mgd at HTP, there would be no impacts to utilities and service systems related to the construction of new water or wastewater treatment facilities or expansion of facilities, causing significant environmental effects and no further analysis is warranted."**

However, with respect to water treatment, it is not accurate to estimate the capacity of the existing water treatment plant (LAAFP – Los Angeles Aqueduct Filtration Plant) to meet project demand based on wastewater treatment plant data. Please remove any reference to water treatment from the last sentence of the last paragraph of p. B-177 of Attachment B of Appendix III of the DEIR and address water treatment, separately, using the following:

**"The maximum treatment capacity at the LAAFP is 600 million gallons per day, or approximately 672,000 acre-feet per year (AFY). LAAFP typically treats water from LAA and purchases from MWD. The current average annual flow through LAAFP is approximately 362 million gallons per day, or 405,000 AFY (averaged over CY 2013). Exhibit 11E, of LADWP's 2010 Urban Water Management Plan (UWMP), shows that the total annual water supplies from LAA and MWD between years 2020 through 2035 are less than 470,000 AFY. The project's water demand is accounted for in the City's future projected demands. Consequently, the current treatment plant capacity of LAAFP is estimated to be adequate to accommodate future demands. Therefore, there would be no impacts to utilities and service systems related to the construction of new water treatment facilities."**

#### **RESPONSE NO. D1-5**

Your comment has been noted. As indicated in Response to Comment No. D1-4, the recommended text has been added to Section IV.H of the Draft EIR (see Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR, p. IV-7). Attachment B of Appendix III of the Draft EIR consists of the Initial Study for the proposed project, which is not revised as part of the Draft EIR review process.

**LETTER NO. D2**

*City of Los Angeles Department of Sanitation  
Ali Poosti, Division Manager  
Wastewater Services Division  
2714 Media Center Dr.  
Los Angeles CA 90065*

**COMMENT NO. D2-1**

This is in response to your January 22, 2015 letter requesting a review of your proposed industrial building project located at 4051 South Alameda Street, Los Angeles, CA 90058. The Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project

**RESPONSE NO. D2-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. D2-2****WASTEWATER REQUIREMENT**

The Bureau of Sanitation, Wastewater Engineering Services Division (WESD) is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvements projects needed to provide future capacity as the City grows and develops.

**Projected Wastewater Discharges for the Proposed Project:**

Type Description	Average Daily Flow per Type Description (GPO/UNIT)	Proposed No. Units	Average Daily Flow (GPD)
<i>Proposed</i>			
Warehouse	30 GPD/1000 SQ.FT	365,945 SQ.FT	10,978
Office Space	170 GPD/1000 SQ.FT	85,181 SQ.FT	14,481
Manufacturing	50 GPD/1000 SQ.FT	29,896 SQ.FT	1,495
<b>Total</b>			<b>26,954</b>

**SEWER AVAILABILITY**

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line that discharges into a 10-inch line on Martin Luther King Jr. Blvd, an existing 8-inch line on 41st St., an existing 8-inch line on 40th Pl., and an existing 10-inch line on Long Beach Ave. The sewage from all these sewers feed into a 10-inch line on Long Beach Ave before discharging into a 45-inch line on 41st Pl. Figure 1 shows the details of the sewer system within the vicinity of the project. The current flow level (d/D) in the 8-inch line that discharges into a 10-inch line on Martin Luther King Jr. Blvd. and the 8-inch line on 40th Pl. cannot be determined at this time without additional gauging.

The current approximate flow level (diD) and the design capacities at *diD* of 50% in the sewer system are as follows:

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
8	Martin Luther King Jr. Blvd.	25	198,599 GPD
10	Martin Luther King Jr. Blvd.	*	360,084 GPD
8	40th Pl.	*	229,323 GPD
8	41st St.	*	229,323 GPD
10	Long Beach Ave. East	*	394,453 GPD
45	41'1 Pl.	30	294,000 GPD
45	41st Pl.	41	427,000 GPD

\* No gauging available

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Treatment Plant, which has sufficient capacity for the project.

### **RESPONSE NO. D2-2**

Your comment regarding the flow level of the sewer system within the vicinity of the project and the Hyperion Treatment Plant capacity has been noted.

As mentioned in Section IV.H, *Utilities and Service Systems*, of the Draft EIR, the City's Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project and estimated that the proposed project would generate 26,954 gallons per day of wastewater discharges. Based on the estimated flows within the existing sewer system, the Bureau of Sanitation has determined that the sewer system may be adequate. Additional analysis by the project applicant has indicated that the estimated discharge from the project will be 132,000 gallons per day as shown in Appendix P of the Final EIR. Given that the conservative estimate of the proposed project's discharge is expected to be 132,000 gallons per day, and the City's gauged capacity for the existing sewer system is 822,375 gallons per day, even with the project's discharge contribution there would still be 690,375 gallons per day of remaining capacity in the City's existing system. The City Bureau of Sanitation subsequently has reviewed the project applicant's calculations and revised its estimate of discharge for the project to be 132,000 GPD which is in accordance with the project applicant's calculations. This is reflected in the comment letter dated January 14, 2016<sup>5</sup> (Appendix P to the Final EIR). However, further gauging and evaluation may be required as part of the permit process, and that final approval for sewer capacity and connection permit will be made at that time. Section IV, *Corrections and Additions to the Draft EIR*, on page IV-19 discusses the BOS comment letter dated January 14, 2016.

<sup>5</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. January 14, 2016. Subject: 4051 South Alameda Street Project – Notice of Completion and Availability of Draft EIR (REVISED).

To further clarify the distinction between the estimated generation of wastewater discharges from the proposed project and the availability and flow rates of the existing sewer system, the language in Section IV.H-8 of the Draft EIR has been revised as follows:

“The proposed project would not result in significant impacts to utilities and service systems in relation to the construction of new water or wastewater treatment facilities or expansion of facilities. The proposed project site would continue to be serviced by existing City water and wastewater utility lines. The City’s Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and storm water systems for the proposed project and estimated that the proposed project would generate 26,954 gallons per day of wastewater discharges.<sup>6</sup> Based on the estimated flows for the existing sewer system, the Bureau of Sanitation has determined that the sewer system may be adequate. However, additional analysis by the project applicant has indicated that the estimated discharge from the project will be 132,000 gallons per day. Given that the conservative estimate of the proposed project’s discharge is expected to be 132,000 gallons per day, and the City’s gauged capacity for the existing sewer system is 822,375 gallons per day, even with the project’s discharge contribution there would still be 690,375 gallons per day of remaining capacity in the City’s existing system. The City Bureau of Sanitation subsequently has reviewed the project applicant’s calculations and revised its estimate of discharge for the project to be 132,000 GPD which is in accordance with the project applicant’s calculations. This is reflected in the comment letter dated January 14, 2016<sup>7</sup> (Appendix P to the Final EIR). However, further gauging and evaluation may be required as part of the permit process, and that final approval for sewer capacity and connection permit will be made at that time.”

To address Mitigation Measure Utilities and Service Systems-1, the City Bureau of Engineering has requested additional gauging as part of the permit process to support the sizing and location of sewer connections. The Draft EIR has made a determination that the stormwater and sewer capacity would be adequate and therefore would not result in a significant impact.

### **COMMENT NO. D2-3**

### **STORMWATER REQUIREMENTS**

The Bureau of Sanitation, Watershed Protection Division (WPD) is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project.

### **POST-CONSTRUCTION MITIGATION REQUIREMENTS**

The project requires implementation of stormwater mitigation measures. These requirements are based on the Standard Urban Stormwater Mitigation Plan (SUSMP) and the recently adopted Low Impact Development (LID) requirements. The projects that are subject to SUSMP/LID are required to incorporate measures to mitigate the impact of stormwater runoff. The requirements are outlined in the guidance manual titled *“Development Best Management Practices Handbook -Part B: Planning Activities”*. Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: [www.lastormwater.org](http://www.lastormwater.org). It is advised that input regarding SUSMP requirements be received in the early phases of the project from

<sup>6</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. 24 July 2014. NOP Response Letter. Subject: 4051 South Alameda Street Project – Notice of Preparation EIR.

<sup>7</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. January 14, 2016. Subject: 4051 South Alameda Street Project – Notice of Completion and Availability of Draft EIR (REVISED).

WPD's plan-checking staff.

## GREEN STREETS

The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the public right-of-way to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local ground water basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways and can be implemented in conjunction with the SUSMP/LID requirements.

### **RESPONSE NO. D2-3**

Your comment regarding post-construction mitigation requirements has been noted. It is acknowledged and understood that there are Standard Urban Stormwater Mitigation Plan / Low Impact Development (SUSMP/LID) post construction requirements. It is further understood that the City is developing a Green Street Initiative with standard plans for Green Streets that can be implemented in conjunction with SUSMP/LID regulations, if applicable and approved at the time of preparation of the SUSMP.<sup>8</sup> The State CEQA Guidelines state the purpose of the EIR is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. The Draft EIR did not identify any significant effects to utility systems, and no mitigation measures were recommended during construction. It is understood that there are state and local regulations that the project will have to adhere to during post construction, such as SUSMP and LID regulations, as well as Green Street Initiative policies if they are adopted by the City of Los Angeles in association with the anticipated consideration of the Complete Streets Manual as Chapter 9 of the City of Los Angeles Mobility Plan 2035 of the City General Plan.

### **COMMENT NO. D2-4**

## CONSTRUCTION REQUIREMENTS

The project is required to implement stormwater control measures during its construction phase. All projects are subject to a set of minimum control measures to lessen the impact of stormwater pollution. In addition for projects that involve construction during the rainy season that is between October 1 and April 15, a Wet Weather Erosion Control Plan is required to be prepared. Also projects that disturb more than one-acre of land are subject to the California General Construction Stormwater Permit. As part of this requirement a Notice of Intent (NOI) needs to be filed with the State of California and a Storm Water Pollution Prevention Plan (SWPPP) needs to be prepared. The SWPPP must be maintained on-site during the duration of construction.

### **RESPONSE NO. D2-4**

Your comment regarding construction requirements has been noted. It is understood that the project will disturb more than 1 acre of land and is required to implement stormwater control measures during its construction phase under Order 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ 10.

<sup>8</sup> City of Los Angeles Bureau of Engineering. Accessed 18 June 2015. *Index to Current Standard Plans*. Available at: <http://eng.lacity.org/techdocs/stdplans/index.htm>



The General Construction Stormwater Permit regulates storm water runoff from construction sites. To obtain coverage under this General Permit, dischargers shall electronically file the Permit Registration Documents (PRDs), which includes a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other compliance related documents required by this General Permit and mail the appropriate permit fee to the State Water Board. It is understood that as part of compliance with the General Construction Stormwater Permit that a Wet Weather Erosion Control Plan is required to be prepared for any construction during the rainy season that is between October 1 and April 15.

**COMMENT NO. D2-5**

**SOLID RESOURCE REQUIREMENTS**

The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities.

**RESPONSE NO. D2-5**

Your comment regarding solid resource requirements has been noted. It is understood that a recycling area for on-site recycling activities is required to be set aside, based upon city standard requirements.

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**E. INDIVIDUALS**

**LETTER NO. E1**

*Victorina Alcoser*

**COMMENT NO. E1-1**

I have lived in Los Angeles, CA for 9 years. I have worked at IMPACT for 5 years. Thanks to this job, I am able to support my family. I am very happy to be working for this company. I'm thankful to my boss, who is a good person.

**RESPONSE NO. E1-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E2*****Andrew Altamirano*****COMMENT NO. E2-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E2-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, *Unmitigated Estimated Daily Operational*

*Emissions*, of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B-18 to B-22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>9</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E2-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E2-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>9</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E2-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E2-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E2-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.



**LETTER NO. E3**

*Jose Angel Amigon*

**COMMENT NO. E3-1**

My name is Jose Angel Amigón. I live at 516 E. 61<sup>st</sup> Street, Los Angeles, CA 90003 and I have worked for IMPACT since 2002. I am a floor assistant, a position I am very proud of. Each day I try to improve my performance and am very grateful for this job in being able to support my family.

**RESPONSE NO. E3-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E4**

*Victoria Angon*

**COMMENT NO. E4-1**

Hello, my name is Victoria Angon. I've lived in South Central Los Angeles, California for 17 years. I've worked at IMPACT since January 7, 2004. My position is to inspect all finished work. I like my job and am very happy with my boss and coworkers. Since I've been working with my boss for 11 years, thanks to him, I am able to support my family.

**RESPONSE NO. E4-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E5**

***Eulalia Baranda***

**COMMENT NO. E5-1**

I have work for IMPACT for around 25 years under my employer Tony. I have no complaints. I am happy with the way the working environment operates. I have gained a lot of experience through them teaching me. I like what I do because I know I can achieve good results.

Tony is a generous and good person who cares for his employees. Tony makes sure that everything is running smoothly to get the results that are needed. It is a pleasure working for Tony and I am grateful having to be part of this company for a long time that I seek to continue.

**RESPONSE NO. E5-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E6***Valerie Belt***COMMENT NO. E6-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E6-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9 *Unmitigated Estimated Daily Operational Emissions*

of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B-18 to B-22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>10</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E6-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E6-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>10</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)



**RESPONSE NO. E6-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel-fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E6-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E6-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E7**

**Michelle Black**  
**Chatten-Brown & Carstens**  
**2200 Pacific Coast Highway Suite 318**  
**Hermosa Beach, CA 90254**

**COMMENT NO. E7-1**

On behalf of Mr. Tezozomoc of the South Central Farmers, we submit these comments on the draft environmental impact report (“DEIR”) prepared for the 4051 South Alameda Street Project (“Project” or “warehouse project”). The Project would authorize construction of four massive warehouse buildings containing nearly one-half million square feet of development on 14 acres formerly occupied by the South Central Farm, a mere 150 feet from the nearest residence. Specifically, the warehouse project would contain 365,945 square feet of warehouse space, 85,181 square feet of office space, and 29,896 square feet of manufacturing space, albeit for undisclosed purposes. Notably, the Project would require significant widening of South Alameda Street, Long Beach Avenue, and 41st Street, reducing the streets’ safety and utility for neighborhood pedestrians. It would also develop 2.6 acres of the Project site that had been promised as a park after the City’s settlement with the former landowner.

The South Central Farmers are comprised of approximately 350 families residing in the community surrounding the Project site. From 1994 to 2006, the South Central Farmers operated the Project site as the South Central Community Garden. At 14 acres, the garden was one of the largest urban community gardens in the United States, growing 100 to 150 different species of fruits, vegetables, herbs. The garden also grew Mesoamerican traditional plants unavailable in local or national markets. The garden served as a focal point for the farmers and their families until the farmers were evicted in 2006. Although the farmers were promised relocation to additional farm sites due to the then-property owner’s desire to develop the property, only a portion of the promised acreage has ever been made available, and the Project site has remained vacant. The South Central Farmers now truck in fresh produce grown in Buttonwillow and Lake Hughes, but nothing has been done to alleviate the food desert in their community. The 3-acre soccer field promised by the then-property owner has also never been constructed, leaving the surrounding neighborhood without its beloved community garden and without any other green space to replace this lost community center.

**RESPONSE NO. E7-1**

The comment addressing the preservation of community character and alleviation of food desert through establishment of a community garden has been noted, and will be taken into consideration by the decision makers prior to taking action on the proposed project.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was

made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see page IV-11 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

In regard to concerns about street widening and pedestrian safety, Page III-1 of the Draft EIR describes the street widening dedications that would be made to the City as part of the proposed project:

- 5' street widening on Martin Luther King, Jr. Blvd.
- 8.5' street widening on the north and 12.5' street widening on the south of South Alameda Street
- 22' street widening on 41st Street

The City Bureau of Engineering process for street dedication allows the City to obtain necessary public street right-of-way from private property owners to meet City standards. Every street in the City of Los Angeles is classified according to its prescribed transportation use. The categories include Major and Secondary Highways, Collector Streets, and various classifications of local and hillside streets. Each type of street has a required right-of-way width, roadway width, and sidewalk width. In order to enforce these requirements, the Bureau of Engineering has the authority to obtain the necessary right-of-way from private property owners when the properties are developed. One of two methods of obtaining the necessary right-of-way occurs through a Highway Dedication clearance on a Department of Building and Safety Building Permit Application (B&S Application). In addition to the right-of-way dedication, the private property owner may be required to make necessary improvements such as roadway widening and installation of curb, gutter, curb ramps, and sidewalk. If the existing public right-of-way is already fully improved, the private property owner is requested to construct additional sidewalk over the newly dedicated property, repair or replace broken and off grade sidewalk, and close unused driveways.

The existing dedicated ROW for the streets surrounding the project site are shown in the table below:

<b>Street Name</b>	<b>Location in Relation to Project Site</b>	<b>Existing ROW ½ Width (dedicated)</b>	<b>Proposed ROW ½ Width</b>
41 <sup>st</sup> Street	South	30 feet	52 feet
Alameda Street	East	23.5 feet	36 feet
East Martin Luther King Junior Boulevard	North	25 feet	30 feet
Long Beach Avenue East	West	70 feet	70 feet

The following table shows the required ROW and street widths for the streets surrounding the project site as described in the existing Southeast Los Angeles Community Plan (SELACP), the proposed update to the SELACP, and the update to the Mobility Element of the City's General Plan (Mobility Plan 2035):

Street Name	Existing SELACP			SELACP Update			Mobility Plan 2035		
	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)
41st Street	Major Hwy Class II	52	40	Collector	32	22	Collector	33	20
Alameda Street	Major Hwy Class II	52	40	Major Street	---	---	Avenue III	36	23
Martin Luther King Blvd.	Local (standard)	30	18	Local (standard)	30	18	Local (standard)	30	18
Long Beach Ave. <sup>11</sup>	Major Hwy Class II	52	40	Collector	32	22	Boulevard I	68	50

The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE. Additionally, the proposed street dedications will comply with all City street dedication requirements upon reclassification of 41<sup>st</sup> Street as a collector street.

In addition to the street widening, the proposed project would include a perimeter sidewalk with clearly defined driveways located at breaks in a continuous landscape strip to minimize pedestrian/vehicular conflicts.

The analysis in the Draft EIR, Section IV.B, *Air Quality*, on pages IV.B-11 and IV.B-12, identified 64 sensitive receptors within a 500-foot radius of the proposed project. These are shown in Figure IV.B-1, *Sensitive Receptors*. The nearest sensitive receptor, a duplex residential unit, is located approximately 150 feet west of the proposed project site across Long Beach Avenue. The analysis of potential impacts to sensitive receptors is located in the Draft EIR, Section IV.B, *Air Quality*, on pages IV.B-17 through IV.B-22. The conclusion of the analysis is that the proposed project, with mitigation measures, would result in less than significant air quality impacts to sensitive receptors.

### **COMMENT NO. E7-2**

The South Central Farmers are particularly concerned about the warehouse project's contribution to the region's already poor air quality and the corresponding impacts on community health. While the DEIR purports to have analyzed the Project's likely air emissions and to have performed a health risk assessment, these analyses are based upon an inadequate project description and an underestimation of daily truck trips. The Project will also adversely impact the community by foreclosing the opportunity to develop the Project site into much-needed community green space. These impacts could be reduced or avoided entirely by feasible alternatives to the warehouse project. In particular, the South Central Farmers have for years advocated returning the Project site to use as a community garden. In addition to avoiding the Project's admittedly significant impacts on air quality, cultural resources, transportation and traffic, and utilities and service systems, the community garden or a parks and recreation alternative would alleviate the area's park shortage and provide a focal point for community activities and gatherings, while buffering residences from dense industrial uses located to the east.

### **RESPONSE NO. E7-2**

<sup>11</sup> Long Beach Avenue is designated as a Major Highway II in the existing SELACP and proposed update to the SELACP which requires a dedicated right-of-way width of 104 feet and a roadway width of 80 feet. The current dedicated right-of-way width of Long Beach Avenue is 140 feet which includes 60 feet of right-of-way for the Metro Blue Line light rail line. Long Beach Avenue is designated as a Boulevard I in Mobility Plan 2035 which requires a dedicated right-of-way width of 136 feet which includes the 60 feet of Blue Line right-of-way. The currently dedicated right-of-way width of 140 feet complies with the requirements of the existing and proposed SELACP and Mobility Plan 2035.

The comment addressing the land use and potential alternatives has been noted. The project applicant recognizes the need for open space in the community, and a cash pledge was made to support maintenance and improvement of local parks, such that there would be no potential for a net adverse effect on recreation facilities that serve the area in which the project is located. Additionally, all potentially significant impacts from the proposed project will be reduced to below thresholds of significance through mitigation measures with the exception of impact to traffic at Alameda Street and East Washington Boulevard during the PM peak hour (see pages I-7 to I-14 and IV.G-13 of the Draft EIR and pages IV-8, and IV-14 through IV-18 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR).

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles

of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.

- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.
- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated

for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

With respect to potential air quality impacts, the emissions modeling and results of the analysis highlighted in the *Air Quality Health Risk Assessment for the Proposed Alameda Industrial Park* dated September 17, 2014 (Appendix V in Volume IV of the Draft EIR, referred to here as the HRA), demonstrate that the proposed project anticipates 351 truck trips. Alternative C, Reduced Truck Operations, is the environmentally superior alternative and proposes limiting truck trips to 75 per day. The anticipated number of truck trips for Alternative C was derived from empirical data for existing operations, including the maximum foreseeable expansion of operations. As part of the characterization of the baseline conditions, the Addendum to Traffic Impact Study attached as Appendix IX in Volume VI of the Draft EIR documented that there is a maximum of 33 existing trips/day total for the various facilities proposed to be consolidated at the project site. The proposed project build out is not expected to significantly increase this number of trips. However, the maximum probable scenario of 75 daily truck trips was taken as a conservative assumption in Alternative C, as analyzed in the Draft EIR.

The relatively small incremental increase in air quality emissions is able to be mitigated due, among other things, to the following factors:

- a. The Addendum to the Traffic Impact Study (October 3, 2014; Appendix IX, Volume VI of the Draft EIR) shows that even at 351 truck trips per day, the level of service at the surrounding intersections is not expected to be significantly impacted with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day), which is based on surveys conducted nationally at typical warehouse facilities. Under Alternative C, the project would generate no more than 75 truck trips per day, and an analysis with this reduced number of truck trips results in no significant impacts at any of the study intersections. Thus, there will be no meaningful changes to emissions from idle time due to the addition of project truck traffic.
- b. The applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site, thus further reducing potentially harmful emissions.
- c. The HRA conservatively assumed 351 trucks per day based on the proposed project and not Alternative C, Reduced Truck Operations.
- d. Per the approved EMFAC 2011 emissions factor model, the size vehicles anticipated could be either diesel or gasoline powered. EMFAC distributions specific to Los Angeles County show that 9 percent of 351 daily truck trips on average (i.e., 31 trucks per day) are expected to be diesel powered.



- e. Per the HRA and assuming 351 truck trips per day, the maximum cancer risk is estimated to be only 3 percent of the allowable threshold of 10 in one million.
- f. With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risks drop to 0.6 percent of the allowable threshold.

Criteria pollutants generated during construction and operation of the proposed project are calculated to be well below acceptable thresholds except with respect to PM<sub>10</sub> emissions during construction, which can be fully mitigated through implementation of the following mitigation measures:

- Air-1: During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-2: During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-3: During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

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

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

Construction-related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts so the impacts of short-term TACs from the construction of the proposed project are considered less than significant and were not quantified as part of the Draft EIR.

For operations of the proposed project, there will be an estimated 31 diesel fueled trucks/day out of a total 351 total truck trips/day under the most conservative scenario. Because the total of 351 is greater than 100 daily truck trips, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk (Appendix V in Volume IV of the Draft EIR). The maximum potential cancer risk is 0.3 in a million. This is only 3 percent of the cancer risk threshold of 10 in a million. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions. The alternatives with clean fuel trucks and reduced truck operations would result in even fewer diesel emissions.

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

#### **Air-4**

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

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- (4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
- (5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
- (7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

- (1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
- (2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
- (3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
- (4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

**Air-5**

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

**Air-6**

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

In addition to the above mitigation measures, emissions generated from mobile sources will be further reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by CARB in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. This language has been added to Section IV, *Corrections and Additions to the Draft EIR* on Page IV-13.

**COMMENT NO. E7-3**

The California Environmental Quality Act (CEQA) serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564.) CEQA requires full disclosure of a project's significant environmental effects so that decisionmakers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences.

(*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.) The environmental impact report (EIR) process is the “heart of CEQA” and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162.) The South Central Farmers are concerned that the DEIR fails to adequately disclose, analyze, and mitigate many of the warehouse project’s significant adverse environmental impacts. Also of great concern is the DEIR’s failure to adequately and accurately consider feasible alternatives to the Project that would reduce the Project’s many significant adverse impacts.

### **RESPONSE NO. E7-3**

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council

Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

The proposed project has mitigated all significant impacts to below a level of significance through mitigation measures with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard (see pages I-7 to I-14 and IV.G-13 of the Draft EIR and pages IV-8, and IV-14 through IV-18 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR). The alternatives considered are Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project while meeting its basic objectives.

#### **COMMENT NO. E7-4**

##### **I. An Inadequate Project Description Prevents a Complete Analysis of the Project's Potentially Significant Environmental Impacts.**

CEQA requires an EIR to contain a project description that gives a "general description of the project's technical, economic, and environmental characteristics." (CEQA Guidelines § 15124(c)). It must also "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390.) Here, the DEIR discloses that the Project would construct four warehouses to be used for garment manufacturing, but it does not specify the aspects of garment manufacturing that would occur. This failure to describe key elements of the Project prevents the public and decisionmakers from fully evaluating the Project's likely impacts and the accuracy of the information presented in the EIR. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35 [the project description cannot fail to describe key elements of the Project].)

For example, the types of activities occurring in the warehouse will impact the number of workers needed onsite, which will impact the number of shifts, the modes of transportation used by employees, and the Project's likely impacts on traffic and noise. The types of activities will also impact the number of truck trips per day due to deliveries and shipping of finished products, which impact the diesel and other pollutant emissions, which impact the Project's affect on community health. If the warehouses will include dyeing of fabrics, chemicals used in the process and measures for containment and disposal must be disclosed in the DEIR. As none of this information is contained in the DEIR, the DEIR lacks much of the required analysis, and the public and City decisionmakers have been denied the opportunity to fully understand the Project and its likely consequences for the community. "Environmental review derives its vitality from public participation." (*Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.)

#### **RESPONSE NO. E7-4**

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

## CEQA Guidelines:

- The project is located in an industrial zoned M2 area, under which a variety of industrial and warehouse uses are permitted per LAMC § 12.19. The project description and level of detail concerning the type of industrial use based on the ITE traffic rates for the corresponding land use category is sufficient to be used to evaluate impacts on traffic, noise, and inputs to the air quality model. Additionally the project will have to comply with regulations regarding handling of hazardous materials, as specified in the Draft EIR. The location and boundary are described in Section B of the Project Description. Project address is at 4051 South Alameda Street, consisting of four proposed buildings containing approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, 14,000 square feet of manufacturing space, and 404 surface parking spaces. Heights, size, and parking space allocation for each of the buildings, and a Project Location Map showing the precise boundary of the project, are included as Figure II.A-3 of the Draft EIR. The Project Objectives sought by the proposed project are discussed in Section III.C, *Project Objectives* of the Draft EIR. The underlying goal of the proposed project is to enhance the industrial sector of the Southeast Los Angeles Community Plan Area by enhancing the employment base.
- A general description of the project’s technical and environmental characteristics can be found in Section III.B, *Project Characteristics* of the Draft EIR. This section provides a summary of site-specific recommendations, local hire agreement, and construction scenario and phasing plan. Site ingress and egress locations for construction, emergency evacuation planning, and safety and security issues are described. The intended use of the Draft EIR is discussed in Section I.A, *Introduction*.

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

**COMMENT NO. E7-5****II. The EIR Fails to Consider Alternatives to the Project.****A. The EIR Fails to Consider a Reasonable Range of Alternatives.**

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the warehouse project, especially in light of its significant acknowledged and unacknowledged adverse impacts. “One of [an EIR’s] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights I, supra*, 47 Cal.3d at 400, quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; emphasis in original.) Further, “Under CEQA, the public agency bears the burden of *affirmatively demonstrating* that...the agency’s approval of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134, emphasis added.) Just as the EIR is the “heart of CEQA”, the alternatives analysis is the “core of the EIR.” (Guidelines, § 15003(a); *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376, 392; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal 3d 553, 564.)

The EIR's alternatives analysis fails to satisfy CEQA's statutory mandate by analyzing no actual alternative to the Project other than the compulsory "no project" alternative. While the DEIR lists three alternatives, these alternatives consist of (A) No Project Alternative, (B) Use of Clean Fuel Trucks, (C) Reduced Truck Operations. None of these alternatives includes an alternative use to the warehouse project or to its location. None of these alternatives address the Project's significant impact on utilities and service systems, or on its contribution to the already-severe air quality along the Alameda Corridor.

The unreasonably narrow range of alternatives likely derives from unreasonably narrow project objectives. Use of unduly narrow project objectives violates CEQA. (*In Re Bay Delta Coordinated Environmental Impact Report Proceedings* (2008) 43 Cal. 4th 1143, 1166 ["a lead agency may not give a project's purpose an artificially narrow definition"].) The project objectives include a requirement of at least 480,000 square feet of light industrial space, location within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area, location along the Alameda Corridor, and provision of enhanced employment opportunities and tax revenue. No information is given about why 480,000 square feet is necessary, or why it must be located in one place, at the expense of a planned 2.6-acre park.

The lead agency must exercise its independent judgment on project objectives, and must not uncritically accept the applicant's objectives. (Pub. Resources Code § 21082.1 (c)(1); *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587]; *Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1352; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1460.) The City should take this opportunity to think about what would most benefit this community. The DEIR must be revised to include alternatives to the Project, including alternatives that preserve some of the site's 14 acres as open space, and the community garden and park alternatives. The revised DEIR should also consider alternative locations to the project site for the warehouse project, which could conceivably be located on any industrial zoned land in the area.

#### **RESPONSE NO. E7-5**

See Response to Comment No. E7-3 above that addresses the consistency of the consideration of reasonable alternatives, in relation to Section 15126.6(a) of the State CEQA Guidelines.

As specified in Section 15126.6(b) of the State CEQA Guidelines, the purpose of the consideration of alternatives is to identify ways to mitigate or avoid the significant effects that the project may have on the environment and allows for the consideration of alternatives to the "project or location" which are capable of avoiding or substantially lessening any significant effects of the project. The proposed project was specifically located to avail itself of the existing labor pool that resides in close proximity to the proposed project site. The significant impacts of the proposed project are related to traffic trip generation. The proposed project has mitigated all significant impacts to below a level of significance through mitigation measures with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard.

Relocation to an alternative site would not change the trip generation; therefore, the consideration of alternative locations is not an effective means of avoiding or substantially lessening any significant effects of the proposed project. Alternative locations would likely not achieve the project goals and objectives related to minimizing worker travel as by locating the proposed project in close proximity to the existing public transit system and other multimodal transportation alternatives, and would likely increase average vehicle miles travelled per employee. The Draft EIR provides an alternative that would avoid and substantially lessen the effects of the project by limiting the number of daily truck trips and thus meets the requirements of Section 15126.6(b) of the State CEQA Guidelines requiring the consideration alternatives to avoid or substantially lessen the effects of the project.



Consistent with the provisions of Section 15124(b) of the State CEQA Guidelines, the project description included the consideration of six objectives that allowed the City to develop a reasonable range of alternatives to evaluate in the EIR. The objectives are based on the applicant's documented need for additional space to meet their business planning objectives, and site selection and project design consistent with the policies and goals of the adopted City of Los Angeles General Plan and the Southeast Los Angeles Community Plan. The project objectives are as follows:

- Construct a new industrial park that provides a minimum of 480,000 square feet of light industrial space to facilitate garment manufacturing.
- Locate a new industrial park within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- Develop an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- Provide opportunities for the proposed project's labor force to utilize existing public transit systems and other multi-modal transportation opportunities in the vicinity of the proposed project.
- Preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- The Southeast Los Angeles Community Plan Area population stands to benefit from the proposed project due to economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City.

The first of the six objectives was based on the applicant's anticipated space requirements to accommodate the anticipated garment manufacturing, consistent with the City of Los Angeles light manufacturing land use designation and Zoning Ordinance. The applicant is currently operating facilities in proximity to the proposed project site and has exceeded the capacity of the existing facility. The requirement for the minimum square feet is based on their documented need for additional space. The second and fifth objectives are consistent with the adopted goals and objectives of the Southeast Los Angeles Community Plan Area to encourage the provision of jobs in proximity to labor resources and to preserve or redevelop industrial land uses in the plan area, as discussed in Section IV.F, *Land Use* section of the Draft EIR (see page IV.F-4). The third and fourth objectives are consistent with the adopted goals and objectives of the Transportation Element of the City of Los Angeles General Plan and the Southeast Los Angeles Community Plan which encourage development in conjunction with existing infrastructure and use of the transit system to move people and goods, as discussed in Section IV.G, *Transportation/Traffic* section of the Draft EIR (see pages IV.G-3 and -4). The sixth and final objective was also crafted in alignment with the Southeast Los Angeles Community Plan to promote economic stimulation in the plan area through employment opportunities and tax revenue from the industrial land uses.

#### **COMMENT NO. E7-6**

#### **B. The EIR Rejects and Fails to Analyze Feasible Park and Community Garden Alternatives.**

In order to achieve CEQA's substantive mandate to avoid or reduce adverse environmental impacts, *potentially* feasible alternatives must be analyzed so that the decisionmaking process regarding feasibility can be subject to public review. "If an alternative is identified as at least potentially feasible, an in-depth discussion is required." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1457.)

CEQA imposes a high standard for the rejection of alternatives. A reasonable alternative may only be eliminated from consideration in the EIR if the alternative would not meet most of the basic project objectives, is infeasible, or would not reduce significant environmental impacts. (Guidelines § 15126.6(c); *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1457.) An alternative is considered feasible if it is "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (Public Resources Code § 21061.1.) Such alternatives must be discussed "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." (Guidelines § 15126.6(b).) A project need only feasibly attain "most" of the project objectives, not all of them, to require analysis. (CEQA Guidelines §15126.6(a)(f).)

The South Central Farmers, National Resources Defense Council ("NRDC"), Center for Biological Diversity, and other community advocates have proposed several feasible alternatives aimed at increasing community resiliency and quality of life that would reduce or entirely avoid the Project's significant adverse impacts on air quality, traffic and transportation, and utilities and service systems. An in-depth discussion of these alternatives was required in the EIR, but not provided. (*Save Round Valley, supra*, 157 Cal.App.4th 1457; see 3 AR 1066-1192.)

Based on inapplicable limitations, the DEIR asserts that an alternative reinstating the community garden alternative is infeasible because it would not comply with applicable zoning. (DEIR, p. VI-3.) The Light Industrial Zone applicable to the project site allows for agricultural uses by right. (Los Angeles Municipal Code, Chapter 1, Article 2, Section 12.19 ("M2" LIGHT INDUSTRIAL ZONE) [M2 Zone allows "[a]ny open lot use permitted in an 'A' or 'R' Zone, which does not involve the use of buildings or structures other than accessory buildings incident to the use of the land."]; see also DEIR, p. I-5; DEIR, p. II-3.) Further, a community garden alternative would bring economic benefit and community value. Before their removal, 350 families farmed the project site, which produced large amounts of both healthy and economically beneficial produce not otherwise available in the community. The farmers were invested in the community, and thousands of people benefited. Urban parks and gardens are economically beneficial to those located outside of the immediate community, as well. According to the Trust for Public Land (TPL), Long Island's parks provide \$2.74 billion in annual economic benefits. (See, <http://www.tpl.org/nassau-and-suffolk-counties-park-benefit-report>.) These benefits include health benefits of \$164 million per year due to the use of parks for outdoor exercise, a one-time property value increase of \$5.8 billion due to proximity to open space, benefits due to water filtration, and \$288 million in benefits due to the area's thriving agriculture industry. (*Ibid.*) Specifically, TPL's report cited local visits to strawberry fields in the spring and pumpkin patches in the fall, each of which are possible if a community garden alternative is implemented. These benefits will greatly exceed those brought to the community by the creation of low-wage jobs in the warehouse project. The DEIR's analysis also fails to account for grant funding and the assistance of foundations if a community garden alternative were implemented. Such funding and assistance has been offered to maintain a community garden on this site in the past.

#### **RESPONSE NO. E7-6**

The City acknowledges the economic benefits that urban parks provide on Long Island and the availability of grant funding assistance for community gardens. Section 15126.6 of the CEQA Guidelines

requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. The City acknowledges that the M2 zone allows “Open Lot” uses permitted in an A or R zone. However, the Community Garden alternative does not meet the basic project objectives:

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

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

**Objective 3-1** To provide for existing and future industrial uses which contribute job

opportunities for residents and which minimize environmental and visual impacts to the community.

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E7-7**

Although suggested during NOP comments and completely feasible, the DEIR improperly omits the park or recreation alternative from complete analysis. Only half of Los Angeles residents live within walking distance of a park. (2014 City Park Facts, Trust for Public Land, p. 12, available at [http://www.tpl.org/sites/default/files/files\\_upload/2014\\_CityParkFacts.pdf](http://www.tpl.org/sites/default/files/files_upload/2014_CityParkFacts.pdf).) Children have even less park access than the typical Angeleno. For example, Los Angeles has only one park playground per 1,000 residents, falling near the bottom of over 100 cities surveyed by the Trust for Public Land in 2014. (2014 City Park Facts, Trust for Public Land, p. 13, available at [http://www.tpl.org/sites/default/files/files\\_upload/2014\\_CityParkFacts.pdf](http://www.tpl.org/sites/default/files/files_upload/2014_CityParkFacts.pdf).) Within the City, the project site's council district has the least park acreage per child of any district in Los Angeles. (See <http://www.environment.ucla.edu/reportcard/article1455.html>.)

This lack of park access has disastrous results for society and public health. In park-poor neighborhoods, children play in streets, alleyways, or vacant lots instead of on grassy meadows or soccer fields, if they go outside at all. The Trust for Public Land considers this “a national crisis of inactivity that has contributed to higher rates of obesity, diabetes, asthma, anxiety, and depression.” (See, TPL website at <http://www.tpl.org/our-work/parks-for-people>.) Research suggests that parks promote public health and revitalize local economies while connecting people and communities. For these reasons, the Southeast Los Angeles Community Plan, within which the project site is located, highlights the need for additional open space in the community. (DEIR, at p. IV.A-11.) The DEIR fails to show why the warehouse project could not be financially and physically feasible if constructed on 11.4 acres of the project site, which would allow the designation of 2.6 acres of the project site as a much need community park. This alternative should be combined with analysis of an off-site alternative and analyzed in a recirculated DEIR.

**RESPONSE NO. E7-7**

The comment addressing concerns about public health and park access in park-poor neighborhoods has been noted. The project applicant recognizes the need for open space in the community, and a cash pledge was made in lieu of the dedication of the 2.6 acres pledged pursuant to the 2003 settlement agreement regarding the Lancer Property, to support maintenance and improvement of local parks, such that there would be no potential for a net adverse effect on recreation facilities that serve the area in which the project is located.

Pursuant to the 2003 settlement agreement regarding the Lancer Property, Libaw-Horowitz pledged to dedicate approximately 2.6 acres of the property back to the City of Los Angeles Department of Recreation and Parks or to a nonprofit community organization that would use and maintain the property for recreation and settlement purposes. The sale of the Lancer Property included the pledged 2.6 acres. The amendment of the pledge agreement to substitute a cash pledge for the dedication of the 2.6 acres allows for the proposed industrial park to be developed and provides the City with the funds to dedicate a park in a more appropriate location than the proposed project site, which is industrially zoned and isolated to the east and west by major rail lines. The City Council accordingly authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site.

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. However, as further detailed in Response to Comment Nos. E7-1, E7-2, E7-3, E7-5, and E7-6, above, this alternative was withdrawn from consideration as it does not meet the basic project objectives. The proposed use of the property as light manufacturing is consistent with land use planning objectives articulated in the Southeast Los Angeles Community Plan. As stated in the Draft EIR and summarized above, the project’s cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E7-8**

#### **III. The Project’s Mitigation Measures are Impermissibly Vague.**

CEQA requires that a project not be approved when there are significant adverse impacts if there are feasible alternatives or mitigation measures that can reduce those impacts. (Publ. Resources Code § 21002; 21002.1(b); CEQA Guidelines Sections 15091(a); 15092(b).) As the DEIR failed to analyze any true alternatives to the Project that would avoid or reduce its disclosed and undisclosed significant impacts, the EIR was required to incorporate mitigation measures. (Pub. Resources Code § 21002.2; Guidelines § 15126.4.)

Specifically, the CEQA Guidelines require any mitigation measure to be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines § 15126.4(a)(2); CEQA Guidelines § 15097; see also *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508 [“Mitigating conditions are not mere expressions of hope.”].) Unfortunately, many of the mitigation measures included in the warehouse project are vague and unenforceable or do not require the most effective mitigation measures feasible to reduce adverse impacts.

For example, mitigation measure Air-4, states that the developer “shall establish incentives for increased transit frequency”, but no description is given of what incentives will be given and who they will be offered to. As a result, it is impossible for decisionmakers and the public to evaluate whether this proposed mitigation measure will be effective. Without the incorporation of performance standards, it is also impossible for the City or the community to determine if the developer has complied with the measures. Mitigation measure Air-6 is similarly vague, reading that the developer “shall provide traffic calming measures through street improvements,” but these street improvements are never disclosed. In addition to preventing the public and decisionmakers from evaluating the effectiveness of this measure, the failure to provide sufficient information prevents the City from evaluating whether the street calming measures will actually reduce traffic impacts or if they will result in unintended adverse impacts.

Mitigation measure Traffic-3 would reclassify 41st street as a “Collector Street” and requires its widening

by 22 feet. However, 41st street west of the Project site is surrounded by residences and passes through a recreation center. Would this conversion to a collector street be accompanied by higher speeds? If so, the DEIR must evaluate the safety and desirability of such a change to this neighborhood.

Other mitigation measures are impermissibly deferred and this too violates CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; Guidelines Section 15126.4(a)(1)(B).) CEQA requires all mitigation measures for a project to be formulated during the environmental review process so their efficacy can be analyzed in the EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-670.) Courts have prohibited the deferral of mitigation measures because “[t]here cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884.) Deferral of the development of mitigation is only allowable where “specific performance criteria” are required at the “time of project approval.” (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029.)

Mitigation measure Utilities and Service Systems-1 requires the applicant to either “have further sewer system gauging obtained to identify specific sewer connection point based on the capacity of the public sewer or build sewer lines to a point in the system with sufficient capacity.” As this mitigation measure makes it clear that the necessary analysis has not yet been conducted, the DEIR proposes impermissibly deferred mitigation. The sewer gauging should be done prior to project approval so that the EIR may mitigate the potential impacts of constructing new sewer lines. At the very least, construction of new sewer lines requires ground disturbance and often impacts roads such that they must be closed during construction of sewer lines and afterward for repair. CEQA requires these impacts to be disclosed now.

### **RESPONSE NO. E7-8**

CEQA Guidelines §15126.4(a) requires lead agencies to consider feasible mitigation measures to avoid or substantially reduce a project's significant environmental impacts. The mitigation measures listed in the Draft EIR are in accordance with the CEQA Air Quality Handbook, written in 1993, as prepared by SCAQMD.

Emissions of criteria pollutants generated during construction and operation of the proposed project are calculated to be well below acceptable thresholds except with respect to PM<sub>10</sub> emissions during construction, which can be fully mitigated through implementation of the following mitigation measures:

- Air-1: During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-2: During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-3: During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

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

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

Because the Draft EIR demonstrates that there are no significant adverse impacts on air quality during operation of the proposed project, the adoption of measures necessary to mitigate such impacts is not required. The Draft EIR nevertheless proposes Mitigation Measures Air-4 and Air-6 to further reduce potential emissions of criteria air pollutants. Mitigation Measure Air-4 is:

#### **Air-4**

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

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

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

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

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



(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

In addition, the proposed project would hire a minimum of 10 percent of its workforce from residents living within one mile of the proposed project site, assuming that there is a demand for local hires and approximately 10% of employees would be locally available. The project is expected to generate a localized demand for transportation in the immediate surrounding area. The Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR) anticipates that those locally employed will not use their vehicles, but rather will use public transit or active transportation methods. Figure IV.G-4, *Public Transportation* in the Draft EIR, demonstrates the proximity of the DASH Bus Stops and Metro Blue Line service relative to the proposed project site. As a result, the requirement for local employment is likely to increase transit use.

Mitigation Measure Air-6 is:

#### **Air-6**

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

Traffic calming measures help reduce traffic and balance it with other forms of active transportation on the street. The project applicant also has a local hire agreement to shift employees' mode of transport from personal vehicles to local transit use, carpooling, biking or walking. Potential street improvements could include crosswalks, sidewalks, street lighting, curb modifications, street parking, and efforts to improve vehicular circulation. The proposed project will also be required to comply with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code, which include the following requirements for non-residential projects with more than 100,000 square feet of floor area. These specific TDM measures have been incorporated into Measure Air-4 on page IV-4 of Section IV, *Corrections and Additions to the Draft EIR*.

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

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

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

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

of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
- (7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

- (1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
- (2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
- (3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
- (4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

As proposed, the current number of project related trips do not exceed the thresholds from Metro's Congestion Management Program (CMP). It should also be noted that all study intersections are expected to operate at an acceptable level of service, with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. Alternative C, which would limit truck trips to 75 daily for the proposed project would not result in significant traffic impacts at the intersection of Alameda Street and East Washington Boulevard. Off-site traffic impacts as analyzed by an increase in V/C ratio is not considered significant for the proposed project.

Mitigation Measure Traffic-3 is, "41st Street shall be reclassified to a Collector Street. A Collector Street requires a 22-foot half-width roadway within a 32-foot half-width right-of-way." 41st Street will be classified as a collector street (with 44 feet roadway width and 64 feet right-of-way width) per recommendation of the City's Southeast Los Angeles Community Plan. This condition has been required by the DOT as stated in its approval letter dated October 4, 2013 (Appendix XI of the Draft EIR). Therefore, the project is required to dedicate land along its 41st Street frontage so that 41st Street is upgraded to a collector street width standard between Alameda Street and Long Beach Avenue. Because the street width west of Long Beach Avenue cannot be upgraded to new collector street standard under current conditions, there is no reason to have an increased speed limit on 41st Street, and existing safety features of the street will continue to be maintained.

To address Mitigation Measure Utilities and Service Systems-1, the City of Los Angeles Bureau of Engineering has requested additional gauging to support the sizing and location of sewer connections. However, the Draft EIR has already made a determination that the storm water and sewer capacity would be adequate, and therefore there would be no significant impact. Therefore, the City's actions provide an additional check that is part of standard City review processes, and should not be considered deferred mitigation.

**COMMENT NO. E7-9****IV. The Greenhouse Gas Analysis and Mitigation is Inadequate.**

Based on the unsupportable conclusion that the Project will not generate significant greenhouse gas (“GHG”) emissions, the DEIR fails to incorporate any mitigation measures for greenhouse gases. (DEIR p. I-12.) Given that the Project would construct nearly one-half million square feet of building space from raw materials, that it would require the use of electricity to operate, and that it would depend on trucks for the delivery of raw materials and the shipment of finished goods, this conclusion lacks substantial evidence. The DEIR must be revised to analyze the GHG emission that would be generated by the Project and to include specific and enforceable mitigation measures to reduce those emissions. We hereby incorporate the comments submitted by the Center for Biological Diversity on the 2008 project proposed for this site.

**RESPONSE NO. E7-9**

Your comment regarding greenhouse gas emissions and mitigation measures has been noted. The emissions modeling was conducted in CalEEMod2013.2.2, which is a statewide model, accepted by SCAQMD, to calculate air quality and GHG emissions in land use projects. Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO<sub>2e</sub>. Operational emissions equal approximately 2,090.25 metric tons of CO<sub>2e</sub> per year. The operational GHG emissions can be attributed to mobile sources associated with the proposed project’s approximate 353,375 square feet of warehouse space. In the absence of regional thresholds adopted for GHG emissions, the California Air Resources Board (CARB) has suggested a threshold of 25,000 metric tons of CO<sub>2e</sub> per year was utilized for the quantitative analysis of GHG emissions. Additionally, based on the suggested thresholds proposed by the California Air Pollution Control Officers Association (CAPCOA), the proposed project would be expected to have the potential to result in significant impacts related to global climate change if the proposed project emits more than 25,000 metric tons of CO<sub>2e</sub> per year. Because the proposed project’s construction and operational emissions are not expected to exceed the CARB recommended threshold of 25,000 metric tons of CO<sub>2e</sub> per year, mitigation measures are not required. The GHG impact analysis can be found in Section IV.D in the Draft EIR. Compliance with the following mandatory measures in the Los Angeles Green Building Code will further reduce the project’s direct GHG emissions below acceptable levels:

- 99.05.106.5.3.1. Electric Vehicle Supply Wiring. Provide a minimum number of 208/240 V 40 amp, ground AC outlet(s), that is equal to 5 percent of the total number of parking spaces, rounded up to the next whole number. The outlet(s) shall be located in the parking area.
- 99.05.203.1.3. Energy Efficiency. Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 15 percent.
- 99.05.210.1. ENERGY STAR Equipment and Appliances. Residential grade equipment and appliances provided and installed shall be ENERGY STAR labeled if ENERGY STAR is applicable to the equipment or appliance.
- 99.05.211.4. Prewiring for Future Electrical Solar System. Install conduit from building roof, eave, or other locations approved by the Department to the electrical service equipment. The conduit shall be labeled as per the Los Angeles Fire Department

requirements.

- 99.05.303.2. Twenty Percent Savings. A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20 percent shall be provided. The reduction shall be based on the maximum allowable water use per plumbing fixture, and fittings as required by the California Building Standards Code.
- 99.05.410.1. Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

Responses to comments submitted by the Center for Biological Diversity are addressed in Response to Comment Nos. E7-15 through E7-43 below.

### **COMMENT NO. E7-10**

#### **V. The EIR's Air Quality Analysis Understates Project Impacts and the Project's Likely Impacts to Human Health.**

CEQA requires environmental review of a Project's potentially adverse impacts on human beings. (Guidelines § 15065 subd. (a)(2).) The project site is located along the Alameda Corridor connecting the Ports of Los Angeles and Long Beach to downtown heavy rail lines and is heavily traversed by diesel trucks and railroads. Existing air quality is among the worst in the South Coast Air Basin, and childhood asthma rates far exceed the average. Under these existing conditions, any Project contributions to poor air quality are cumulatively considerable. "One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources." (*King County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692.) This is particularly true with regard to air quality.

The health hazards of poor air quality are well documented. Countless peer-reviewed studies have been published documenting the dangers of living near freeways due to their emissions of ultra fine diesel particulate matter and other air pollutants. Ultra fine particulate matter causes cardiovascular and neuron damage. (See <http://www.arb.ca.gov/research/health/healthup/jan03.pdf>; see also <http://ehp03.niehs.nih.gov/article/fechArticle.action?articleURI=info%3Adoi%2F10.1289%2Fehp.1002973>, both incorporated by reference.) Life expectancy rises as fine particle pollution drops. (See, <http://articles.latimes.com/2012/dec/04/science/la-sci-sn-fine-particle-pollution-20121204>, citing Harvard School of Public Health Study published in *Epidemiology*.) More than 90 percent of the particles in diesel exhaust are ultra fine particles, which are easily inhaled into the lung. (Matsuoka, Hricko, et al. *Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities*, March 2011, p. 17, available at <http://departments.oxy.edu/uepi/>, herein incorporated.) Diesel particulate matter also contains gases such as acetaldehyde, acrolein, benzene, 1,3-butadiene, formaldehyde and polycyclic aromatic hydrocarbons, increasing the hazards to human health. (Matsuoka, Hricko, et al. *Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities*, March 2011, p. 17, available at <http://departments.oxy.edu/uepi/>, herein incorporated.) Consequently, diesel particulate matter was declared a toxic air contaminant by the California Air Resources Board in 1998. According to the Air Resources Board, "Diesel particulate matter may cause cancer, premature death, and other health problems." (See <http://www.arb.ca.gov/enf/hdvp/ccdet/saej1667.htm>; see also, <http://www.arb.ca.gov/ch/communities/ra/westoakland/documents/factsheet0308.pdf>.) These other health problems include asthma, bronchitis, and heart disease. (Miller et al., *Long Term Exposure to Air*

Pollution and Incidence of Cardiovascular Events in Women, *New England Journal of Medicine*, 356:5 (2007) 447-458, available at <http://burningissues.org/car-www/pdfs/miller-women-cv-NEJM4-2007.pdf>, herein incorporated; see also [http://www.ehib.org/page.jsp?page\\_key=90#pm\\_health](http://www.ehib.org/page.jsp?page_key=90#pm_health).)

These pollutants have been correlated with asthma, congestive heart failure, autism, and other ailments, with the greatest impact on sensitive receptors such as children and the elderly, many of whom live near the Project site.

A study released just last week linked chronic exposure to microscopic air pollutants in vehicle exhaust, such as that experienced by the residents of this community, to deaths from heart disease. (Associations of Mortality with Long-Term Exposures to Fine and Ultrafine Particles, Species and Sources: Results from the California Teachers Study Cohort, Ostro et al., available online at <http://ehp.niehs.nih.gov/wp-content/uploads/advpub/2015/1/ehp.1408565.acco.pdf>, herein incorporated.) According to the *Los Angeles Times*' coverage of the study, "The finding bolsters evidence that ultrafine particles... contributor to health problems among people living near traffic." (LA Times, Feb. 25, 2015 <http://www.latimes.com/local/lanow/la-tiny-pollutants-linked-to-heart-disease-deaths-20150225-story.html>.) Major roadways were among the most ubiquitous of hundreds of sources of ultrafine particle pollution examined in the study.

Given the environmental baseline, the DEIR's air quality analysis and health risk assessment are of particular importance to the City's evaluation of the Project and to the surrounding community. As the Project's truck trips will likely comprise the majority of the Project's air pollution emissions, these analyses are based on the developer's estimated numbers of daily truck trips. Unfortunately, the numbers reported appear to underestimate the Project's true contributions to poor air quality – and especially to diesel emissions – and therefore appear to understate the significance of the Project's air quality impacts.

#### **RESPONSE NO. E7-10**

See Response to Comment No. E7-2 above as it relates to health and air quality, including diesel emissions and the methodology for estimated truck trips generated by the proposed project.

"Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probably future projects. Where there already is a high pollution burden on a community, the relevant question is whether any additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>12</sup> An evaluation of the cumulative impacts to air quality/pollution has been disclosed in Section IV.B, *Air Quality*, of the Draft EIR, in particular on pages IV.B-22 and IV.B-23.

Emissions of criteria pollutants generated during construction and operation of the proposed project are calculated to be well below acceptable thresholds except with respect to PM<sub>10</sub> emissions during construction, which can be fully mitigated through implementation of Mitigation Measures Air-1, Air-2, and Air-3.

In addition to the above mitigation measures, emissions generated from mobile sources will be further

<sup>12</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by CARB in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. This language has been added to Section IV, *Corrections and Additions to the Draft EIR* on Page IV-9.

The Draft EIR demonstrates that there are no significant adverse impacts on air quality during operation of the proposed project. Therefore the adoption of mitigation is not required. The Draft EIR nevertheless proposes Mitigation Measures Air-4 and Air-6 to further reduce potential emissions of criteria air pollutants. Mitigation Measure Air-4 is:

#### **Air-4**

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

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;

(3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;

(4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

Mitigation Measure Air-6 is:

#### **Air-6**

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

Traffic calming measures help reduce traffic and balance it with other forms of active transportation on the street. Potential street improvements could include crosswalks, sidewalks, street lighting, curb



modifications, street parking, and efforts to improve vehicular circulation.

The proposed project will also be required to comply with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code, which include the following requirements for non-residential projects with more than 100,000 square feet of floor area. These specific TDM measures have been incorporated into Measure Air-4 on page IV-4 Section IV, Corrections and Additions.

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

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

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

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

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

#### **COMMENT NO. E7-11**

The EIR assumes that the nearly one-half million square feet of industrial warehouse space will draw only 75 diesel trucks per day. By contrast, a similar, but slightly smaller project evaluated by the city in 2008 at the project site assumed generation of 264 truck trips per day. (Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR.) The DEIR fails to include sufficient information about the Project to justify the claimed 70 percent *reduction* in diesel truck trips that accompany the Project's 10 percent *increase* in size. The DEIR's analysis of air quality impacts and health risks must be repeated in a revised DEIR that provides substantial evidence for its conclusions. This EIR must also include feasible and enforceable mitigation measures for the operation of the trucks. If this EIR purports to rely on cleaner technologies or other methods of shipping and receiving than diesel trucks, it must be demonstrated that these technologies and methods are both feasible and available to the Project.

#### **RESPONSE NO. E7-11**

Your comment regarding the number of truck trips and the resulting air quality impacts has been noted. As noted in Response to Comment No. E7-2, above, the size of delivery trucks anticipated for this project consist of 9 percent (or 31) diesel-fueled trucks on average per day based on a conservative projection of 351 truck trips per day consistent with trip generation rates published by the Institute of Transportation Engineers. See Response to Comment No. E7-2 above as it relates to health and air quality, including diesel emissions and the methodology for estimated truck trips generated by the proposed project.

Section VI, *Alternatives*, of the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C. This assumption stems from the

existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the conservative assumption in Alternative C of the Draft EIR.

#### **COMMENT NO. E7-12**

#### **VI. The EIR Fails to Adequately Consider the Project's Noise Impacts on Surrounding Residential Neighborhoods.**

The Initial Study found the Project's noise impacts insignificant resulting in the DEIR's failure to analyze and mitigate the Project's noise impacts on the community. (Initial Study, Exhibit B, p. 116, 124.) However, this conclusion lacks substantial evidence. First, the project description provides insufficient information about the project to accurately evaluate its proposed noise impacts. This is important, given that homes are located within 153 feet of the Project site. The Initial Study contemplates heating and air conditioning equipment and traffic, but none of the operations of the proposed warehouse itself. (*Id.* at 124.) Second, existing community noise levels are so high that any additional noise levels are considered cumulatively considerable and require mitigation.

According to the U.S. Environmental Protection Agency, exposure to high noise levels presents a "health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches...Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances." (EPA Noise Effects Handbook, <http://www.nonoise.org/library/handbook/handbook.htm>, incorporated by reference; see also EPA *Noise: A Health Problem* <http://www.nonoise.org/library/epahlth/epahlth.htm#heart%20disease>, incorporated by reference.)

Potentially deadly cardiovascular impacts can be triggered by long-term average exposure to noise levels as low as 55 decibels. (See, World Health Organization Media Centre, [http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008\\_1?language](http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language) [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.) Exposure to even moderately high levels of noise during a single eight-hour period triggers the body's stress response. In turn, the body increases cortisol production, which stimulates vasoconstriction of blood vessels that results in a five to ten point increase in blood pressure. Over time, this noise-induced stress can result in hypertension and coronary artery disease, both of which increase the risk of heart attack death. (World Health Organization Media Centre, [http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008\\_1?language](http://www.euro.who.int/eprise/main/WHO/MediaCentre/PR/2009/20091008_1?language) [elevated blood pressure and heart attacks], incorporated by reference; <http://whqlibdoc.who.int/hq/1999/a68672.pdf> [finding demonstrated cardiovascular impacts, including ischemic heart disease and hypertension after long-term exposure to 24 hour average noise values of 65-70 dBA], incorporated by reference.) Studies on the use of tranquilizers, sleeping pills, psychotropic drugs, and mental hospital admission rates suggest that high noise levels cause adverse impacts on mental health.

High noise levels also have dramatic developmental impacts on small children, many of whom might reside near the Project. Children who are exposed to higher average noise levels have heightened sympathetic arousal, expressed by increased stress hormone levels, and elevated resting blood pressure. Without mitigation, the Project might expose community members to levels of noise that are unsafe for

cardiovascular health, mental health, societal well being, and child development.

The noise study performed with the Initial Study concluded that the existing ambient noise levels in the community already vastly exceed those at which residential development is permitted in the City of Los Angeles. (Initial Study, Exhibit B, pp. 118, 121.) The State of California does not consider areas with ambient noise levels above 60 dbA acceptable for residential use. (*Id.* at p. 118.) Multi-family residential uses are “normally acceptable” only below 65 dBA. (*Ibid.*) Residential uses up to 70 dBA are permitted only when precautions are taken to reduce indoor noise levels. (*Ibid.*) Even so, the noise study reported average ambient noise levels of 63-75 dBA Leq with maximum noise levels of up to 94 dBA Leq. If the Project will contribute to *any* increase in community noise levels, the Project will have significant cumulative impacts that must be disclosed, analyzed, and mitigated in the EIR. (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1026.) This EIR has failed to do so. The DEIR must be revised to include analysis of the proposed warehouse operations and to include specific, feasible and enforceable mitigation that protects sensitive receptors that reside as close as 153 feet away.

### **RESPONSE NO. E7-12**

Your comment regarding the potential detrimental health impacts of noise and the requirement for mitigation measures to address noise levels cumulatively generated by the proposed project has been noted. As a result of the Initial Study, refinements to the project design features were made. As seen on page A-8 of the Initial Study, Sections 1.3.2, 2.6.1.1, and 2.8, and Figure 1.3.2-1 of the Noise Technical Report, a Temporary Noise Barrier is included as a project design feature to reduce the exposure of the nearest homes located 153 feet from the proposed project site. As described in Section XII, *Noise* of the Initial Study (page B-124 of the Initial Study), the noise barrier would reduce noise levels by 6 dBA, to below the 75 dBA level allowed at sensitive receptors during construction pursuant to *Section 112.05 of the Los Angeles Municipal Code*. The City of Los Angeles CEQA Thresholds Guide states that a project would normally have a significant impact on noise levels from construction if:

- Construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use;
- Construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; or
- Construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive uses between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, before 8:00 a.m. or after 6:00 p.m. on Saturday, or at any time on Sunday.

Furthermore, the City’s Noise Regulation states that the baseline ambient noise shall be the actual measured ambient noise level or the City’s presumed ambient noise level, whichever is greater. As shown in Section 2.7 of the Noise Technical Report and in the Impact Analysis contained in Section XII, *Noise*, of the Initial Study, Appendix III, Volume III of the Draft EIR, the proposed project would not exceed the thresholds set forth in the City’s CEQA Threshold Guide and thus would be in compliance with the City’s noise regulation. As presented in Section XII, *Noise* of the Initial Study (based on data collected from November 1, 2013), the existing daytime ambient noise levels at the seven monitoring locations ranged from 51.5 dBA ( $L_{eq}$ ) at monitoring location A6 to 94.0 dBA ( $L_{eq}$ ) at monitoring location A4. The average  $L_{eq}$  for daytime ambient noise levels ranged from 63.9 dBA ( $L_{eq}$ ) at monitoring location A3 to 75.2 dBA ( $L_{eq}$ ) at monitoring location A4. As indicated in Tables XII-7 and XII-8 of Section XII, *Noise* of the Initial Study, the noise levels associated with building equipment and traffic to the proposed project area are consistent with existing noise levels and would not result in an audible increase in ambient noise levels.

**COMMENT NO. E7-13****Conclusion**

As proposed, the warehouse project would have significant and unavoidable adverse impacts on a community already facing the noise and air pollution of the Alameda Corridor and the City's densest industrial development. Even so, the DEIR fails to consider alternatives to the Project such as a community garden that have broad community support and that would meet the City's economic objectives. Due to the deficiencies outlined above, the DEIR requires revision and recirculation. The South Central Farmers hope that the City's revised DEIR more accurately discloses, analyzes, and mitigates the Project's likely impacts and that it considers alternatives to the Project that will increase, *not decrease*, the quality of life for local families.

**RESPONSE NO. E7-13**

See Response to Comment Nos. E7-1 through E7-12 above. As discussed in Response to Comment No. E7-2, the community garden/recreation alternatives were analyzed but withdrawn from consideration as alternatives as they did not meet basic project objectives. With regard to cumulative air quality impacts, as discussed in Response to Comment No. E7-10, emissions of criteria pollutants generated during construction and operation of the proposed project are calculated to be well below acceptable thresholds except with respect to PM<sub>10</sub> emissions during construction, which can be fully mitigated through implementation of Mitigation Measures Air-1, Air-2, and Air-3. The Draft EIR demonstrates that there are no significant adverse impacts on air quality during operation of the proposed project.

In addition to the above mitigation measures, emissions generated from mobile sources will be further reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by CARB in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. This language has been added to Section IV, Corrections and Additions on Page IV-9.

Therefore the adoption of mitigation is not required. The Draft EIR nevertheless proposes Mitigation Measures Air-4 and Air-6 to further reduce potential emissions of criteria air pollutants. Mitigation Measure Air-4 is:

**Air-4**

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

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

- (1) Current routes and schedules for public transit serving the site;

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- (4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
- (5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
- (7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

- (1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
- (2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

Mitigation Measure Air-6 is:

### **Air-6**

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

Traffic calming measures help reduce traffic and balance it with other forms of active transportation on the street. Potential street improvements could include crosswalks, sidewalks, street lighting, curb modifications, street parking, and efforts to improve vehicular circulation. The proposed project will also be required to comply with the transportation demand management and trip reduction measures set forth in Section 12.26J of the Los Angeles Municipal Code, which include the following requirements for non-residential projects with more than 100,000 square feet of floor area. These specific TDM measures have been incorporated into Measure Air-4 on page IV-4 of Section IV, Corrections and Additions.

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the

main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;

- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- (4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
- (5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
- (7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

- (1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;
- (2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
- (3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;
- (4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

As discussed in Response to Comment No. E7-12 above, the noise levels associated with building equipment and traffic to the proposed project area are consistent with existing noise levels and would not result in an audible increase in ambient noise levels. In sum, the project would not result in significant and unavoidable adverse impacts to noise or air quality. The proposed project has mitigated all significant impacts to below a level of significance through mitigation measures with the exception of traffic impacts



at the intersection of Alameda Street and East Washington Boulevard. Under Alternative C, the project would generate no more than 75 truck trips per day, and an analysis with this reduced number of truck trips results in no significant impacts at any of the study intersections.

**COMMENT NO. E7-14**

Thank you for your consideration of these comments. We join in the comments submitted by the Natural Resources Defense Council and Public Counsel on this draft EIR and hereby incorporate them by reference. In addition, pursuant to Public Resources Code section 21092.2, we hereby request notice of all future meetings and environmental notices issued pursuant to CEQA at this site. We look forward to reviewing the revisions to this draft environmental impact report.

**RESPONSE NO. E7-14**

Your name and contact information has been added to the project distribution list and you will be kept informed of future public hearings and documents.

In Comment No. E7-9, above, the law firm of Chatten-Brown & Carstens, incorporated by reference, a letter of comment submitted by the Center for Biological Diversity in response to circulation for public review, a mitigated negative declaration for an industrial park project proposed in 2008. The 2008 MND was for an industrial park project proposed by The Horowitz Group, the property owner prior to 2012, for a different project applicant. The previous project was proposed prior to the City action in 2011 to allow for substitution of a cash pledge for the dedication of 2.6 acres for on-site development of a park on the property. Responses are provided in light of the current disposition of the property.

The following comments are submitted on behalf of Matthew Vespa for the Center for Biological Diversity as allowed by law. The letter is regarding the 2008 project and not the present Draft EIR. Comments follow with responses.

**COMMENT NO. E7-15**

These comments are submitted on behalf of the Center for Biological Diversity ("Center"), the South Central Farmers Action Fund, Rufina Juarez and Tezozomoc on the Mitigated Negative Declaration ("MND") and Initial Study for the 41st and Alameda Warehouse Project; Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR ("the Project"). The Project contemplates the construction of a warehouse facility and distribution center with approximately 643,000 square feet of warehouse and ancillary support space site including 345 parking spaces on 10.04 acres of vacant land that was historically used as a community garden for underserved residents of south central Los Angeles.

The Center is a non-profit environmental organization working through its Climate Air, and Energy Program to reduce greenhouse gas emissions to protect biological diversity, our environment, and public health. The Center has over 40,000 members including members in the City of Los Angeles who would be negatively impacted by the Project.

South Central Farmers Action Fund is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public purposes. The specific purpose of the corporation shall be to educate the public and promote the need for and benefits of preserving, maintaining, acquiring, and cultivating farm land in urban areas, and to work with other groups and individuals that promote the need for and benefits of urban farm land throughout California and the United States, and to carry on other public purposes and activities associated with these goals as allowed by law.

**RESPONSE NO. E7-15**

Your comments on the 2008 MND and Initial Study for the 41st and Alameda Warehouse Project have been noted. The City acknowledges the Center's and South Central Farmers Action Fund's interest in protecting the environment, farmlands, biodiversity and public health.

**COMMENT NO. E7-16**

The MND cavalierly dismisses Project impacts on global warming on the grounds that: 1) warehouse demand would require construction someplace else even if the project were not built; and 2) consolidation of existing facilities would not increase fuel consumption. Initial Study at III-80. This type of conclusory analysis is exactly the type of "clearly erroneous or inaccurate" reasoning condemned by the California Environmental Quality Act ("CEQA"). CEQA Guidelines § 15384(a). Indeed, the MND's flawed approach is in direct contravention of guidance by the California Office of Planning and Research calling for the full quantification of greenhouse gas emissions from new development (California Office of Planning and Research 2008).

**RESPONSE NO. E7-16**

The concerns expressed by the Center for Biological Diversity regarding the lack of analysis of the effects of the 2008 project on global warming are not relevant to the Draft EIR for the proposed project. Section IV.D *Greenhouse Gas Emissions* of the Draft EIR, provides a thorough evaluation of the impacts of both the construction and operational phases of the project on greenhouse gas emission, consistent with the guidance established in Appendix G of the State CEQA Guidelines. Please refer to the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix IV in Volume IV of the Draft EIR) for further detail.

**COMMENT NO. E7-17**

In addition, the City of Los Angeles City Attorney and City Council have also emphasized the importance of analyzing the significance of greenhouse gas emissions through the CEQA process (LA City Council 2008, LA City Attorney 2007). The City Attorney has outlined a proposal to require projects to analyze and mitigate projects subject to discretionary approval under CEQA (LA City Attorney 2007). As the MND has not demonstrated that existing buildings would be demolished and permanently dedicated to non-carbon producing activities such as community open space there is no valid basis to suggest that the Project's emissions are not new emissions. The MND's failure to analyze the Project's contributions to climate change violates CEQA.

**RESPONSE NO. E7-17**

The concerns expressed by the Center for Biological Diversity regarding the consideration of baseline conditions for air quality and greenhouse gas emission have been fully addressed in the Draft EIR. Section III *Project Description* of the Draft EIR details the square footage of warehouse, manufacturing, and office space for the proposed project, number of parking spaces, and number of new and relocated jobs. No offset for criteria pollutants, diesel emissions, or greenhouse gas emissions, was ascribed to existing operations at nearby locations for the 2008 project applicant or the 2014 project applicant. These stationary sources, the construction scenario, and mobile sources were built into the modeling for the quantification of the air quality and greenhouse gas emissions. The analysis was based on the baseline conditions as they existed at the time of publication of the Notice of Preparation in June 2014. Operation of facilities operated by the 2008 project applicant, and existing operations of the current project applicant

are part of the baseline conditions for the purpose of analysis of greenhouse gas emissions and air quality. As a result of the analysis of greenhouse gas emissions, the Draft EIR determined that implementation of the proposed project would not be expected to result in significant impacts to greenhouse gas emissions. Therefore, no mitigation measures are required with respect to greenhouse gas emissions. Mitigation measures with respect to Air Quality are proposed in Section IV.B *Air Quality* of the Draft EIR. Please refer to the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix IV in Volume IV of the Draft EIR) for further detail.

**COMMENT NO. E7-18**

The Project's proposed conversion of vacant land from previous community agricultural use to a large scale warehouse with over 2,500 daily vehicle trips will generate large amounts of diesel and greenhouse gas pollution that must be fully analyzed and mitigated under CEQA. As set forth more fully below, where, as here, the Project would generate additional unmitigated greenhouse gas emissions, there is a fair argument that the Project may have a significant cumulative impact on the environment requiring the preparation of an Environmental Impact Report ("EIR"). Under CEQA, an EIR must be prepared even if the lead agency can point to substantial evidence in the record supporting its determination that no significant effect will occur. *Architectural Heritage Assn. v. County of Monterey*, 122 Cal. App. 4th 1095, 1110 (2004). The lead agency may not dismiss evidence because it believes that there is contrary evidence that is more credible. *Pocket Protectors v. City of Sacramento*, 124 Cal. App. 4th 903, 935 (2005). Either there is substantial evidence showing the possibility of a significant environmental effect or there is not. If there is, then the lead agency must prepare an EIR. *Architectural Heritage Assn.*, 122 Cal. App. 4th at 1109-1110. Importantly, the "fair argument" test "establishes a low threshold for initial preparation of an EIR, which reflects a preference for resolving doubts in favor of environmental review." *Id.* at 1110.

**RESPONSE NO. E7-18**

The concerns expressed by the Center for Biological Diversity regarding the request for preparation of an EIR have been addressed in relation to the 2014 proposed project. The City of Los Angeles prepared an Initial Study for the proposed project and published a Notice of Preparation of an EIR and solicited scoping comments between June 17 and July 17, 2014. A Draft EIR for the 4051 South Alameda Street Project was prepared by the City of Los Angeles Department of City Planning, Environmental Analysis Section, and circulated for public review between January 22 and March 9, 2015.

**COMMENT NO. E7-19**

As a potential significant impact, the environmental analysis must thoroughly evaluate mitigation measures and alternatives that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. In particular, the following alternatives and mitigation measures should be considered: an alternative that dedicates a significant portion of the project site as community open space, measures that reduce energy use and increase energy efficiency, reduce vehicle miles traveled, generate onsite renewable energy, and provide offsets for emissions that cannot be reduced on site.

**RESPONSE NO. E7-19**

Your comments regarding the consideration of alternatives to reduce the impacts of the project on greenhouse gas emissions have been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the

significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” The consideration of alternatives is limited to avoiding or reducing significant impacts of the proposed project. As a result of the analysis of greenhouse gas emissions, the Draft EIR determined that implementation of the proposed project would not be expected to result in significant impacts to greenhouse gas emissions. Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO<sub>2e</sub>. Operational emissions equal approximately 2,090.25 metric tons of CO<sub>2e</sub> per year. The operational GHG emissions can be attributed to mobile sources associated with the proposed project’s approximate 353,375 square feet of warehouse space. In the absence of regional thresholds adopted for GHG emissions, the CARB suggested threshold of 25,000 metric tons of CO<sub>2e</sub> per year was utilized for the quantitative analysis of GHG emissions. Both construction and operational emissions are well below this threshold. Therefore, the consideration of mitigation measures and alternatives to avoid or reduce impacts is not warranted. However, unlike the project analyzed in the 2008 MND, the proposed project includes conformance with the California Green Building Standards, Title 24, Section 11 and the Los Angeles Green Building Code (LAGBC). The LAGBC is based on the 2013 California Green Building Standards Code, commonly known as *CalGreen*, which was developed and mandated by the state to attain consistency among various jurisdictions within the state; reduce the building’s energy and water use; reduce waste; and reduce the carbon footprint.

In addition, Section VI *Alternatives* of the Draft EIR considers less polluting alternatives to the proposed project. Two alternatives are evaluated to reduce significant impacts on air quality, one including the use of clean fuel trucks and a second alternative that considers reduced truck operations. The reduced truck operations alternative is the environmentally superior alternative. Page VI-3 of the Draft EIR provides a summary of why a community garden or a parks and recreation alternative was deemed to not meet most of the basic objectives of the project. The community garden and park and recreation alternatives would not meet the basic objectives of the project as they would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning, would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area, would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities, would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project, would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area’s population, would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur. Therefore, the community garden or parks and recreation alternatives were not carried forward for detailed evaluation in the EIR.

#### **COMMENT NO. E7-20**

Under CEQA, the environmental setting is typically described as physical environmental conditions on the project site as it existed at the time the Notice of Preparation is published. This approach is inappropriate here as the environmental conditions changed deliberately and drastically before the Initial Study/MND was issued. *See Save Our Peninsula Committee v. Monterey County Board of Supervisors*, 87 Cal. App. 4th 99, 125 (2001) (“the date for establishing baseline cannot be a rigid one.”). Until its destruction, the project site was used as a community garden. Accordingly, the Project is not just the construction of a warehouse, it is the destruction of a community garden, grading of the project site,

and the subsequent construction of a warehouse and supporting facilities. The MND improperly segments these aspects and in doing so, understates Project impacts.

### **RESPONSE NO. E7-20**

The concerns expressed by the Center for Biological Diversity regarding the project description and consideration of baseline conditions for air quality and greenhouse gas emission have been fully addressed in the Draft EIR. Part E of Section III *Project Description* of the Draft EIR acknowledges the full background history including the prior use of the proposed project site as a community garden. This section additionally includes a construction scenario that properly identifies the seven phases of construction: ground clearing, site preparation, excavation, grading, building construction, paving, architectural coating, and landscaping. As detailed in Section III.E, Background (on Page III-6), of the Draft EIR, the subject property has not been used as a community garden since 2006. Court proceedings in 2005 between the City and the Libaw-Horowitz Investment Company resulted in the resolution of the case in favor of the Libaw-Horowitz Investment Company. As a result, the community garden was removed, and the property has been vacant since 2006. As of the date when the Notice of Preparation was issued on June 17, 2014, the baseline condition of the subject property is a vacant undeveloped site.

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

### **COMMENT NO. E7-21**

#### II. BACKGROUND ON GLOBAL WARMING

Climate change poses enormous risks to California. Scientific literature on the impact of greenhouse gas emissions on California (and the world) is well developed. The environmental analysis for this Project must make a good faith effort at full disclosure and avoid minimizing or discounting the severity of global warming's impacts. See Guidelines § 15151; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713 (1994).

##### A. Greenhouse Gas Pollution and Global Warming Has a Significant Impact on the Environment

There is no longer credible scientific dispute that the climate is warming. In its most recent assessment, the Intergovernmental Panel on Climate Change ("IPCC") concluded that "[w]arming of the climate is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting snow and ice, and rising mean sea level." (IPCC 2007a). Expressed as a

global average, surface temperatures have increased by about 0.74°C over the last hundred years, with 11 of the 12 warmest years on record having occurred in the past 12 years (IPCC 2007a). One consequence of warmer temperatures is an increased likelihood of precipitation falling as rain rather than snow, leading to increased rains, reduced snowpacks, and consequently diminished water resources in summer, when they are most needed (IPCC 2007a). In September 2007, Arctic sea ice plummeted to a record-low level not anticipated by most climate models until 2050, leading scientists to predict that the Arctic could be ice-free in summer by 2030 (National Snow & Ice Data Center 2007). As stated by Jay Zwally, a climate expert at NASA, "the Arctic is often cited as the canary in the coal mine for climate warming. Now as a sign of climate warming the canary has died" (Kolbert 2007). Other observed consequences of the warming climate include sea level rise, increased frequency of droughts, floods, and heat waves and substantial increases in the duration and intensity of hurricanes (IPCC 2007a).

The IPCC now states with "very high confidence" that most of the warming observed over the past 50 years is the result of human generation of greenhouse gases, including carbon dioxide, methane, and nitrous oxide (IPCC 2007a). The rapid warming observed since the 1970s has occurred in a period when the increase in greenhouse gases has dominated over all other factors (IPCC 2007a). The largest known contribution to global warming is from carbon dioxide (IPCC 2007a). Fossil fuel combustion is responsible for more than 75% of human caused carbon dioxide emissions with the remainder due to land-use change (primarily deforestation) (IPCC 2007a). The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 parts per million (ppm) to 379 ppm in 2005, a level that has not been exceeded during the past 650,000 years (during which carbon dioxide concentrations remained between 180 and 300 ppm) and probably during the last 20 million years (IPCC 2007a; Canadell et al. 2007). In 2006, carbon dioxide concentrations reached a new high of 381.2 ppm (World Meteorological Organization 2007). As greenhouse gas concentrations increase, more heat reflected from the earth's surface is absorbed by these greenhouse gases and radiated back into the atmosphere and to the earth's surface. Consequently, the higher the level of greenhouse gas concentrations, the larger the degree of warming experienced.

At current growth rates and continued reliance on fossil fuels, atmospheric concentrations of carbon dioxide would likely exceed 1,000 ppm by the end of the century, resulting in an average global temperature increase of more than 5°C (United Nations Foundation & Sigma XI 2007). This is equivalent to the change in temperature since the last ice age - an era in which Europe and North America was under more than one kilometer of ice (United Nations Foundation & Sigma XI 2007). The growing consensus among climate scientists is that the threshold for dangerous climate change, whereupon a potential "tipping point" is reached and ecological changes become dramatically more rapid and out of control, is estimated at a temperature increase of around 2°C from pre-industrial levels, or an atmospheric concentration of carbon dioxide of approximately 450 ppm (United Nations Foundation & Sigma XI 2007; IPCC 2007c). In 2006, Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies, and NASA's top climate scientist, stated: "In my opinion there is no significant doubt (probability > 99%) that . . . additional global warming of 2°C would push the earth beyond the tipping point and cause dramatic climate impacts including eventual sea level rise of at least several meters, extermination of a substantial fraction of the animal and plant species on the planet, and major regional climate disruptions" (Hansen et al. 2006). More recently however, given the recent unpredicted and extreme rate of loss of arctic ice observed in 2007, Dr. Hansen concluded that "the safe upper limit for atmospheric CO<sub>2</sub> is no more than 350 ppm" (McKibben 2007). Moreover, according to Hansen, just 10 more years of "business-as-usual" global emissions will make it difficult, if not impossible, to keep atmospheric concentrations of greenhouse gases at levels necessary to avoid a temperature increase above 2°C (Hansen et al. 2007).

Keeping the climate within the 2°C threshold requires significant reductions in the world's greenhouse gas emissions. To reach this objective, it is estimated that developed countries would have to target an

emissions peak between 2012 and 2015, with 30 percent cuts by 2020 and 80 percent cuts from 1990 levels by 2050 (United Nations Foundation & Sigma XI2007). In recognition of need for immediate action, California has committed itself through Executive Order S-3-05 and the California Global to reduce the state's emissions to 1990 levels by 2020 and by 80% reductions from 1990 levels by 2050. Ca. Health & Safety Code§ 38550; Cal. Executive Order S-3-05 (2005).

The costs of taking no action to reduce greenhouse gas emissions far outweigh the costs of stabilizing emissions. The Stern Review of the Economics of Climate Change, a comprehensive report commissioned by the British government, recently concluded that allowing current emissions trajectories to continue unabated would eventually cost the global economy between 5 to 20 percent of GDP each year within a decade, or up to \$7 trillion, and warned that these figures should be considered conservative estimates (Stern 2006). By contrast, measures to mitigate global warming by reducing emissions were estimated to cost about one percent of global GDP each year~ and could save the world up to \$2.5 trillion per year (Stem2006). The Stem Report determined that if no action is taken to control greenhouse gas emissions, each ton of CO<sub>2</sub> emitted causes damage worth at least \$85 (Stem 2006).

#### B. Impacts to California from Global Warming

The California Climate Change Center ("CCCC") has evaluated the present and future impacts of climate change to California and the project area in research sponsored by the California Energy Commission and the California Environmental Protection Agency (Cayan et al. 2007). The severity of the impacts facing California is directly tied to atmospheric concentrations of greenhouse gases (Cayan et al. 2007; Hayhoe et al. 2004). According to the CCCC aggressive action to cut greenhouse gas emissions today can limit impacts, such as loss of the Sierra snow pack to 30%, while a business-as-usual approach could result in as much as 90% loss of the snowpack by the end of the century. As aptly noted in a report commissioned by the California EPA:

Because most global warming emissions remain in the atmosphere for decades or centuries, the choices we make today will greatly influence the climate our children and grandchildren inherit. The quality of life they experience will depend on if and how rapidly California and the rest of the world reduce greenhouse gas emissions (Cayan et al.2007).

Some of the types of impacts to California and estimated ranges of severity - in large part dependent on the extent to which emissions are reduced- are summarized as follows:

- A 30 to 90 percent reduction of the Sierra snowpack during the next 100 years, including earlier melting and runoff.
- An increase in water temperatures at least commensurate with the increase in air temperatures.
- A 6 to 30 inch rise in sea level, before increased melt rates from the dynamical properties of ice-sheet melting are taken into account.
- An increase in the intensity of storms, the amount of precipitation and the proportion of precipitation as rain versus snow.
- Profound impacts to ecosystem and species, including changes in the timing of life events, shifts in range, and community abundance shifts. Depending on the timing and interaction of these impacts, they can be catastrophic.
- A 200 to 400 percent increase in the number of heat wave days in major urban centers.
- An increase in the number of days meteorologically conducive to ozone (O<sub>3</sub>) formation.
- A 55 percent increase in the expected risk of wildfires (Cayan et al. 2007).

By providing details as to the ranges of proposed impacts, and indicating that the higher-range of impact estimates are projected if greenhouse gas emissions continue to increase under a "business as usual" scenario, decision-makers and the public will be better informed of the magnitude of the climate crisis and the urgency with which it must be addressed.

Finally, the MND should also include a brief discussion of other laws to address climate change, including California's mandate to reduce emissions to 1990 levels by 2020 and goal of further reducing emissions to 80% below 1990 levels by 2050. Achievement of state mandated emissions reductions will be severely impeded if agencies across the state continue to approve *new* projects without incorporating measures to reduce the added emissions created by these

#### **RESPONSE NO. E7-21**

The concerns expressed by the Center for Biological Diversity regarding climate change regulations are addressed in the Draft EIR for the proposed project. Federal, state, and regional level regulations are described in Section IV.D *Greenhouse Gas Emissions* of the Draft EIR, specifically pages IV.D-2 through IV.D-6. This section is inclusive of Executive Order S-3-05 to reduce greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050. The CalEEMod 2013.2.2 was used to calculate direct, indirect and cumulative GHG emissions. Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO<sub>2e</sub>. Operational emissions equal approximately 2,090.25 metric tons of CO<sub>2e</sub> per year. From the results of the model, no mitigation measures were required since greenhouse gas emissions were below the threshold of 25,000 metric tons/year set by the California Air Resources Board.

The City acknowledges the scientific evidence that the climate is warming, as detailed in the IPCC Fifth Assessment Report. The resulting impacts from climate change include, but are not limited to, declining Arctic sea ice, reduced snowpack, sea level rise, and increased frequency and duration of extreme weather events. The City understands the importance of the 2 degrees Celsius threshold as a tipping point into dramatic climatic impacts. In translating this 2 degrees Celsius threshold into real terms, Executive Order S-3-05 was set to reduce greenhouse gas emissions to 80% below 1990 levels. This regulation and other pertinent GHG regulations are listed in pages IV.D-2 through IV.D-6. Particularly within California, the City recognizes that a business-as-usual approach means that California could face up to a 90 percent reduction in Sierra snowpack, increase in air and water temperatures, 6-30 inch rise in sea level on the California coast, increase in storms, impacts to ecosystems, double to quadruple heat wave days, increase in ozone, and higher wildfire risks. While the proposed project was calculated to contribute approximately 643 metric tons CO<sub>2e</sub>/year in the construction phase and approximately 2091 metric tons of CO<sub>2e</sub>/year in the operational phase, this is well below the 25,000 metric tons/year threshold set by the California Air Resources Board. The proposed project would have a less than significant impact on GHG emissions and be consistent with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. These plans include LAGBC, AB 32, the SCAG RCP, the City of Los Angeles General Plan, and the Los Angeles Climate Action Plan.

#### **COMMENT NO. E7-22**

The first step in determining a project's global warming pollution impact is to complete a full inventory of all emissions sources that contribute to global warming. In conducting such an inventory, all phases of the proposed project must be considered. *See* 14 Cal. Code Regs. § 15126. The greenhouse gas inventory for a project must include a complete analysis of all of a project's substantial sources of greenhouse gas emissions, from building materials and construction emissions to operational energy use, vehicle trips, water supply and waste disposal. Importantly, OPR has also stated that "lead agencies should make a good-faith effort, based on available information, to calculate, model, or estimate the amount of CO<sub>2</sub> and



other GHG emissions from a project, including the emissions associated with vehicular traffic, energy consumption, water usage and construction activities." (California Office of Planning and Research 2008). Contrary to OPR Guidance, the MND fails to quantify emissions from any of these sources.

### **RESPONSE NO. E7-22**

The concerns expressed by the Center for Biological Diversity regarding the need for an adequate characterization of emission sources and analysis of project level contributions have been addressed in the Draft EIR. The inventory is listed in Table IV.D-2 State of California GHG Emissions by Sector of Section IV.D *Greenhouse Gas Emissions* of the Draft EIR. Unmitigated project level emissions are summarized in Table IV.D-3 *Unmitigated CO<sub>2</sub> and CO<sub>2e</sub> Emissions* of Section IV.D *Greenhouse Gas Emissions*. The methodology is described on page IV.D-7 and IV.D-8. This methodology and inventory is consistent with the OPR guidelines as cited by the comment letter ("Lead agencies should make a good faith effort....")

Direct and indirect emissions have been calculated for the proposed project. Because GHG emissions are global in nature, it is difficult to attribute a specific increase in emissions to a particular project. For the proposed project, the emissions modeling was conducted in CalEEMod2013.2.2, which is a statewide model, accepted by SCAQMD, to calculate air quality and GHG emissions for construction and operations in land use projects. The model incorporates multiple components of the proposed project including the construction scenario with its heavy construction equipment, landscaping, mobile trips (car and truck), architectural coatings, and potential energy and water efficiency savings. Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO<sub>2e</sub>. Operational emissions equal approximately 2,090.25 metric tons of CO<sub>2e</sub> per year. The operational GHG emissions can be attributed to mobile sources associated with the proposed project's approximate 353,375 square feet of warehouse space. In the absence of regional thresholds adopted for GHG emissions, the CARB suggested threshold of 25,000 metric tons of CO<sub>2e</sub> per year was utilized for the quantitative analysis of GHG emissions. Both construction and operational emissions are well below this threshold.

### **COMMENT NO. E7-23**

A greenhouse gas inventory for the project must include the project's direct and indirect greenhouse gas emissions. *See* 14 Cal. Code Regs § 15358(a)(1) (Indirect or secondary effects may include effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.). Consequently, a complete inventory of a project's emissions should include, at minimum, an estimate of emissions from the following:

- Fugitive emissions of greenhouses gases, such as methane, from the proposed project;
- Emissions during construction from vehicles and machinery;
- Manufacturing and transport of building materials;
- Electricity generation and transmission for the heating, cooling, lighting, and other energy demands of the project;
- Water supply and transportation to the project;
- Vehicle trips and transportation emissions generated by the project;
- Wastewater and solid waste storage or disposal, including transport where applicable; and
- Outsourced activities and contracting.

### **RESPONSE NO. E7-23**

Your comment on the greenhouse gas inventory for the project has been noted. The project's GHG

emissions calculation included mobile sources (passenger, truck, and heavy construction equipment trips), energy sources (electricity and other energy demands), and area (gas appliances, stoves, fireplaces) sources. These project impacts were captured in the CalEEMod 2013.2.2 and used to calculate the direct, indirect, and cumulative emissions.

#### **COMMENT NO. E7-24**

Methodologies are readily available to inventory the emissions from the proposed project. In its recent white paper, CEQA & Climate Change, Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act (Jan. 2008), the California Air Pollution Control Officers Association (CAPCOA) sets forth methodologies for analyzing greenhouse gas pollution (CAPCOA 2008) (See Table 1. CEQA and Greenhouse Gas Emissions Methodologies). In its Guidance, OPR also provides references to methodologies to quantify greenhouse gas emissions. In addition to the methodologies set forth by CAPCOA and OPR, ICLEI's Clean Air/Climate Protection (CACP) software allows cities to calculate emissions reductions, track and quantify emission outputs, and develop emissions scenarios to inform the planning process. As noted in the ICLEI Climate Action Handbook, "Expertise in climate science is not necessary" to conduct an emissions inventory and compare this inventory against a forecast year (ICLEI). "A wide range of government staff members, from public works to environment and facilities departments, can conduct an inventory" (ICLEI). ICLEI provides technical assistance and training to local government using the CACP software.

#### **RESPONSE NO. E7-24**

The City acknowledges the other methodologies by CAPCOA and OPR to quantify an emissions inventory. The methodology and assumptions used in the emission model is described on page IV.D-7 and IV.D-8 of the DEIR. This methodology and inventory is consistent with OPR's amendments to the CEQA Guidelines pursuant to SB 97 and CAPCOA's Quantifying Greenhouse Gas Mitigation Measures document.<sup>13</sup>

#### **COMMENT NO. E7-25**

It is incumbent on the City "disclose all it can" about project impacts and educate itself on methodologies that are available to measure project emissions. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm 'rs ('Berkeley Jets')*, 91 Cal. App. 4th 1344, 1370 (2001). Without a complete inventory, the MND cannot adequately inform the public and decisionmakers about the Project's impacts. Similarly, without a complete inventory and analysis of greenhouse gas emissions that will result from the project, there is simply no way that the MND can then adequately discuss avoidance, and mitigation measures to reduce those impacts.

#### **RESPONSE NO. E7-25**

The concerns expressed by the Center for Biological Diversity regarding the need for full disclosure regarding impacts on greenhouse gas emissions have been addressed in the Draft EIR. As mentioned in Response to Comment No. E7-22, the Draft EIR includes an inventory and analysis of greenhouse gas emissions. The CalEEMod 2013.2.2 was used to calculate direct, indirect and cumulative emissions. From the results of the model, no mitigation measures were required since greenhouse gas emissions were below the threshold of 25,000 metric tons/year set by the California Air Resources Board. More detailed information on the GHG analysis can be found in the Impact Analysis portion (pages IV.D-9 to IV.D-11)

<sup>13</sup> California Air Pollution Control Officers Association. August 2010. Available online at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

of Section IV.D *Greenhouse Gas Emissions* of the Draft EIR.

**COMMENT NO. E7-26**

As part of its analysis of global warming impacts, the MND must also address black carbon, an important short-lived pollutant that contributes to global and regional warming. Black carbon is produced by incomplete combustion and is the black component of soot. Although combustion produces a mixture of black carbon and organic carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass.

Black carbon heats the atmosphere through a variety of mechanisms. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, when black carbon lands on snow and ice, it reduces the reflectivity of the white surface which causes increased atmospheric warming as well as accelerates the rate of snow and ice melt. Fourth, it evaporates low clouds. Notably, black carbon is often complexed with other aerosols such as sulfates, which greatly increases its heating potential. (Ramanathan & Carmichael 2008; Jacobson 2001).

Due to black carbon's short atmospheric life span and high global warming potential, decreasing black carbon emissions offers an opportunity to mitigate the effects of global warming trends in the short term. (Ramanathan & Carmichael 2008). Black carbon is considered a 'short-lived pollutant' (SLP) because it remains in the atmosphere for only about a week in contrast to carbon dioxide, which remains in the atmosphere for over 100 years. Furthermore, the global warming potential of black carbon is approximately 760 times greater than that of carbon dioxide over 100 years (Reddy & Boucher 2007) and approximately 2200 times greater over 20 years (Bond & Sun 2005). It is estimated that black carbon is the second greatest contributor to global warming behind carbon dioxide. (Ramanathan & Carmichael 2008).

Unlike traditional greenhouse gases, which become relatively uniformly distributed and mixed throughout the Earth's atmosphere, black carbon exerts a regional influence. The impacts of black carbon on a regional level include both atmospheric heating, as discussed above, and hydrological changes. Hydrological changes occur due to alterations in cloud formation and heat gradients. (Id.). For instance, aerosol pollution has been linked to decreases in the summer monsoon season in tropical areas as well as the drought in the Sahel region of Africa. (Id.). California is an area of particular concern because of the drought-fire cycle. The more drought conditions prevail, the more forest fires burn, and the forest fires in turn emit massive quantities of black and organic carbon. The release of these aerosols intensifies the drought effect.

Another impact of black carbon is accelerated snowmelt; for instance, black carbon is likely contributing to the retreat of Himalayan glaciers and the resulting water shortage in areas of Asia. (Id.). When black carbon settles on snow, it makes the snow darker so that it absorbs more solar radiation. This directly leads to snow melt. In addition, local atmospheric heating due to black carbon increases the melting rate. These same effects may well be operating on the Sierra Nevada, which would reduce water availability throughout California at crucial times of the year. These localized impacts could also be contributing to a decreased snow pack and earlier snow melt for the San Gabriel, San Bernardino, and San Jacinto mountains.

Black carbon is also detrimental to human health. Black carbon has been linked to a variety of circulatory diseases. One study found an increased mortality rate was correlated with exposure to black carbon. (Maynard 2007). The same is true for heart attacks. (Tonne 2007). Another study found that residential

black carbon exposure. was associated with increased rates of infant mortality due to pneumonia, increased chronic bronchitis, and increased blood pressure. (Schwartz 2007).

In developed countries, diesel burning is the main source of black carbon. Diesel emissions include a number of compounds such as sulfur oxides, nitrogen oxides, hydrocarbons, carbon monoxide, and particulate matter. Diesel particulate matter is approximately 75% elemental carbon. (EPA 2002 Diesel Health Assessment) The proposed project will require the use of diesel-powered heavy duty trucks, construction equipment, and yard/warehouse equipment. Thus, it is crucial that black carbon be addressed as part of the environmental review for the Project.

### **RESPONSE NO. E7-26**

The City has noted the request to consider black carbon emissions separate from particulate matter emissions. The City acknowledges that black carbon originates from incomplete combustion and burning of fossil fuels. Black carbon has a short atmospheric lifespan, yet a very high global warming potential so eliminating or reducing black carbon can have a very strong short term effect on the climate. The City also recognizes the impact of black carbon on public health and accelerated snow melt. Black carbon is capable of having a noticeable regional impact on atmospheric heating and hydrological changes unlike other traditional greenhouse gases. Forest fires can be a major contributor to black carbon and is especially of concern during the drought.

Black carbon is not considered one of the six main criteria air pollutants by the California Air Resources Board or the South Coast Air Quality Management District (SCAQMD). Therefore, there is no standard or threshold for black carbon specifically. Section IV.B *Air Quality* of the Draft EIR does not quantify the black carbon emissions. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR. Mobile sources such as diesel fueled vehicles are a major source of black carbon and particulate matter emissions. Contributions from heavy duty trucks and construction equipment are considered in the emission modeling. The only criteria pollutant above the SCAQMD significance threshold is PM<sub>10</sub> during the construction phase. All other pollutants are below their appropriate thresholds. PM<sub>10</sub> emissions are mitigated through Mitigation Measures Air-1, Air-2, and Air-3. Please review Section IV.B *Air Quality* for a more detailed impact analysis of these types of emissions from the proposed project.

In addition, in response to concerns expressed by the public regarding potential human health hazards from diesel trucks during the operational phase of the project, a human health risk assessment (a technical study) was prepared for the project.<sup>14</sup> The proposed project was determined to result in a less than significant impact to human health from diesel emissions from trucks during the operational phase of the project; thus the consideration of mitigation measures and alternatives to reduce the risks on human health from diesel trucks and equipment used during the operational phase of the project is not warranted. This analysis is covered on page IV.B-22 of the Draft EIR. It states that the maximum potential cancer risk is 0.3 in a million, which is less than 3 percent of the cancer threshold. This is much less than the ten in one million maximum individual cancer risk (MICR) threshold set by SCAQMD Rule 1401.

### **COMMENT NO. E7-27**

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<sup>14</sup> Kleinfelder, Inc.. Human Health Screening Evaluation Former Horowitz Property (Bounded By Martin Luther King, Jr Boulevard, Alameda Street, East 41<sup>st</sup> Street, And Long Beach Avenue) Los Angeles, California. July 15, 2014. Volume VI, Appendix VIII of Draft EIR.

Particulate matter (PM) refers to the particles that make up atmospheric aerosols. The primary constituents of PM are sulfates, nitrates, and carbon compounds. Sulfates and nitrates form in the atmosphere from the chemical reaction of sulfur and nitrogen dioxides. These may often be present as ammonium sulfate or nitrate salts. Carbon compounds may be directly emitted, e.g. black carbon emitted from combustion, or may form in the atmosphere from other organic vapors, e.g. oxidation of volatile organic compounds.

Because PM can be reduced through mitigation of other constituents of PM than black carbon, it is essential that black carbon emission reduction strategies be considered independently from PM reductions. The proportions of the constituents of PM vary over time and by location. (See EPA 2004 Particle Pollution Report). According to a recent series of surveys conducted at various U.S. cities under the EPA's "Supersite" program, black carbon was often only about 10% of total measured PM<sub>2.5</sub>.

#### **RESPONSE NO. E7-27**

Your definition of particulate matter and your comment to include black carbon reduction strategies in the analysis have been noted. Please refer to Response to Comment No. E7-26 for more information on black carbon. Black carbon is not considered one of the six main criteria air pollutants by the CARB or SCAQMD so there is no standard or threshold for black carbon specifically. Section IV.B *Air Quality* of the Draft EIR does not quantify the black carbon emissions directly. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR. The consideration of mitigation measures and alternatives is required to address significant impacts. However, the proposed project was determined to not result in significant impacts to human health related to diesel emissions, inclusive of black carbon; therefore, the consideration of mitigation measures and alternatives is not warranted.

#### **COMMENT NO. E7-28**

In contrast to total PM<sub>2.5</sub>, diesel PM is composed largely of black carbon. Nonetheless, some diesel PM reduction strategies do not affect black carbon. For instance, diesel oxidation catalysts can reduce diesel PM emissions as a whole by approximately 20 to 40%, yet they do not decrease black carbon emissions. (Walker 2004). In addition, while low-sulfur fuel will reduce sulfate emissions, in and of itself low-sulfur fuel will not reduce black carbon. Low sulfur fuel is important because it *allows* for better technology to reduce black carbon. (See, e.g. 69 Fed. Reg. 38957, 38995 (June 29, 2004)). Yet those reductions can only occur once the technology has been implemented.

#### **RESPONSE NO. E7-28**

The City has noted that not all diesel PM reduction strategies affect black carbon. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR. To reduce PM<sub>2.5</sub> and PM<sub>10</sub>, the following mitigation measures are proposed: Air-1, which will apply soil stabilizers on unpaved roads, and Air-2, which will water exposed areas three times a day.

**COMMENT NO. E7-29**

Like greenhouse gases, black carbon emissions from various types of engines and activities can be estimated through numerical calculations. (Bond 2004 ). Thus, there is no reason why black carbon can reasonably be omitted from these estimates.

The estimated black carbon emissions from the project can be inventoried similarly to other greenhouse gas emissions:

- Estimate the mass of diesel fuel consumed by each type of diesel engine, e.g. ship, machinery, truck, construction equipment, and locomotive.
- Calculate a black carbon emission factor (EF) using reference values available in the literature. For instance, Bond and colleagues provide an equation for "EF<sub>Bc</sub>" from various types of diesel engines that takes into account 4 different factors.
- Multiply the emission factor times the mass of diesel (in kilograms) used for each engine type. This will provide the grams of black carbon emitted by that engine type.
- Sum all black carbon emissions from each engine category to obtain total black carbon emissions from the project.

After obtaining the total black carbon emissions from the project, the relative global warming impact of the emissions can be compared to other global warming pollutants. Carbon dioxide-equivalent values can be obtained by multiplying total black carbon emissions (in kilograms) from the project by the global warming potential (GWP) for black carbon. Although there is some variation in estimated GWP values, representative black carbon GWP values are: 760 over 100 years or 2200 over 20 years (Bond & Sun 2005).

**RESPONSE NO. E7-29**

Your recommendation on how to quantify black carbon emissions has been noted. Black carbon is not considered one of the six main criteria air pollutants by the CARB or SCAQMD so there is no standard or threshold requiring a separate calculation for black carbon specifically. The impacts from black carbon have been noted and its effects are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub>.

**COMMENT NO. E7-30**

After fully quantifying Project emissions, the MND must determine the cumulative significance of the Project's greenhouse gas pollution. As the lead agency, CEQA requires the City to determine the significance of the Project's emissions with or without established significance thresholds.

Guidelines § 15064. Importantly, a universally adopted methodology is *not* necessary to analyze project impacts. *Berkeley Keep Jets*, 91 Cal. App. 4th at 1370 ("the fact that a single methodology does not exist ... requires the [respondent] to do the necessary work to educate itself about the different methodologies that *are* available."). As OPR has noted, "[l]ead agencies should not dismiss a proposed project's direct and/or indirect climate change impacts without careful consideration, supported by substantial evidence." (Office of Planning and Research 2008 at 6.) Here, the Project's circular reasoning that emissions would simply be generated elsewhere does not constitute substantial evidence.

To the contrary, the greenhouse gas emissions generated by a project of this size and scope will have a clearly significant cumulative impact. An impact is considered significant where its "effects are individually limited but cumulatively considerable." Guidelines § 15065(a)(3). Climate change is the

classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *Ctr. for Biological Diversity v. Diversity v. NHTSA*, 508 F.3d 508, 550 (9th Cir. 2007), ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 720 (1990) ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem."). While a particular project's greenhouse gas emissions represent a fraction of California's total emissions, courts have flatly rejected the notion that the incremental impact of a project is not cumulatively considerable because it is so small that it would make only a *de minimis* contribution to the problem as a whole. *Communities for a Better Env't v. California Resources Agency*, 103 Cal. App. 4th 98, 117 (2002); see also *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 720 (1990) ("Perhaps the best example [of a cumulative impact] is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem.").

Under CEQA, "[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible *on scientific and factual data*." CEQA Guidelines § 15064(b) (emphasis added). Accordingly, a significance threshold for greenhouse gases must reflect the grave threats posed by the cumulative impact of additional new sources of emissions into an environment where deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. See *Communities for Better Env't v. California Resources Agency*, 103 Cal. App. 4th 98, 120 (2002) ("the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant.").

#### **RESPONSE NO. E7-30**

The City has noted the request for a cumulative significance determination for the project's greenhouse gas emissions. Section IV.D *Greenhouse Gas Emissions* of the Draft EIR covers cumulative impacts and determines that the project's cumulative greenhouse gas emissions would be considered less than significant (Please see page IV.D-12 of the Draft EIR). The proposed project's GHG emissions would not be considered substantial when compared to statewide GHG emissions. Even though the project will emit GHGs, emissions of GHGs by a single project is not by itself an adverse environmental impact. This determination is based on the consistency of the proposed project with the strategies, goals, and policies of adopted plans that govern the reduction of per capita greenhouse gas emissions to meet targets established by AB32 and Executive Order S-03-05, including the Southern California Association of Governments (SCAG) 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the SCAQMD Air Quality Management Plan, and the City of Los Angeles General Plan and Southeast Los Angeles Community Plan. In particular, the GreenLA is the city's Climate Action Plan, which sets a goal of reducing the City's emissions by 35 percent below 1990 levels by the year 2030. See Page IV.D-5 in the Draft EIR. This proposed project also must adhere to the California Green Building Standards Code (2010 CALGreen Code), which contains requirements for optimizing energy, water, and waste reductions in buildings. See Page IV.D-4 in the Draft EIR. Furthermore, the proposed project is relocating current operations to a centralized location along the Alameda Corridor with immediate access to rail lines and major highways, which minimizes mobile emissions that are typical of a project of this type.

#### **COMMENT NO. E7-31**

The failure to immediately and significantly reduce emissions from existing levels will result in

devastating consequences for the economy, public health, natural resources, and the environment. Based on the scientific and factual data, thresholds that are not highly effective at reducing emissions are inadequate in the face of the profound threats posed by global warming. Moreover, CEQA requires that a lead agency must "still consider any fair argument that a certain environmental effect may be significant" even where a project complies with a regulatory threshold. *Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). CAPCOA provides various means by which a lead agency can determine the significance of project emissions (CAPCOA 2008). Reliance on a threshold that is not highly effective at reducing greenhouse gas emissions or is inconsistent with mandated emission reductions leaves projects open to legal challenge under the fair argument standard because there is a fair argument that application of a threshold with limited effectiveness at reducing emissions would still result in environmental effects. Therefore, thresholds that are not highly effective in reducing emissions or are inconsistent with mandated emissions reductions still create a significant impact.

### **RESPONSE NO. E7-31**

Your comment on the need to use highly effective thresholds when considering GHG impacts has been noted. The effectiveness of the thresholds in moving towards attaining per capita reductions in greenhouse gas emissions is demonstrated by the data contained in the SCAG 2012-2035 RTP/SCS that shows the six-County SCAG region, including Los Angeles trending toward achieving per capita reductions in GHG established by AB 32. The proposed project's construction and operational emissions of greenhouse gasses are not projected to exceed the thresholds established by the California Air Pollution Control Officers Association (CAPCOA) or the California Air Resources Board (CARB) (please see page IV.D-10 of the Draft EIR). The GHG mandatory reporting threshold is 25,000 metric tons of CO<sub>2e</sub> per year for specified stationary sources.

### **COMMENT NO. E7-32**

Under CAPCOA's own analysis, the only two thresholds that are highly effective at reducing emissions and highly consistent with AB 32 and Executive Order S-3-05 are a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO<sub>2</sub> Eq threshold). (CAPCOA 2008 at 56-57.) According to CAPCOA, 900 tons is roughly the equivalent of the emissions generated by 50 homes or 30,000 square feet of commercial space. (Id. at 43.) While the emissions from these projects might ordinarily seem minor enough to ignore, the challenges posed by climate change are far from ordinary. Given the recent extreme losses in arctic sea ice, scientists at the National Snow and Ice Data Center have concluded that "the observed changes in the arctic indicate that this feedback loop is now starting to take hold."<sup>9</sup> Even the ambitious emissions reduction targets set by Executive Order S-3-05 in 2005, which were consistent with contemporaneous science indicating that reductions of 80% below 1990 levels by developed countries were sufficient to stabilize the climate, are now believed to be insufficient. Based on the alarming and unpredicted rate of loss of Arctic sea ice and other recent climate change observations, leading scientists now state that "humanity must aim for an even lower level of GHGs."

As our current scientific understanding now calls for even greater reductions and indicates that we already may have passed a climactic tipping point, the City should apply a threshold of zero in order to ensure that new projects do not have a cumulatively significant impact on global warming. As noted by the Ninth Circuit in *Center for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*:

[W]e cannot afford to ignore even modest contributions to global warming. If global warming is the result of the cumulative contributions of myriad sources, any one modest in itself, is there not a danger of losing the forest by closing our eyes to the felling of the individual trees? 508 F.3d



508, 550 (9th Cir. 2007). Accordingly, the City must unequivocally consider Project emissions to be a potentially significant impact.

### **RESPONSE NO. E7-32**

The City has noted that even small projects with minor contributions to global warming can have a cumulatively adverse effect on climate change. Section IV.D *Greenhouse Gas Emissions* of the Draft EIR, provides a thorough evaluation of the impacts of both the construction and operational phases of the project on greenhouse gas emission, consistent with the guidance established in Appendix G of the State CEQA Guidelines. The analysis is consistent with OPR's amendments to the CEQA Guidelines pursuant to SB 97 and CAPCOA's Quantifying Greenhouse Gas Mitigation Measures document<sup>15</sup>. Please refer to the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix IV in Volume IV of the Draft EIR) for further detail. The City has evaluated the impacts of the project on greenhouse gas emissions in light of the goals and policies established in plans adopted by SCAG, the SCAQMD, and the City of Los Angeles to achieve the per capita reductions in greenhouse gas emissions established by AB 32. Alternatives and mitigation measures need to be directly proportional to the impacts of the project. The Center for Biological Diversity letter recommends consideration of a threshold of zero emissions for all future projects. However, the City has not adopted such a criteria, and it would be arbitrary to apply such a standard to the proposed project that is consistent with the proposed land use and zoning designations, complies with the California Green Building Standards and the Los Angeles Green Building Code, thresholds established by the California Air Resources Board (CARB), and the goals and policies of adopted plans to achieve per capita reductions in greenhouse gas emissions.

### **COMMENT NO. E7-33**

The MND's failure to recognize the cumulatively significant impacts from the project directly leads to the failure to consider feasible mitigation measures and alternatives to reduce this cumulatively significant impact. CEQA requires agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives in order to substantially lessen or avoid the otherwise significant environmental impacts of a proposed project. Pub. Res. Code §§21002, 21081(a); CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15091(a)(1). In the present case the MND erroneously concludes, without substantial evidence, that the Project's improperly narrowed contribution of greenhouse gas emissions is not significant. Because it does not find the emissions significant, the MND fails to require the adoption of feasible mitigation measures or alternatives. CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1 (b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass 'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

### **RESPONSE NO. E7-33**

Section IV.D *Greenhouse Gas Emissions* of the Draft EIR, provides a thorough evaluation of the impacts of both the construction and operational phases of the project on greenhouse gas emission, consistent with

<sup>15</sup> California Air Pollution Control Officers Association. August 2010. Available online at: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

the guidance established in Appendix G of the State CEQA Guidelines. Emissions are expected from mobile sources (personal vehicle and truck trips) and the construction of the proposed project's approximately 353,375 square feet of warehouse space. As a result of the analysis of greenhouse gas emissions, the Draft EIR determined that implementation of the proposed project would not be expected to result in significant direct, indirect, or cumulative impacts to greenhouse gas emissions because GHG emissions are not projected to exceed the GHG mandatory reporting threshold of 25,000 metric tons of CO<sub>2e</sub> per year for specified stationary sources as established by CARB. See Table IV.D-3 in the Draft EIR. Therefore, the consideration of mitigation measures was not required. Please refer to the Air Quality and Greenhouse Gas Emissions Technical Report (Appendix IV in Volume IV of the Draft EIR) for further detail, and the discussion of cumulative GHG impacts on page IV.D-12 of the Draft EIR. Alternatives A, B, and C would result in fewer emissions compared to the proposed project and are discussed in further detail in Section VI. Alternatives of the Draft EIR.

#### **COMMENT NO. E7-34**

Importantly, the City should examine an alternative that reverts part of the project site back to a community garden. To the extent that the project moves forward as planned, there are many mitigation measures the City can consider, as described below. This is not an exhaustive list and the MND should explore these and all other feasible mitigation measures that will reduce the project's greenhouse gas emissions (CAPCOA 2008; California Office of the Attorney General 2008).

#### **RESPONSE NO. E7-34**

The comment advocating for a community garden has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible". In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

Section VI *Alternatives* of the Draft EIR considers less polluting alternatives to the proposed project. Alternative B uses clean fuel trucks and Alternative C uses reduced truck operations. The reduced truck operations alternative is the environmentally superior alternative. As indicated on page VI-3 of the Draft EIR, a community garden or a parks and recreation alternative would not meet the basic objectives of the project as they would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning, would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area, would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities, would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project, would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population, would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur; therefore, community garden or parks and recreation alternatives were not carried forward for detailed evaluation in

the EIR. These basic objectives are listed in detail on page VI-3 in Section VI. *Alternatives* of the Draft EIR.

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

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

**Policies**

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

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

**Policies**

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

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

As discussed in the Section III.E of the EIR, pursuant to the 2003 settlement agreement between the City and The Horowitz Group, regarding the Lancer Property (proposed project site), Libaw-Horowitz pledged to dedicate approximately 2.6 acres of the property back to the City of Los Angeles Department of Recreation and Parks or to a nonprofit community organization that would use and maintain the property for recreation and park purposes. In June 2008, the City of Los Angeles circulated a Mitigated Negative Declaration to evaluate the proposed development of the property. The property owner, The Horowitz Group, served as the project applicant on behalf of a major Los Angeles-based garment manufacturer who expressed interest in purchasing the property to construct a high-ceiling warehouse facility. The 2008

proposed project would have involved developing the site with a 46-foot-high, two-story structure with subterranean parking of approximately 114,399 square feet for 306 cars. The Horowitz Group did not finalize a sale of the property to the proposed developer identified in 2008; therefore, the Horowitz Group did not seek final approval of this version of the project.

The Horowitz Group worked with the City to amend the settlement agreement to substitute a cash pledge for the dedication of the 2.6 acres. The amendment allows for development of the property consistent with the Southeast Los Angeles Community Plan and provides the City with the funds to dedicate a park in a more appropriate location than the proposed project site, which is in an industrial area, and isolated to the east and west by major rail lines. In 2011, the City Council accordingly authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

Your comment on potential mitigation measures the City can consider has been noted. Mitigation measures for the proposed project are listed in the relevant CEQA section that applies. Because there is no significant impact for GHGs, CEQA does not require consideration of GHG mitigation measures. Comments on specific mitigation measures are responded to individually as follows.

#### **COMMENT NO. E7-35**

The MND should consider mitigation measures that will ensure the planned community will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial buildings create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants - one of the biggest sources of greenhouse gas emissions - slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008).

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building

materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals.

### **RESPONSE NO. E7-35**

Your comment regarding energy conservation measures for buildings has been noted. The City acknowledges that the Commission for Environmental Cooperation is a collaboration between Canada, Mexico and the United States to protect the environment in the context of economics and trade. The City has noted that buildings are responsible for 40 percent of total energy use in the United States. In order to reduce energy use and increase energy efficiency, the proposed project will follow California Green Building Standards, which are detailed in Section IV.B *Air Quality*, page IV.D-4 in the Draft EIR. The 2010 CALGreen Code is a code with mandatory requirements for state-regulated buildings and structures throughout California beginning on January 1, 2011. The 2013 CalGreen Code contains requirements for construction site selection, stormwater control during construction, construction waste reduction, indoor water use reduction, material selection, natural resource conservation, site irrigation conservation, and more. There is additionally the Los Angeles Green Building Code (LAGBC), which is based on the 2013 CalGreen Code. The proposed project will implement the mandatory measures outlined in the LAGBC for "newly constructed nonresidential" and adhere to the CalGreen Code. CalGreen is not meant to replace LEED accreditation, and in some environmental areas the requirements of LEED at the higher levels exceed those of CalGreen. Contractors for the proposed project will not have to adhere to LEED standards.

### **COMMENT NO. E7-36**

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Compliance with the City of Los Angeles Green Building Program. LA Municipal Code §§ 16.10, 16.11;
- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.;
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting;
- Limiting the hours of operation of outdoor lighting;
- Maximizing water conservation measures in buildings and landscaping, using drought tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured;
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project

site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;

- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.

### **Mitigation Related to Project Construction**

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

### **Transportation Mitigation Measures**

- Encourage and promote ride sharing programs. This might be achieved by creating a specific percentage of parking spaces for ride sharing vehicles;
- Incorporate public transit into the project design;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

### **RESPONSE NO. E7-36**

Your suggested mitigation measures for greenhouse gas emissions have been noted. From the analysis in Section IV.D *Greenhouse Gas Emissions* in the Draft EIR, no mitigation measures are required for this section because there are no anticipated significant impacts from GHG emissions. However, the project will adhere to Title 24 Energy Efficiency standards, CalGreen, and the LAGBC. With regards to mitigation measures related to project construction and transportation, Section IV.G *Transportation/Traffic*, Page IV.G-18, of the Draft EIR lists five mitigation measures to reduce impacts to traffic and transportation facilities during construction and operation of the proposed project to below the level of significance.

These five mitigation measures are described below:

#### ***Measure Traffic-1***

A construction work site control plan shall be submitted to the City of Los Angeles Department of Transportation (LADOT) for review and approval prior to the start of any construction work. The plan shall show the location of any roadway or sidewalk closures, traffic detours, haul routes, hours of operations, protective devices, warning signs and access to abutting properties.

**Measure Traffic-2**

All construction related traffic shall be restricted to off-peak hours.

**Measure Traffic-3**

41st Street shall be reclassified to a Collector Street. A Collector Street requires a 22-foot half-width roadway within a 32-foot half-width right-of-way.

**Measure Traffic-4**

The project applicant shall provide the number of Code required parking spaces as specified by the Department of Building and Safety:

- Building 1 consists of a single story with a mezzanine that occupies approximately 115,973 total square feet and provides 123 parking spaces;
- Building 2 consists of two stories that occupy approximately 133,680 total square feet and provides 79 parking spaces;
- Building 3 consists of a single story with a mezzanine that occupies approximately 116,724 total square feet and provides 96 parking spaces; and
- Building 4 consists of a single story with a mezzanine that occupies approximately 113,743 total square feet and provides 106 parking spaces.

**Measure Traffic-5**

All driveways shall be Case 2 driveways and 30 feet and 18 feet wide for two-way and one-way operations, respectively.

The proposed project's traffic impacts would not be significant at any of the off-site intersections, except at Alameda Street and Washington Boulevard. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day), which is based on surveys conducted nationally at typical warehouse facilities. Under Alternative C, the project would generate no more than 75 truck trips per day, and an analysis with this reduced number of truck trips results in no significant impacts at any of the study intersections.

**COMMENT NO. E7-37**

One of the first steps towards reducing black carbon is to develop a proper monitoring and reporting system. As discussed above, black carbon must be considered separately from PM. The project should monitor and make publicly available the daily concentrations of black carbon. This can be accomplished using measuring devices called *aethalometers*, which are commercially available and simple to operate. An aethalometer is an electronic box. It works by measuring the attenuation of light in certain wavelengths of particles that collect as air passes through a filter. The units come in rack-mounted as well as portable versions.

**Detect and Mitigate "Superemitters":** Some engines that receive poor maintenance or have mechanical difficulties emit 10 to 15 times the average levels of black carbon. (Bond 2004 ). While these may be older engines, engine age is not the single indicator of emissions levels. A single superemitter can negate the positive reductions achieved through retrofitting or replacing a number of "average" diesel engines. Therefore, it is essential to add a mitigation measure that

requires the project proponents to develop a monitoring system to detect diesel engines of all varieties that emit high levels of black carbon.

A potential monitoring device is the new AE90 aethalometer which has a tailpipe monitoring extension. (See presentation by T. Hansen of Magee Scientific). Periodic measurement of vehicles using this device should be required. An incentive program could be created to help vehicle operators rapidly and effectively mitigate the emissions from superemitting vehicles.

#### **RESPONSE NO. E7-37**

The City has noted the request to consider black carbon emissions separate from particulate matter emissions. Black carbon is not considered one of the six main criteria air pollutants by the California Air Resources Board or the South Coast Air Quality Management District (SCAQMD). Therefore, there is no standard or threshold for black carbon specifically. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are covered in the Section IV.B *Air Quality* of the Draft EIR. Mobile sources such as diesel fueled vehicles are a major source of black carbon and particulate matter emissions. Please review the Section IV.B Air Quality for a more detailed impact analysis of these types of emissions from the proposed project.

The City acknowledges the comment about the importance of detecting and mitigating black carbon. It is out of scope for the project proponent to develop a black carbon emissions monitoring system for diesel engines. With regards to the use of *aethalometers* to detect concentrations of black carbon, monitoring and reporting of air pollutants are done by the SCAQMD's air quality monitoring stations. SCAQMD has a network of 35 permanent, multi-pollutant monitoring stations and 5 additional single pollutant monitoring stations for source lead in the Basin and a portion of the Salton Sea Air Basin in Coachella Valley.

#### **COMMENT NO. E7-38**

**Schedule Deliveries to Reduce Truck Idling Time:** Current California regulations require heavy-duty truck engines to be turned off after idling for 5 minutes. (13 C.C.R. § 2485). This rule, however, does not apply when the truck is in traffic or queuing. (13 C.C.R. § 2485(c)(2)). Idling time due to either of these events can be avoided by careful scheduling on the part of the project proponent. Therefore, the project should be required to develop a delivery schedule that maximally avoids both traffic en route and waiting time at the facility.

#### **RESPONSE NO. E7-38**

Your comment to reduce truck idling time has been noted. The *Air Quality Health Risk Assessment for the Proposed Alameda Industrial Park* dated September 17, 2014 (referred to here as the HRA and found in Appendix V in Volume IV of the Draft EIR) identifies the specific distances of truck travel for trucks arriving and leaving the site via the four driveways. The trucks will drive to/from their loading bays, and it is assumed that they will idle for a short time upon arriving and prior to departing. While loading and unloading, the trucks will be turned off; and if any trucks remain at the facility overnight, they will remain turned off. The applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site, thus further reducing potentially harmful emissions. Although there is no regulatory or operational limit on idling duration for the category of trucks that will visit the facility, it is not likely that the trucks would idle more than five minutes at a time. Unlike for heavy duty diesel trucks, there is no mechanical advantage to idling. These assumptions were used to calculate the amount of idling emissions and driving emissions on-site.



The City has considered two alternatives that would reduce impacts associated with the emission of criteria air pollutants during the operational phase of the project, a clean fuel alternative (Alternative B) and a reduced truck trip alternative (Alternative C). Please see the Alternatives Analysis in Section VI of the Draft EIR for further information on these alternatives.

**COMMENT NO. E7-39**

**Require all Heavy-duty Diesel Delivery Vehicles to Reduce Black Carbon Emissions:** Over 80% of the U.S. depends on heavy-duty diesel trucks to deliver their goods. (See American Trucking Industry Fact Sheet). Furthermore, a new 2008 truck has only one-tenth of the fine PM emissions of a 2006 truck. (I d.). This pair of facts shows that it is essential to address black carbon from delivery trucks.

Because black carbon is a component of diesel PM, some strategies that reduce PM will also reduce black carbon. One of the most common options is the use of a catalyzed diesel particulate filter, which can be installed on both new and existing diesel engines. (See generally 69 Fed. Reg. 38957 (June 29, 2004)). The California Air Resources Board (CARB) recently proposed a rule that would require in-use heavy duty diesels to reduce their PM emissions.<sup>1</sup> Although the rule is not in effect yet, the project should aim to achieve the standards in the rule beginning immediately by requiring the companies that deliver goods to install technology such as diesel particulate filters on their delivery trucks.

**RESPONSE NO. E7-39**

The concerns expressed by the Center for Biological Diversity regarding the need for reduction of carbon emissions from heavy duty vehicles and related rules proposed by CARB in 2008 have been addressed in the Draft EIR. The referenced regulation was adopted by CARB in 2009 and amended in April 2014. The regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. The regulation applies to nearly all privately and publicly owned diesel fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low use vehicles, fleets operating in selected vocations like agricultural and construction, and small fleets of three or fewer trucks. All trucks operated in conjunction with the proposed project would be subject to the CARB Rule, as most recently amended in April 2014.

**COMMENT NO. E7-40**

**Require All Mobile Cargo Handling Equipment to Comply With the Emissions Standards for Port Equipment:** Similar to heavy-duty on-road diesel engines, reductions in PM emissions from cargo handling equipment can also reduce black carbon. California law currently requires mobile cargo handling equipment, e.g. forklifts and loaders, located at ports or intermodal railyards to reduce their PM emissions to comply with California's on-road diesel standards or with EPA's Tier 4 standards for offroad vehicles. (13 C.C.R. § 2497). The existence of such a rule for ports is clear evidence that compliance is also feasible in the contexts of warehouses. Thus, the proposed project must reduce its black carbon emissions by requiring that all cargo handling equipment comply with the rule for port equipment.

**RESPONSE NO. E7-40**

See Response to Comment No. E7-26. In summary, black carbon emissions are not considered one of the

six main criteria air pollutants by the California Air Resources Board or the South Coast Air Quality Management District (SCAQMD). Therefore, there is no standard or threshold for black carbon specifically. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR. As noted in Comment No. E7-40, the Mobile Cargo Handling Equipment Regulation by CARB is applicable at ports and intermodal railyards, not warehouses. The proposed project is a clothing manufacturer warehouse that is on a much smaller scale than both ports and intermodal railyards and therefore not subject to the same regulations and standards. Black carbon will be reduced as Tier 4 engines are phased in according to the EPA's Tier 4 standards, which applies specifically to diesel engine manufacturers. Further, the In-Use Off-Road Diesel Vehicle Regulation limits idling, establishes a reporting system, requires equipment labeling, and sets fleet average targets for compliance. See [http://www.arb.ca.gov/msprog/ordiesel/faq/overview\\_fact\\_sheet\\_dec\\_2010-final.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/overview_fact_sheet_dec_2010-final.pdf).

#### **COMMENT NO. E7-41**

**Accelerate Compliance Schedules:** Because black carbon pollution causes rapid and significant atmospheric heating as well as substantial human health risks, it is necessary to address this pollutant as rapidly as possible. A variety of regulations, as discussed above, will require reduced diesel emissions. The schedule for compliance with these standards, however, is often many years from the date of enactment. The project should create incentives for early compliance with all regulatory reduction measures so that black carbon can be reduced as rapidly as possible.

#### **RESPONSE NO. E7-41**

See Response to Comment Nos. E7-26 and E7-40. In summary, black carbon is not considered one of the six main criteria air pollutants by the California Air Resources Board or the South Coast Air Quality Management District (SCAQMD). Therefore, there is no standard or threshold for black carbon specifically. As discussed in Response to Comment No. E7-34, heavy duty vehicle rules determined by CARB are addressed in the Draft EIR. The proposed project is subject to PM filter requirements and engine regulations as discussed in Response to Comment Nos. E7-39 and E7-40.

#### **COMMENT NO. E7-42**

##### **Carbon Offsets**

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the MND. As stated by CAPCOA, a potential cost effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (CAPCOA 2008 at 80.) As demonstrated by the Office of the Attorney General offsets are a feasible CEQA mitigation measures. In a recent settlement with the Attorney General regarding the mitigation of greenhouse gas emissions from a proposed refinery expansion, ConocoPhillips Co. agreed to make a one-time payment of \$7 million to a carbon offset fund created by the Bay Area Air Quality Management District "to achieve verifiable quantifiable reductions in GHG emission, with priority given to projects near" the project area. 15 The Settlement also provided \$2.8 million to fund reforestation and conservation projects and \$200,000 for restoration of the San Pablo Bay wetlands. Offsetting GHG emissions in the project area, including reductions and offsets at existing warehouses that were referenced in the Initial Study, could also yield corollary benefits, such as reductions in criteria pollutants. Because the MND does not offset the remainder of the Project's greenhouse gas emissions, the

Project's impacts have not been fully mitigated. Absent full mitigation, the City must prepare an EIR to evaluate Project greenhouse gas emissions.

**RESPONSE NO. E7-42**

Your comment on using carbon offsets to reduce the project impacts has been noted. Mobile sources are responsible for the majority of carbon emissions. A thorough analysis on the number of truck trips and resulting emissions was completed in the Traffic Impact Study. It was determined that the impacts would not be great enough to necessitate the purchase of carbon offsets. Carbon offsets are typically purchased by businesses to comply with the California cap and trade program. The proposed project type to construct a warehouse does not fit under the covered entities that must abide by the California cap and trade program. (See Subarticle 3. § 95811 Covered Entities) In the ConocoPhillips Settlement Agreement in 2007 in California, the EIR stated that the Hydrogen Plant would result in 1.25 million metric tons of CO<sub>2</sub> emissions. The plant is a covered entity under the cap and trade program and produces a significant amount of emissions. Comparatively, the proposed project's construction and operational (including all mobile sources) emissions are well below the CARB recommended threshold of 25,000 metric tons of CO<sub>2e</sub> per year and is not a covered entity under the cap and trade program. (See Table IV.D-3, *Unmitigated CO<sub>2</sub> and CO<sub>2e</sub> Emissions*) The proposed project's GHG emissions are expected to be less than significant and thus not require mitigation measures. Please refer to Section IV.D *Greenhouse Gas Emissions* in the Draft EIR for a complete project level analysis of the greenhouse gas emissions.

**COMMENT NO. E7-43**

For the reasons set forth above, because there is a fair argument that the Project will have significant environmental impacts, the City must prepare an EIR for the Project. Please do not hesitate to contact Matthew Vespa at (415) 436-9682 x.309, [mvespa@biologicaldiversity.org](mailto:mvespa@biologicaldiversity.org), or Jonathan Evans (213)598-1466, [ievans@biologicaldiversity.org](mailto:ievans@biologicaldiversity.org), if you have any questions regarding these comments. Thank you for your time and consideration of our concerns.

**RESPONSE NO. E7-43**

As addressed in Response to Comment No. E7-17, the concerns expressed by the Center for Biological Diversity regarding the request for preparation of an EIR have been addressed in relation to the 2014 proposed project. The City of Los Angeles prepared an Initial Study for the proposed project and published a Notice of Preparation of an EIR and solicited scoping comments between June 17 and July 17, 2014. A Draft EIR for the 4051 South Alameda Street Project was prepared by the City of Los Angeles Department of City Planning, Environmental Analysis Section, and circulated for public review between January 22 and March 9, 2015.

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**LETTER NO. E8**

*Silvia Borges*

**COMMENT NO. E8-1**

Hello, my name is Silvia Borges.

I have lived in the City of Los Angeles for 25 years. I have worked for IMPACT since 2003. I was first hired at an entry level position, I've been promoted to inspector, area manager and now I work in the payroll department.

This job has allowed me to provide a better life and education for my son. I enjoy working with my coworkers and my boss is an excellent person. I've always enjoyed working at IMPACT.

I am happy to be part of this company. I feel proud whenever I see our products in stores and people wearing the garments we've produced at our company.

**RESPONSE NO. E8-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E9**

*Craig Borstein  
Alameda 24<sup>th</sup> Street, LLC  
11766 Wilshire Blvd., Suite 820  
Los Angeles, CA 90025*

**COMMENT NO. E9-1**

We previously sent a letter to Christina Toy Lee in the Planning Department on June 25, 2013 regarding the above referenced industrial development project on the south west corner of Alameda Street and E. Martin Luther King Jr. Boulevard in the City of Los Angeles. We have updated our previous letter to account for a modified site plan and the information contained in the draft EIR.

We are the owner of an approximate 18 acre parcel located directly adjacent to the subject property with frontage on the north side of E. Martin Luther King Jr. Boulevard, directly adjacent to the proposed development. Our land is built out with approximately 500,000 square feet of industrial space in a master planned business park setting. We want to go on record that we want to see the site developed as a thoughtful industrial project, but we have several concerns with the proposed development as outlined below.

**RESPONSE NO. E9-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the Draft EIR follow with responses.

**COMMENT NO. E9-2**

The first and main concern is related to the very high Floor to Area Ratio ("FAR") and the inadequacy of parking to support the proposed square footage and design. The site plan is proposed to contain 481,022 SF of buildings on a land area of 546,921 SF, representing an FAR of approximately 88%.

**RESPONSE NO. E9-2**

Your comment regarding FAR of the proposed project has been noted. The proposed project is located in the City of Los Angeles Height District No. 2, which allows an FAR of 6 times the buildable area of the lot.<sup>16</sup> The proposed project's FAR of 0.88 is well within the allowable FAR for the property.

**COMMENT NO. E9-3**

There are 368 parking stalls proposed with is equivalent to a parking ratio of .77 per 1,000 square feet. If this was a high cube distribution building with 2-3% office build out, then that might be practical. However, these 4 buildings are depicted on the site plan as divisible into 12 different suites containing an average office and mezzanine build out of 24.2%).

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<sup>16</sup> City of Los Angeles Municipal Code. §21.1.A.2 Accessed 3-18-15. Available online at: [http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:losangeles\\_ca\\_mc](http://www.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc)

**RESPONSE NO. E9-3**

Your comment regarding the adequacy of parking for the proposed project has been noted. The buildings will have 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space. Required parking for warehouse use is one space per 500 square feet of floor area for the first 10,000 square feet and one space per 5,000 square feet of floor area thereafter. Required parking for office and manufacturing use is one space per 500 square feet of floor area.<sup>17</sup> The number of parking spaces required for the proposed development is therefore 403. The proposed project will provide 404 on-site parking spaces, which exceeds applicable requirements by 1 parking space. The proposed project would also provide 49 short-term and 60 long-term bicycle parking spaces, which can be used to replace up to 64 required automobile parking spaces at a ratio of one automobile parking space for every four bicycle parking spaces.<sup>18</sup> This would result in enough on-site automobile parking to accommodate between 23,500 and 55,500 square feet of additional office or manufacturing floor area. It is further anticipated that the location of the proposed project in proximity to the Metro Blue Line light rail line would enable employees to use alternate means of transportation, thus further reducing the need for on-site parking. Street parking will also continue to be available on East 41st Street and the south side of Martin Luther King Jr. Boulevard. Subsequent conversion of the property from warehouse to office or manufacturing would require permits from the City, at which time any increased parking requirements would need to be addressed.

**COMMENT NO. E9-4**

Approximately 50% of the mezzanine space is classified on the site plan as "warehouse space" even though it is highly likely to be converted into office use at a later date thereby requiring much more parking than now provided. Even more likely, the mezzanine space will never be used for warehouse purposes as this would require elevators, and it will become offices from the start. In addition, some of the suites depicted on the site plan (the middle two units in building #1 for example) do not contain any first floor office build out even though there is a storefront entrance on the first floor for a separate occupant. We are concerned that the office use of this project, whether initially or eventually, is understated on the site plan and there is not adequate parking proposed to accommodate this design.

**RESPONSE NO. E9-4**

Your comment regarding the adequacy of parking for the project has been noted. As detailed in Response to Comment No. E9-3, the project will have adequate number of parking spaces provided on-site to accommodate both car and truck parking and queuing needs on-site, and will meet the requirement for parking per City of Los Angeles Municipal Code. Should the project allow any additional office uses within the proposed buildings in the future, a separate office parking requirement would need to be satisfied at that time.

**COMMENT NO. E9-5**

The second concern is that given the site plan design, all ingress and egress is on Martin Luther King Jr. Blvd. and 41st Street with no entrances on Alameda Street or Long Beach Avenue. Because of the site design, we question whether a 5 foot additional street dedication on Martin Luther King Jr. Blvd. is sufficient. We ask that the City pay particular attention to the widening dedication on Martin Luther King Jr. Blvd.

<sup>17</sup> City of Los Angeles Municipal Code § 12.21.A.4(c). Accessed 3-18-15. Available online at: <https://law.resource.org/pub/us/code/city/ca/LosAngeles/Municipal/chapter01.pdf>

<sup>18</sup> City of Los Angeles Municipal Code § 12.21.A.4. Accessed 3-18-15. Available online at: <https://law.resource.org/pub/us/code/city/ca/LosAngeles/Municipal/chapter01.pdf>



**RESPONSE NO. E9-5**

According to the Southeast Los Angeles Community Plan (SELACP), Martin Luther King Jr. Boulevard is designated by the City of Los Angeles as a local street, which requires a full public right-of-way width of 60 feet and a half roadway width of 18 feet. According to the City Bureau of Engineering District Map, the dedicated half width of the existing right-of-way of Martin Luther King Jr. Boulevard adjacent to the proposed project site is only 25 feet. The dedication of an additional 5 feet of right-of-way on the south side of Martin Luther King Jr. Boulevard adjacent to the proposed project site would thereby achieve compliance with City roadway dedication standards for local streets. The dedicated area will be improved with new curb, gutter, sidewalk, street lights, and street trees to City requirements. The following table shows the ROW dedications for the streets surrounding the project site:

Street Name	Existing SELACP			SELACP Update			Mobility Plan 2035		
	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)
41st Street	Major Hwy Class II	52	40	Collector	32	22	Collector	33	20
Alameda Street	Major Hwy Class II	52	40	Major Street	---	---	Avenue III	36	23
Martin Luther King Blvd.	Local (standard)	30	18	Local (standard)	30	18	Local (standard)	30	18
Long Beach Ave. <sup>19</sup>	Major Hwy Class II	52	40	Collector	32	22	Boulevard I	68	50

On October 4, 2013, the City of Los Angeles Department of Transportation (DOT) issued a traffic assessment to the Department of City Planning regarding review of a supplemental traffic analysis to an analysis originally prepared in September 2012 on the proposed project prepared by Traffic Design, Inc. (included as Appendix XI to the Draft EIR). DOT found that the supplemental traffic analysis adequately evaluated the revised project's impacts on the surrounding community, except for recommended project requirements, including street dedications.<sup>20</sup> As part of the Southeast Los Angeles Community Plan update process, the Department of City Planning and DOT evaluated the current street designations. As a result, DOT recommended that although the Community Plan Update had not yet been adopted at that time, the project include the highway dedication and widening requirements. The updated community plan recommends that 41<sup>st</sup> Street, which is currently classified as a local street, be reclassified to a Collector Street and makes no recommendations for changing the classification of the other streets along the project's frontage. The City has updated the Mobility Element of the General Plan, which has proposed additional classifications for certain types of roadways. The project has been reviewed under the existing standards described in the DOT letter dated October 4, 2013. However, the required dedications under the Mobility Plan update would be as in the table above. The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE.

<sup>19</sup> Long Beach Avenue is designated as a Major Highway II in the existing SELACP and proposed update to the SELACP which requires a dedicated right-of-way width of 104 feet and a roadway width of 80 feet. The current dedicated right-of-way width of Long Beach Avenue is 140 feet which includes 60 feet of right-of-way for the Metro Blue Line light rail line. Long Beach Avenue is designated as a Boulevard I in Mobility Plan 2035 which requires a dedicated right-of-way width of 136 feet which includes the 60 feet of Blue Line right-of-way. The currently dedicated right-of-way width of 140 feet complies with the requirements of the existing and proposed SELACP and Mobility Plan 2035.

<sup>20</sup> Carranza, Tomas, Senior Transportation Engineer. Department of Transportation. October 4, 2013. City of Los Angeles Inter-Departmental Correspondence: Traffic Assessment for the Proposed Warehouse Project at 4051 South Alameda Street. Volume VI, Appendix XI of the Draft EIR.

**COMMENT NO. E9-6**

The third concern is that the design of the complex lends itself to truck stacking in the street rather than internal to the project. For example, all truck loading positions are located directly in front of street curb cuts and the proposed building face is only around 70 feet from the curb. We recognize that there are internal truck wells in addition to the 70 feet, however, these trucks are going to need to back into these positions, and there does not seem to be enough room to do it onsite without trucks cueing in the street. The combination of dock doors in front of the curb cuts and very high site coverage / FAR compounds this problem.

**RESPONSE NO. E9-6**

The proposed project provides adequate loading spaces in compliance with Los Angeles Municipal Code §§ 12.21 A-4(g), 12.21 A-5(e), 12.21 A-5(i), 12.21 A-5(j), and 12.21 C-6. The loading bays are 55 feet deep, and the distance from the loading dock to the planter curb inside the project site is 120 feet, which is adequate to accommodate the maneuvering of 65-foot-long tractor trailers to the loading areas on-site. Queuing of trucks on the street would therefore not be required. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, page IV-6, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

**COMMENT NO. E9-7**

The fourth and last concern is that we want to make sure that the project is attractive in nature and has a reasonable amount of landscaping, especially on the Martin Luther King Jr. Boulevard street frontage. The landscape percentage was not shown in the table summary on the site plan, but it appeared to be minimal after the additional planned dedications.

**RESPONSE NO. E9-7**

Your comment related to concerns about whether the project has adequate landscaping has been noted. The City of Los Angeles has a policy in which at least 7 percent of all parking lots need to be landscaped, according to the Urban Design Chapter of the Southeast Los Angeles Community Plan (Chapter V, page V-4). The landscape percentage of the proposed project design is 7.7 percent, which exceeds 7 percent of the parking lot area with installation of 1 tree for every 8 parking stalls within the parking lot. The applicant will also dedicate 5 feet of frontage along the southern side of Martin Luther King Jr. Boulevard, 22 feet of frontage along the northern side of 41st Street, and 8.5 to 12.5 feet of frontage along the western side of Alameda Boulevard for public right-of-way (ROW) pursuant to City of Los Angeles Department of Transportation (DOT) project requirements provided in October 2013 and will improve the dedicated area with new curb, gutter, sidewalk, street lights, and street trees to City of Los Angeles requirements.<sup>21</sup> The following table shows the required ROW and street widths for the streets surrounding the project site as described in the existing Southeast Los Angeles Community Plan (SELACP), the proposed update to the SELACP, and the update to the Mobility Element of the City's General Plan (Mobility Plan 2035):

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<sup>21</sup> Carranza, Tomas, Senior Transportation Engineer. Department of Transportation. October 4, 2013. City of Los Angeles Inter-Departmental Correspondence: Traffic Assessment for the Proposed Warehouse Project at 4051 South Alameda Street.. Volume VI, Appendix XI of the Draft EIR.

Street Name	Existing SELACP			SELACP Update			Mobility Plan 2035		
	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)
41st Street	Major Hwy Class II	52	40	Collector	32	22	Collector	33	20
Alameda Street	Major Hwy Class II	52	40	Major Street	---	---	Avenue III	36	23
Martin Luther King Blvd.	Local (standard)	30	18	Local (standard)	30	18	Local (standard)	30	18
Long Beach Ave. <sup>22</sup>	Major Hwy Class II	52	40	Collector	32	22	Boulevard I	68	50

The project has been reviewed under the existing standards described in the DOT letter dated October 4, 2013. However, the required dedications under the Mobility Plan update would be as in the table above. The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE. As stated on page III-1 of the Project Description in the Draft EIR, the proposed project has also been designed with the rear of Buildings 1 and 2 and the rear of Buildings 3 and 4 facing each other, and the remaining three faces of each building have been designed with pedestrian-scale features such as decorative concrete panels in different shades of beige with gray trim and glazing to break up the building facades, mechanical roof equipment completely screened from view, enclosure of trash areas, and operable windows on the mezzanine level, in order to improve the aesthetics of the building frontage.

#### **COMMENT NO. E9-8**

To be clear, we do want to see the site developed as a thoughtful industrial park. Hopefully someone will take a step back and evaluate the total square footage and realistic office build out in this project as it is currently designed and figure out where these employees are supposed to park. If parking is not adequately provided for on-site, then employees will end up parking in the streets (narrowing room for trucks) and on neighboring properties without permission which is unacceptable.

#### **RESPONSE NO. E9-8**

Your comment regarding the adequacy of parking for the project has been noted. The project will have an adequate number of parking spaces provided on-site to accommodate both car and truck parking and queuing needs on-site, and will meet the requirement for parking per City of Los Angeles zoning and parking codes. Should the project allow any additional office uses within the proposed buildings in future, a separate office parking requirement will have to be satisfied. Please see Response to Comment Nos. E9-2 through E9-7, above, for further details concerning building square footage, aesthetics, parking and truck queuing.

<sup>22</sup> Long Beach Avenue is designated as a Major Highway II in the existing SELACP and proposed update to the SELACP which requires a dedicated right-of-way width of 104 feet and a roadway width of 80 feet. The current dedicated right-of-way width of Long Beach Avenue is 140 feet which includes 60 feet of right-of-way for the Metro Blue Line light rail line. Long Beach Avenue is designated as a Boulevard I in Mobility Plan 2035 which requires a dedicated right-of-way width of 136 feet which includes the 60 feet of Blue Line right-of-way. The currently dedicated right-of-way width of 140 feet complies with the requirements of the existing and proposed SELACP and Mobility Plan 2035.

**COMMENT NO. E9-9**

In addition the design of the truck loading will need to be examined to ensure that any truck stacking is onsite rather than in the street.

**RESPONSE NO. E9-9**

Your comment regarding truck stacking for the proposed project has been noted. The proposed project provides adequate loading spaces in compliance with Los Angeles Municipal Code §§ 12.21 A-4(g), 12.21 A-5(e), 12.21 A-5(i), 12.21 A-5(j), and 12.21 C-6. The loading bays are 55 feet deep, and the distance from the loading dock to the planter curb inside the project site is 120 feet, which is adequate to accommodate the maneuvering of 65-foot-long tractor trailers to the loading areas on-site. Queuing of trucks on the street would therefore not be required. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, page IV-6, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

**LETTER NO. E10*****Bruce Campbell Letter No. 1*****COMMENT NO. E10-1**

Please consider this my Submission # 1 regarding the DEIR on the 4051 South Alameda Street proposal.

Seeing that my important comment letter on the NOP (sent on July 9, 2014) was excluded from the comment letters in the Appendixes of the document – and thus my key concerns were often not addressed in the DEIR, I want this included in the comment letters on that document (the DEIR), so that the odds of these words evaporating into thin air once again are reduced.

Please look for near future Submissions of mine regarding the DEIR – which will all be numbered.

**RESPONSE NO. E10-1**

Your comment regarding your previous comments in your letter submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. Your letter will be added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR* of the Final EIR.

**COMMENT NO. E10-2**

Since I did not find my comments when I scrolled through the comments on the Notice of Preparation, I am hereby sending my comments dated July 8, 2014 (which were e-mailed at 11:02 AM on July 9th, 2014) so that City personnel cannot claim that my comments never arrived. I also expect official documents to respond to my points raised 8 months ago – rather than to pretend such comments were never submitted!

**RESPONSE NO. E10-2**

As stated in Response to Comment No. E10-1, your letter was inadvertently left out of Appendix II, Notice of Preparation Letters, of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. Your letter will be added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR* of the Final EIR. The responses to your comments follow below.

**COMMENT NO. E10-3**

1. I note (on a door on the 7th floor of L.A. City Hall) that the 41st and Alameda proposed project has been moved to the "**Major Projects**" part of the Planning Department.

**RESPONSE NO. E10-3**

The City acknowledges your comment regarding the proposed project being moved to the EIR Unit of the Major Projects section of the City Planning Department.

**COMMENT NO. E10-4**

2. I find it ironic that the project is apparently "major" enough to require an EIR, is "major" enough to be moved to that part of the Planning Dept., and yet it has been **declared that the proposed project is not of regional significance** and thus there are no plans for an in-person public meeting in which the public can comment on what the scope of the study should be.

**RESPONSE NO. E10-4**

Your comment regarding the regional significance of the proposed project has been noted. The City has determined that the project is not of regional significance and an NOP scoping meeting is not required. The City, as the lead agency under CEQA, has the authority to make this determination. Section 15206 of the CEQA Guidelines identifies a proposed project of statewide, regional, or areawide significance as one that meets the following criteria:

(b)(2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subdivision include:

(A) A proposed residential development of more than 500 dwelling units.

(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

(D) A proposed hotel/motel development of more than 500 rooms.

(E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

The proposed project would occupy approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space for a total of 480,120 square feet and would employ 994 persons. As a result, the City has determined that it is not of regional significance and an NOP scoping meeting is not required. Additionally, the City has provided an opportunity for public comments to be submitted via postal letter or email as part of the scoping process. As required by CEQA, your comments have been addressed in the Draft EIR.

**COMMENT NO. E10-5**

3. Either in the EIR, or preferably as a prelude to scoping, **the public deserves to have the knowledge of exactly who was "the grand decision-maker" who apparently decided that this neighborhood wherein a major project is proposed (involving polluting vehicles in a hard-to-access area in the already excessively-polluted Alameda Corridor region) was not deserving of public scoping hearing.** (Please, either have someone admit to it, or we may pursue other methods to gather documents which expose the trail of who was involved. **Was the District # 9 Councilmember's office, someone with the Mayor's office, and/or the applicant or his people involved with convincing the "grand decision-maker" to make sure to avoid a public scoping hearing since there allegedly was no regional significance?**)

**RESPONSE NO. E10-5**

As discussed in Response to Comment No. E10-4, per Section 15206 of the CEQA Guidelines the City has determined that the project is not of regional significance and an NOP scoping meeting is not required. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E10-6**

**4. I consider the "current project" documentation to be invalid.** Not only must there be a **public scoping meeting** to discuss the regional impacts of the proposed project, but when **there are continued blatant lies in regards to such things as how wide streets are** in the vicinity and **whether homes exist south of 41st Street and east of Long Beach Ave.**, why should we believe things like sampling for toxic materials and believing the number of theorized vehicle trips per day relating to the project(?)

I call for admission as to **who pressured whom, and who made the decision to avoid a public scoping hearing on the regional significance of the PIMA project.**

**RESPONSE NO. E10-6**

As discussed in Response to Comment No. E10-4, per Section 15206 of the CEQA Guidelines the City has determined that the project is not of regional significance and an NOP scoping meeting is not required. Street widths are documented by the City of Los Angeles Department of Transportation and the Bureau of Engineering. The Draft EIR acknowledges that the area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses with limited small lot single-family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. Please see Section II, *Environmental Setting*, of the Draft EIR for further information. The 500-foot property owner and occupant mailing list and map have been field-verified. No residences were identified east of the project site within the 500-foot radius. The map and verification of this information are also available at the City of Los Angeles Planning Department. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E10-7**

Then, **have two humans bring a tape measure and measure the streets that surround the 41st and Alameda site. Record correct info, and replace bogus numbers in documents such as under "Environmental Setting" on page 7 of 581 with the correct numbers.** (I am no lawyer, but I believe that many courtrooms like relative truth rather than easily-disproved lies, so change the street measurements if you want to retain any credibility.)

**RESPONSE NO. E10-7**

Your comment regarding the measurement of street widths that surround the proposed project has been noted. The existing dedicated street rights-of-way and roadway widths are shown in the table below:

Street Name	Location in Relation to Project Site	Existing ROW $\frac{1}{2}$ Width (dedicated)	Proposed ROW $\frac{1}{2}$ Width
41 <sup>st</sup> Street	South	30 feet	52 feet
Alameda Street	East	23.5 feet	36 feet
East Martin Luther King Junior Boulevard	North	25 feet	30 feet
Long Beach Avenue East	West	70 feet	70 feet

The street widths listed in the Environmental Setting section of the Initial Study refer to additional dedication of street right-of-way to the City. The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE. The City Bureau of Engineering process for street dedication allows the City to obtain necessary public street right-of-way from private property owners to meet City standards. Every street in the City of Los Angeles is classified according to its prescribed transportation use. The categories include Major and Secondary Highways, Collector Streets, and various classifications of local and hillside streets. Each type of street has a required right-of-way width, roadway width, and sidewalk width. In order to enforce these requirements, the Bureau of Engineering has the authority to obtain the necessary right-of-way from private property owners when the properties are developed. One of two methods of obtaining the necessary right-of-way occurs through a Highway Dedication clearance on a Department of Building and Safety Building Permit Application (B&S Application). In addition to the right-of-way dedication, the private property owner may be required to make necessary improvements such as roadway widening and installation of curb, gutter, curb ramps, and sidewalk. If the existing public right-of-way is already fully improved, the private property owner is requested to construct additional sidewalk over the newly dedicated property, repair or replace broken and off grade sidewalk, and close unused driveways.

#### **COMMENT NO. E10-8**

I want to point out that another major problem with the "**Environmental Setting**" portion is that **it pretends that there are no residences south of 41st Street and east of Long Beach Ave.** Please cease having Planning Dept. officials swallow whatever developers and often their Council lackeys tell them! You can go to the area and look for homes (which you will find) -- you can even bring a tape measure to do two tasks at once!!

#### **RESPONSE NO. E10-8**

Your comment regarding the existence of residences south of 41st Street and east of Long Beach Avenue has been noted. Section II, *Environmental Setting* (page II-1), of the Draft EIR acknowledges that the area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses with limited small lot single-family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The 500-foot property owner and occupant mailing list and map have been field-verified. No residences were identified east of the project site within the 500-foot radius. The map and verification of this information are also available at the City of Los Angeles Planning Department.

#### **COMMENT NO. E10-9**

It is my understanding that, though comments on earlier variations of the project are in "the file", that



those comments will not count toward scoping comments on the current project. Though I will try to get important points in the record again, **but why should an old case number and the applicant's earlier info still be valid, and yet the comments on such a case number apparently will not count unless re-submitted?** (Please point to a legal regulation which says that applicants can keep documents in the record, while also saying that comments on such documents would not formally be considered in the record to challenge the newer project.)

#### **RESPONSE NO. E10-9**

Your comment regarding the validity of scoping comments for a previously submitted project has been noted. The City previously prepared a draft mitigated negative declaration (MND) for the proposed project. At the request of the applicant, the City has now prepared the Draft EIR, which supersedes the draft MND. Pursuant to section 21091(d) of the California Public Resources Code and section 15074 of the State CEQA Guidelines, a lead agency is required to consider comments received during the public review process for a draft MND but is not required to respond to those comments in writing. The City has nevertheless retained the comments received on the draft MND in its files as required by section 15208 of the State CEQA Guidelines.

#### **COMMENT NO. E10-10**

I note that "**Environmental Settings**" has changed from the earlier document. Taking my advice, Alameda Street was declared to be east rather than south of the site -- plus 41st Place was changed to 41st Street as I had pointed out. **WHAT ABOUT BOGUS ESTIMATES / MEASUREMENTS OF THE ADJACENT STREETS to the 41st and Alameda site?? Those remain not only very suspect, but BLATANTLY INACCURATE!**

#### **RESPONSE NO. E10-10**

Your comment regarding the location of streets discussed in the Environmental Setting section of the Initial Study has been noted. These discrepancies have been corrected in the Environmental Setting Section II of the Draft EIR.

#### **COMMENT NO. E10-11**

A few of us mentioned large trucks in earlier comments. **The EIR must be very clear as to exactly what kind of trucks will be able to access which streets and which driveways in the area of the 41st and Alameda St. site. Will the trucks with 53 foot trailers and large sleeper cabs be able to access the area -- by which streets and to which driveways?** If not, explicitly mention in the EIR that no trucks with 53 foot trailers and sleeper cabs will be forbidden to enter the area. Even some other trucks will have a hard time with Long Beach Ave. and other streets and driveways in the area.

#### **RESPONSE NO. E10-11**

Your comment regarding the types of trucks proposed to be used for the proposed project and driveway access has been noted. The project applicant has specified that truck traffic would consist of cargo vans and box trucks only; no large diesel semi-tractor trucks would be included in the daily traffic to the site. The proposed project would nevertheless accommodate 65-foot-long tractor trailers should such larger trucks ever be required to access the project site. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site. The roadway lane configuration and geometric characteristics of City streets are designed for all types of vehicles including trucks. It is the traffic capacity that is usually determined

when development projects are proposed. It is a standard industry procedure to use a passenger car equivalent factor (recommended by the Highway Capacity Manual published by the Federal Highway Administration) to convert all types of vehicles into an equivalent number of passenger cars in traffic capacity analysis. The turning radius requirement and load carrying capacity of trucks, including 70-foot-long trucks weighing 80,000 pounds, are roadway design elements that are appropriately applied in the design of all City streets that allow truck traffic. It is the volume (i.e., hourly number of vehicles, including trucks, converted into passenger car equivalents using recommended conversion factors) that is used to determine traffic carrying capacity at the intersections and roadways. All development projects, such as the current project, are subject to this determination by the City Department of Transportation to review any potential project traffic impacts to the circulation system. Additionally, the queuing lane and staging area design are part of project's site design requirement based on project specific traffic (including trucks) needs. LADOT concurred with results of the traffic study in their letters of approval dated February 4, 2013 and October 4, 2013 (Appendix XI in Volume VI of the Draft EIR) of the traffic study addressed to Department of City Planning. The remarks and conclusions made in the approval letter will be considered in subsequent phases as part of entitlement process.

The City Bureau of Engineering process for street dedication allows the City to obtain necessary public street right-of-way from private property owners to meet City standards. Every street in the City of Los Angeles is classified according to its prescribed transportation use. The categories include Major and Secondary Highways, Collector Streets, and various classifications of local and hillside streets. Each type of street has a required right-of-way width, roadway width, and sidewalk width. In order to enforce these requirements, the Bureau of Engineering has the authority to obtain the necessary right-of-way from private property owners when the properties are developed. One of two methods of obtaining the necessary right-of-way occurs through a Highway Dedication clearance on a Department of Building and Safety Building Permit Application (B&S Application). In addition to the right-of-way dedication, the private property owner may be required to make necessary improvements such as roadway widening and installation of curb, gutter, curb ramps, and sidewalk. If the existing public right-of-way is already fully improved, the private property owner is requested to construct additional sidewalk over the newly dedicated property, repair or replace broken and off grade sidewalk, and close unused driveways. The following table shows the required ROW and street widths for the streets surrounding the project sites described in the existing Southeast Los Angeles Community Plan (SELACP), the proposed update to the SELACP, and the update to the Mobility Element of the City's General Plan (Mobility Plan 2035):

Street Name	Existing SELACP			SELACP Update			Mobility Plan 2035		
	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)
41st Street	Major Hwy Class II	52	40	Collector	32	22	Collector	33	20
Alameda Street	Major Hwy Class II	52	40	Major Street	---	---	Avenue III	36	23
Martin Luther King Blvd.	Local (standard)	30	20	Local (standard)	30	18	Local (standard)	30	18
Long Beach Ave. <sup>23</sup>	Major Hwy Class II	52	40	Collector	32	22	Boulevard I	68	50

<sup>23</sup> Long Beach Avenue is designated as a Major Highway II in the existing SELACP and proposed update to the SELACP which requires a dedicated right-of-way width of 104 feet and a roadway width of 80 feet. The current dedicated right-of-way width of Long Beach Avenue is 140 feet which includes 60 feet of right-of-way for the Metro Blue Line light rail line. Long Beach Avenue is designated as a Boulevard I in Mobility Plan 2035 which requires a dedicated right-of-way width of 136 feet which includes the 60 feet of Blue Line right-of-way. The currently dedicated right-of-way width

The project has been reviewed under the existing standards described in the DOT letter dated October 4, 2013. However, the required dedications under the Mobility Plan update would be as in the table above. The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE. LADOT concurred with results of the traffic study in their letters of approval dated February 4, 2013 and October 4, 2013 (Appendix XI in Volume VI of the Draft EIR) addressed to Department of City Planning. As stated in the approval letter, the following items and site plan requirements will be verified and addressed as part of the entitlement process:

- Construction work site traffic control plan
- Highway dedication and street widening requirements
- 41<sup>st</sup> St. to be reclassified to a Collector Street.
- Parking requirements
- Driveway access
- Development review fees

#### **COMMENT NO. E10-12**

Please examine Sarah Nolan's concerns about lined up traffic waiting to turn in their scrap metal (when considering how accessible certain roads would be when giant trucks are seeking to travel on narrow roads), as well as the Food Bank's concern that there still be parking on both sides of 41st Street.

#### **RESPONSE NO. E10-12**

As discussed in Response to Comment No. E10-11 above, roadway design elements are appropriately applied in the design of all City streets that allow truck traffic. Additionally, parking standards are appropriately applied in the design of all City streets. The applicant will be required to adhere to City parking standards for the portions of 41<sup>st</sup> Street that are proposed to be improved. The proposed project provides adequate loading spaces in compliance with Los Angeles Municipal Code §§ 12.21 A-4(g), 12.21 A-5(e), 12.21 A-5(i), 12.21 A-5(j), and 12.21 C-6. The loading bays are 55 feet deep, and the distance from the loading dock to the planter curb inside the project site is 120 feet, which is adequate to accommodate the maneuvering of 65-foot-long tractor trailers to the loading areas on-site. Queuing of trucks on the street would therefore not be required. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, page IV-6, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

#### **COMMENT NO. E10-13**

It is also odd that the documentation omits the **inescapable fact that the Metrorail Blue Line runs on some tracks adjacent to the Pacific Railroad's tracks and crosses the fairly busy 41st Street**. So, the fantasyland of this development proposal envisions wide roads, disappearing residences, and a seemingly vanished light-rail line. That is simply not the reality of this site. (I hope to have included in the record some of **Metro's earlier concerns about the proposed project's impact on safety in the 41st Street and Long Beach Avenue area.**)

#### **RESPONSE NO. E10-13**

Your comment regarding Metro's comments on the safety of railroad crossings as they relate to 41st

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140 feet complies with the requirements of the existing and proposed SELACP and Mobility Plan 2035.

Street and Long Beach Avenue as indicated in their NOP letter submitted on June 26, 2014 included in Appendix II of the Draft EIR has been noted. According to the Addendum to the Traffic Impact Study dated October 3, 2014 (Appendix IX in Volume VI, page 9 of the Draft EIR),

*The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project.*

*The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro's Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7's freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.*

Section II, *Environmental Setting*, page II-1 of the Draft EIR, references and acknowledges the adjacent Metro and freight rail lines, as well as residences in the project vicinity which are further detailed in Response to Comment No. E10-8. As discussed in the *Transportation/Traffic* section of the Draft EIR on page IV.G-16, the project is not proposing any modifications or crossings of the railroad right-of-way.

#### **COMMENT NO. E10-14**

The latest "Environmental Setting" says that the site is level. While it is fairly level, yet a map in the record notes that it is a few feet higher at northeastern end than it is at the southwestern end of the property

#### **RESPONSE NO. E10-14**

Your comment regarding the topography of the proposed project site has been noted. Section II, *Environmental Setting*, in the Draft EIR (Pg. II-1) includes the following text:

The elevation of the proposed project site is approximately 200 feet above mean sea level (MSL) with up to a 4-foot transition to surrounding property elevations.

#### **COMMENT NO. E10-15**

Also, I realize that not only was there a concerted effort made to pretend that there are no residences south of 41st St. and east of Long Beach Ave., but **they even have the nerve to pretend that the fairly densely populated neighborhood to the west of Long Beach Ave. is mere warehouse / industrial.** Basically, after going about a block west of Long Beach Ave. on 41st Ave., then it is predominately a residential area, and quite a populated one at that. **Thus, do not pretend there are not a bunch of "sensitive receptors" in the immediate as well as greater vicinity of the 41st and Alameda site.**

**RESPONSE NO. E10-15**

As indicated in Response to Comment No. E10-8, Section II, *Environmental Setting* (on page II-1), of the Draft EIR acknowledges that the area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses with limited small lot single-family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west (Figure II.A-5, *Zoning Map*). There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors*. The sensitive receptors include multifamily residences located to the west, southwest, and south of the proposed project site. Schools and recreation centers are included in the CARB's definition of sensitive receptors, but the nearest school and recreation center are located outside of the 500 foot radius of the proposed project site.

**COMMENT NO. E10-16**

I will now peer at the map in the record and mention some key parcels in the general area which could be considered "sensitive receptors" or otherwise contributing to safety concerns in the region. **Glancing at page 27 of 781, the Snyder Recreation Center would be the closest site which would have a number of sensitive receptor people (unless one counts individuals with asthma, other ailments, or a baby or elder in closerby residences) I note that the nearest school is Nevin Ave. School -- followed closely by Jefferson High School, then the Roberts Recreation Center, the Ascot Avenue School, and the Holmes Ave. School. Carefully evaluate the likely impacts of added air pollutants on the sensitive receptors at each school and recreation site mentioned above.**

**RESPONSE NO. E10-16**

Your comment regarding sensitive receptors has been noted. There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors*. The sensitive receptors include multifamily residences located to the west, southwest, and south of the proposed project site. Schools and recreation centers are included in the CARB's definition of sensitive receptors, but the nearest school and recreation center, including Nevin Avenue School, Jefferson High School, Roberts Recreation Center, Ascot Avenue School, and Holland Avenue School, are located outside of the 500 foot radius of the proposed project site. In addition, an Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) was performed in relation to specific sensitive receptors, including those receptors mentioned above (see pages 6–8 of Appendix V of the Draft EIR). This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. The point of maximum impact (PMI) to any receptor, which is Receptor P2, is 0.00135  $\mu\text{g}/\text{m}^3$  for the modeled annual average diesel particulate matter (DPM) concentration. (All receptors are shown in Figure IV.B-2.) While there are no chronically exposed persons at that receptor, there are off-site workers immediately adjacent to the project site so this PMI concentration was assumed to be the maximum off-site worker receptor. The PMI for residential receptors is Receptor NR3, which has an annual average DPM concentration of 0.00020  $\mu\text{g}/\text{m}^3$  and is the Maximum Exposed Individual Residence (MEIR). The PMI for sensitive receptors is Receptor SR1, the Amino Middle School, which has an annual average DPM concentration of 0.00003  $\mu\text{g}/\text{m}^3$ . The PMI for receptors of interest is Receptor OR-B, the Los Angeles Regional Food Bank, which has an annual average DPM concentration of 0.00101  $\mu\text{g}/\text{m}^3$ . Table IV.B-11 of the Draft EIR contains a summary of the health impact results from DPM on these key sensitive receptors. The potential health risk from diesel fueled trucks is very small, with a maximum non-cancer health impact (HI) of 0.0003, and a maximum potential cancer risk of  $2.6 \times 10^{-7}$  or 0.3 in a million. The traditional threshold used to evaluate potential non-cancer risk is a HI of 1.0, and the public notification threshold for cancer risk is  $10 \times 10^{-6}$  or 10 in a million as set by SCAQMD Rule 1401.

The maximum potential risks from this facility are less than 0.03 percent of the non-cancer threshold and less than 3 percent of the cancer threshold. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions.

**COMMENT NO. E10-17**

**Increased diesel emissions, increased congestion, inadequate street size, and other aspects relating to the project will certainly add to the already excessive toxic burden which the Alameda - Central community carries at the aforementioned schools and recreation centers, as well as otherwise.** While I personally have not surveyed the neighborhood for nursing / retirement homes, or for places for medical or psychiatric care, please identify such facilities in the EIR if they are within 3/4 of a mile of the 41st and Alameda site.

**RESPONSE NO. E10-17**

Please see Response to Comment No. E10-16 regarding air quality impacts to sensitive receptors. In summary, there are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. While certain medical facilities qualify as sensitive receptors, there are none within the 500 foot radius of the proposed project site. The CARB Land Use Handbook advises a range of analysis up to 500 feet for relative cancer risk for distribution centers based on PM emissions from diesel truck travel in and out of distribution centers.

**COMMENT NO. E10-18**

With the increased congestion on all 4 surrounding streets, as well as the proposed surge in vehicle journeys associated with the project, **this increase in emissions which clearly has an impact on many sensitive receptors must be carefully analyzed in the EIR.** In addition, **these emissions, plus the impact on health and safety of sensitive receptors** in the neighborhood, must also be carefully analyzed in an **Environmental Justice context.**

**RESPONSE NO. E10-18**

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>24</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section

<sup>24</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

As mentioned in Response to Comment Nos. E10-15 and E10-16, there are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors*. The sensitive receptors include multifamily residences located to the west, southwest, and south of the proposed project site. Schools and recreation centers are included in the CARB's definition of sensitive receptors, but the nearest school and recreation center are located outside of the 500 foot radius of the proposed project site. In addition, an Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) was performed in relation to specific sensitive receptors. This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. Table IV.B-11 of the Draft EIR contains a summary of the health impact results from diesel particulate matter on these key sensitive receptors. The potential health risk from diesel fueled trucks is very small, with a maximum non-cancer health impact (HI) of 0.0003, and a maximum potential cancer risk of  $2.6 \times 10^{-7}$  or 0.3 in a million. The traditional threshold used to evaluate potential non-cancer risk is a HI of 1.0, and the public notification threshold for cancer risk is  $10 \times 10^{-6}$  or 10 in a million as set by SCAQMD Rule 1401. The maximum potential risks from this facility are less than 0.03 percent of the non-cancer threshold and less than 3 percent of the cancer threshold. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions.

In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

#### **COMMENT NO. E10-19**

##### **IMPORTANT SUBSTANCES FOR WHICH TO TEST:**

I find 14 samples at 5 foot depth, with perhaps two at a 15-foot depth as part of a soil vapor probe, to be an inadequate characterization of this heavily abused site for toxic materials.

#### **RESPONSE NO. E10-19**

Your comment regarding the adequacy of hazardous soil assessment has been noted. Potential hazards

and hazardous materials were evaluated via a Phase I Environmental Site Assessment (Phase I ESA) prepared by SCS Engineers in June 2013 (Appendix VII in Volume V of the Draft EIR), a Human Health Screening Evaluation (HHSE) prepared by Kleinfelder, Inc. (Appendix VIII in Volume VI of the Draft EIR), an environmental regulatory database compilation, and a review of published and unpublished literature.

The Phase I ESA revealed evidence of conditions indicative of releases or threatened releases of hazardous substances. The Property has a long and varied history of residential and commercial/industrial uses. Many of the identified commercial/industrial uses are of types typically associated with the use or storage of hazardous materials (see Figure IV.E-1, *Historic Hazardous Materials Land Uses at 4051 South Alameda Street Project Site*). Consequently, these activities pose a risk of contamination on the Property. At least five soil investigations have been conducted on the Property. While no significant contamination (with respect to commercial land use) has been detected, low concentrations of Volatile Organic Compounds (VOCs) were identified in scattered soil samples. The results of the soil vapor survey appeared consistent with the results of previous soil investigations, that is, trace concentrations of VOCs were detected, primarily in the northwestern portion of the property. The VOC vapor concentrations were, for the most part, less than generally accepted regulatory limits (CHHSLs) for commercial/industrial land use. Based on the Phase I ESA, there is no expected potential for the release of hazardous materials at the current vacant project site. There have been past land uses on adjoining property that likely have contributed to the presence of some hazardous materials on those sites, however no recognized environmental conditions regarding the proposed project site being exposed to contamination migrating from off-site sources have been observed (p. IV.E-4 of the Draft EIR). The Phase I ESA indicated that the concentrations of herbicides, organochlorine pesticides, hexavalent chromium, VOCs, SVOCs, PCBs, and TPH were generally below regulatory limits for commercial land use, however elevated concentrations of certain metals (primarily lead and arsenic) were detected in a limited number of samples but below levels that would pose a risk or hazards to people or property (pg. IV.E-9-10 of the Draft EIR).

As further summarized in the HHSE, the concentrations of all chemicals detected at least once in any soil sample were below regulatory levels except arsenic and lead. Four of 141 soil samples contained arsenic at a concentration that exceeded the background concentration of 12 mg/kg, however, the average and 95% upper confidence limit of the average concentration (95UCL) were below the background concentration, which indicates that further investigation or mitigation of arsenic is not necessary to protect public health or the environment. Further investigation or mitigation is not considered to be warranted since the 95% upper confidence limit of the average concentration is 3.9 mg/kg as compared to the estimated background concentration of 12 mg/kg; and only four of 141 soil samples contained arsenic at a concentration greater than 12 mg/kg. Lead was evaluated by comparison to the Cal/EPA limit for soil on industrial sites (320 mg/kg). Four of 142 soil samples contained lead at a concentration greater than 320 mg/kg and three of those samples only slightly exceeded the limit (334, 335, and 354 mg/kg). The maximum concentration of lead was 726 mg/kg. The average and 95UCL concentrations of lead were well below the industrial soil limit indicating that further investigation or mitigation of lead is not necessary to protect public health or the environment. Because actual exposures of subsurface utility workers is likely to be best represented by an average of site soil concentrations, and because the 95% upper confidence limit of the average concentration is 92.2 mg/kg as compared to the acceptable concentration of 320 mg/kg, further investigation or mitigation is not considered to be warranted based on the presence of lead in site soil. For arsenic, the standard would be DTSC (2009), Arsenic Strategies, Determination of Arsenic Remediation, Development of Arsenic Cleanup Goals. Department of Toxic Substances Control, California Environmental Protection Agency, Sacramento, January 16, 2009 (included as Appendix L to the Final EIR). For lead, the standard would be DTSC (2014), Human Health Risk Assessment (HHRA) Note 3, DTSC Recommended Methodology for Use of U.S. EPA Regional



Screening Levels (RSLs) in the Human Health Risk Assessment Process at Hazardous Waste Sites and Permitted Facilities, July 14, 2014 (included as Appendix M to the Final EIR).

The site was found to be suitable for commercial/industrial development based on the conceptual site model described in the HHSE (Kleinfelder 2014), which identified sub-surface utility workers and on-site employees as appropriate human receptor groups, and as presented in a comparison of the maximum concentration of any analyte detected at least once in soil or soil vapor to levels of regulatory concern required by the U.S. Environmental Protection Agency (EPA). The HHSE methods, approach, and findings are discussed in more detail in the following responses. The HHSE can be found in Volume VI, Appendix VIII of the Draft EIR.

The HHSE was performed to evaluate whether Chemicals of Potential Concern (COPCs) were present in environmental media (soil, soil vapor, or groundwater) at concentrations that may be associated with adverse health effects under future commercial land uses.

Several Phase I and Phase II environmental site investigations have been performed on the subject site since the 1990s. Reports of these investigations were reviewed to develop a conceptual site model, to identify COPCs, and to identify appropriate exposure point concentration estimates for the health screening evaluation. These reports are included as Appendices D through K of the Final EIR and Appendix VII to Draft EIR. The following reports were reviewed in preparation of the HHSE and are included as Appendices D through K in the Final EIR:

- *Preliminary Health Risk Evaluation – Lancer Site*, January 18, 1995. Prepared by Hart Crowser, Inc. (excerpt)
- *Site Investigation Report – Lancer Site*, October 29, 2003. Prepared by Pacific Edge Engineering, Inc.
- *Phase I Environmental Site Assessment*, September 1, 2006. Prepared by Professional Service Industries, Inc. (PSI).
- *Phase II and Limited Phase III Environmental Site Assessment*, October 9, 2006. Prepared by PSI.
- *Phase I/II Environmental Site Assessment*, May 25, 2006. Prepared by Advantage Environmental Consultants, LLC.
- *Hexavalent Chromium Analysis*, November 3, 2006. Prepared by PSI.
- *Preliminary Risk Assessment*, May 31, 2007. Prepared by PSI.
- *Soil Vapor Survey*, March 2011. Prepared by SCS Engineers.
- *Phase I Environmental Site Assessment*, June 2013. Prepared by SCS Engineers. (Appendix VII to Draft EIR)

Collectively, these reports provide a representative summary of environmental conditions on the subject site based on:

1. The number and location of soil and soil vapor samples that have been collected and analyzed for chemical constituents of potential concern based on past land uses. As summarized in Phase I ESA (page 15) and documented in the reports identified above, 176 soil samples have been collected from 146 locations across the subject site, and 16 soil vapor samples have been collected from 14 locations across the subject site. The sampling locations were distributed to provide information representative of conditions across the site.
2. The breadth of chemical analyses performed on the soil and soil vapor samples collected

from the subject site. As summarized in the HHSE (page 2), the soil samples were analyzed for petroleum hydrocarbons by EPA Methods 418.1 and 8015M, SVOCs by EPA Method 8270C, VOCs by EPA Method 8260B, California Title 22 metals by EPA Method 6010B, hexavalent chromium by EPA Method 7199, organochlorine pesticides and PCBs by EPA Method 8081A/8082, and herbicides by EPA Method 8151. Soil vapor samples collected from five or 15 feet below ground surface were analyzed for VOCs by EPA Method 8260B. The sample types and analytical methods broadly provide information representative of conditions across the site. Each chemical type generally representative of environmental conditions on property developed in an urban setting was addressed by the analyses performed.

3. The quality of the analytical data developed from the analysis of environmental samples collected from the subject site. As summarized in the HHSE (page 2), laboratory analytical reports, including analysis of quality assurance/quality control samples, were available and reviewed for most soil data and for the soil vapor data. The analytical results appear to be of adequate quality and suitable for use in a risk assessment based on the analysis of laboratory blank samples, LCS, matrix spike and matrix spike duplicate samples, all of which were within acceptable control ranges. Reporting limits apparently were sufficiently low to detect concentrations of health concern.

Based on the HHSE, understanding the regulatory points of departure for risk management, a cumulative cancer risk of  $1 \times 10^{-6}$  indicates that there may be one additional case of cancer for every 1,000,000 people in a population exposed to the COPCs under the exposure conditions identified in the HHSE. To put this cancer risk in perspective, the background rate of cancer in the United States is approximately 1 in 3. Therefore, of the roughly 300,000,000 citizens of the United States, 100,000,000 can expect to develop some form of cancer at some time in their lives. If the entire population of the United States were to reside on a site where, due to chemical contamination, the excess lifetime cancer risk was  $1 \times 10^{-6}$ , then an additional 300 individuals might develop some form of cancer as a result, and the total number of cancer cases would be 100,000,300.

As indicated on page 10 of the HHSE, the analysis was performed consistent with the guidance provided by the DTSC, using Risk Screening Levels for estimating cancer risk and non-cancer risk. Threshold values for risk management decisions based on Cal/EPA and federal EPA policy are  $1 \times 10^{-6}$  (one in one million) for cancer risks and a non-cancer hazard quotient of 1.0. For lead, which is evaluated by different methodology than all other constituents of concern, the threshold for risk management decisions based on Cal/EPA policy is a soil concentration of 320 mg/kg; therefore, where lead concentrations in soil are less than 320 mg/kg, action is not required.

The results of the analysis are provided in Tables 4 and 5 of the HHSE for the construction scenario based on a subsurface utility worker. Using the methods described in the HHSE, the total cancer risk was determined to be  $7 \times 10^{-7}$  which is less than the Cal/EPA regulatory point of departure of  $1 \times 10^{-6}$  for risk management decisions based on cancer risk. The non-cancer risk was 0.867 which is less than the Cal/EPA regulatory point of departure of 1.0 for risk management decisions based on non-cancer risk (pg. IV.E-9 of the Draft EIR). The results of the analysis are provided in Tables 6 and 7 of the HHSE for the operational phase of the project based on an analysis for potential soil vapor intrusion. Using the methods described in the HHSE, the total cancer risk was determined to be  $6 \times 10^{-7}$  which is less than the Cal/EPA regulatory point of departure of  $1 \times 10^{-6}$  for risk management decisions based on cancer risk. The non-cancer risk was 0.009 which is less than the Cal/EPA regulatory point of departure of 1.0 for risk management decisions based on non-cancer risk.

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health

risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use would require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>25</sup>

#### **COMMENT NO. E10-20**

I call for a thorough assessment of hazards and hazardous materials to be included in the EIR. **Such thorough testing would involve numerous sampling sites within each acre within the 41st and Alameda site.** A mere one sample per acre is certainly inadequate if one is concerned about health and safety. I am not an expert on sampling, but the more the better, and taking samples at differing depths could bring useful information forward.

#### **RESPONSE NO. E10-20**

Your comment regarding the assessment of hazards and hazardous materials at the project site, specifically regarding variety of soil samples, has been noted. As stated in Response to Comment No. E10-19, a Phase I ESA was prepared by SCS Engineers in June 2013 (Appendix VII in Volume V of the Draft EIR), and a Human Health Screening Evaluation (HHSE) was prepared by Kleinfelder, Inc. (Appendix VIII in Volume VI of the Draft EIR) in accordance with California Environmental Protection Agency (Cal/EPA) guidance as described in the Preliminary Endangerment Assessment (PEA) Guidance Manual. Research of the project site also included the review of published and unpublished literature and the use of an environmental regulatory database compilation. The review of the environmental regulatory database compilation does not indicate that the site is included on a list of hazardous materials sites compiled pursuant to the Government Code Section 65962.5. Response to Comment No. E10-19 provides further detail on specifics of the soil sampling conducted at the project site.

#### **COMMENT NO. E10-21**

**The toxic materials which must be tested for (in the EIR) include:** Total Petroleum Hydrocarbons (TPH), VOCs, SVOCs, CCR Title 22 metals, organochlorine pesticides, PCBs, pentachlorophenol, creosote, formaldehyde, xylene, benzene, toluene, 2,4-D , DDT / DDE, glyphosate, atrazine, ARSENIC, lead, fluoride, HEXAVALENT CHROMIUM, cadmium, chromium, chromium-6, chromium-12, perchlorate, TCE, Tetrachloroethene, PCE, diesel constituents and breakdown products, as well as for substances one might find from a color and dye company and from a dry-cleaning company once on the site.

#### **RESPONSE NO. E10-21**

Your comment regarding the inclusion of toxic materials testing in the Draft EIR has been noted. Results from several surface and subsurface level investigations that were conducted at the proposed project site indicated that the concentrations of herbicides, organochlorine pesticides, hexavalent chromium, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and total petroleum hydrocarbons (TPH) were generally below regulatory limits for commercial land use (pg. IV.E-4 of Draft EIR). In addition, the HHSE, prepared by Kleinfelder Inc. (Appendix VIII in Volume VI of the Draft EIR) in accordance with Cal/EPA guidance as described in the Preliminary Endangerment Assessment (PEA) Guidance Manual determined that the project site does not pose a risk

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<sup>25</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

or hazards to people or property from VOCs (pg. IV.E-9 of the Draft EIR). Analysis of soil samples was performed for the compounds identified in the comment as part of one or more investigations at the subject site as indicated in Table 2, Section 3, of the HHSE in Appendix VIII. The HHSE determined that the project site does not pose a risk or hazards to people or property from arsenic or lead, because arsenic levels on the subject property are an order of magnitude lower than background levels. The concentrations of all chemicals detected at least once in any soil sample were below regulatory levels except arsenic and lead. Four of 141 soil samples contained arsenic at a concentration that exceeded the background concentration of 12 mg/kg, however, the average and 95% upper confidence limit of the average concentration (95UCL) were below the background concentration, which indicates that further investigation or mitigation of arsenic is not necessary to protect public health or the environment. Lead was evaluated by comparison to the Cal/EPA limit for soil on industrial sites (320 mg/kg). Four of 142 soil samples contained lead at a concentration greater than 320 mg/kg and three of those samples only slightly exceeded the limit (334, 335, and 354 mg/kg). The maximum concentration of lead was 726 mg/kg. The average and 95UCL concentrations of lead were well below the industrial soil limit indicating that further investigation or mitigation of lead is not necessary to protect public health or the environment. For arsenic, the standard would be DTSC (2009), Arsenic Strategies, Determination of Arsenic Remediation, Development of Arsenic Cleanup Goals. Department of Toxic Substances Control, California Environmental Protection Agency, Sacramento, January 16, 2009 (included as Appendix L to the Final EIR). For lead, the standard would be DTSC (2014), Human Health Risk Assessment (HHRA) Note 3, DTSC Recommended Methodology for Use of U.S. EPA Regional Screening Levels (RSLs) in the Human Health Risk Assessment Process at Hazardous Waste Sites and Permitted Facilities. July 14, 2014 (included as Appendix M to the Final EIR). Analysis of soil samples was performed for the chemicals identified in the comment with the possible exception of glyphosate, atrazine, fluoride, and perchlorate. Glyphosate and atrazine, however, have relatively short half-lives once released to the environment. Glyphosate in particular degrades rapidly. Possibly fluoride was used in the past as a pesticide or herbicide on the site, however, there is no record of such use. Fluoride is also naturally occurring as well as a food additive and therapeutic agent. Perchlorate is not expected to be present based on a lack of site history involving pyrotechnic manufacture or use. Analyses would not ordinarily be performed for atrazine, glyphosate, fluoride, or perchlorate unless there is reason to believe those analytes were released on a given site. The half-life of glyphosate is 2-7 days and the half-life of atrazine is 30-35 days in dry soil. So it would not be expected to find these in soil on the subject site.<sup>26</sup> For more detail on the studies focused on hazards and hazardous materials for the project site, please see Response to Comment Nos. E10-19 and E10-20.

#### **COMMENT NO. E10-22**

In addition, test for these components and/or breakdown products of diesel. I note that **Table 1: Substances in Diesel Exhaust Listed by Cal EPA as Toxic Air Contaminants** mentions these: acetaldehyde; acrolein; aniline; antimony compounds; arsenic; benzene; beryllium compounds; biphenyl; bis[2-ethylhexyl]phthalate; 1,3-butadiene; cadmium; chlorine; chlorobenzene; chromium compounds; cobalt compounds; creosol isomers; cyanide compounds; dibutylphthalate; dioxins and dibenzofurans; ethyl benzene; formaldehyde; inorganic lead; manganese compounds; mercury compounds; methanol; methyl ethyl ketone; naphthalene; nickel; 4-nitrobiphenyl; phenol; phosphorus; polycyclic organic matter, including polycyclic aromatic hydrocarbons (PAHs) and their derivatives; propionaldehyde; selenium compounds; styrene; toluene; xylene isomers and mixtures; o-xylenes; m-xylenes; and p-xylenes. Please test for some of these components of diesel emissions in soil at various sites throughout the approximately 14 acres.

<sup>26</sup>

U.S. National Library of Medicine. Toxnet Toxicology Data Network. Available online at: <http://toxnet.nlm.nih.gov>

**RESPONSE NO. E10-22**

Your comment regarding additional testing for hazards and hazardous materials at the project site has been noted. As explained in Response to Comment Nos. E10-19, E10-20, and E10-21, the HHSE was prepared in compliance with Cal/EPA guidance as described in the Preliminary Endangerment Assessment (PEA) Guidance Manual. The HHSE was based on the following five steps:

- Preparation of a conceptual site model
- Identification of chemicals of concern for the site (COCs)
- Exposure assessment
- Identification of screening levels
- Risk characterization (pg. IV.E-5 of the Draft EIR)

Analysis of soil samples was performed for the compounds identified in the comment as part of one or more investigations at the subject site as indicated in Table 2, Section 3, of the HHSE in Appendix VIII.

**COMMENT NO. E10-23**

Some review of the earlier documentation indicated that certain substances were found at levels of concern.

**RESPONSE NO. E10-23**

Your comment regarding levels of certain substances that presented concerns in earlier documentation has been noted. Section IV.E *Hazards and Hazardous Materials* of the Draft EIR makes reference to elevated concentrations of certain metals (primarily lead and arsenic) in a limited number of samples, but clarifies that through analytical results, the data do not indicate any significant release of contamination on the property (pg. IV.E-4 and IV.E-10 of the Draft EIR). Based on Appendix G of the CEQA Guidelines, the proposed project would not have significant impacts regarding issues related to hazards and hazardous materials (pg. IV.E-8 of the Draft EIR). Please refer to Response to Comment No. E10-19 for a detailed description of testing and review of documentation supporting these findings.

In addition, the Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>27</sup>

**COMMENT NO. E10-24**

Seeing that an AQMD official or staffer advised that the earlier incarnation of this proposed development be mitigated by having a ramp for traffic to travel all the way from the 41st and Alameda site up to the Santa Monica Freeway, does it sound like the AQMD considers this fairly similar development (except on even more of the site) of regional significance?

**RESPONSE NO. E10-24**

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<sup>27</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

Your comment regarding the SCAQMD comments on the previously proposed project has been noted. The proposed project is different from the earlier version and is therefore being reviewed relative to its own impacts. As the lead agency under CEQA, the City has determined that the proposed project is not of regional significance pursuant to Section 15206 of the CEQA Guidelines, which identifies a proposed project of statewide, regional, or areawide significance as one that meets the following criteria:

(b)(2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located. Examples of the effects include generating significant amounts of traffic or interfering with the attainment or maintenance of state or national air quality standards. Projects subject to this subdivision include:

(A) A proposed residential development of more than 500 dwelling units.

(B) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

(C) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

(D) A proposed hotel/motel development of more than 500 rooms.

(E) A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

The proposed project would occupy approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space for a total of 480,120 square feet and would employ 994 persons. The proposed project meets none of the above criteria. As a result, the City has determined that it is not of regional significance.

#### **COMMENT NO. E10-25**

Let me quote three paragraphs which are the third to fifth paragraphs under "Background" which is beneath "1. Introduction". The third paragraph reads: "At least five phases of environmental soil investigation has been conducted on the Property with testing for total petroleum hydrocarbons TPH, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, hexavalent chromium, organochlorine pesticides, polychlorinated biphenyls (PCBs) and herbicides. No significant concentrations were detected for most of these chemicals of potential concern.

However, elevated concentrations of certain metals were detected in a limited number of samples, but in no discernable pattern. A limited risk assessment addressed the 'elevated' arsenic concentrations and concluded that the risk from arsenic did not require remediation or mitigation *measures beyond what would normally be appropriate for construction sites*. **It has been further concluded that additional characterization of the soil for metals may be warranted if the Property were to be used for residential purposes, or soils were to be removed from the Property.**

#### **RESPONSE NO. E10-25**

Your comments regarding the findings from the ESA and literature review of previous studies have been noted. Please see Response to Comment No. E10-19. The specific compounds for which testing was performed were identified in Section 3, including Table 2, of the HHSE (Kleinfelder 2014, Appendix VIII of the Draft EIR). Comparison of the maximum concentration reported for each chemical of concern to regulatory levels was discussed in Section 5 and presented in Tables 4 and 5 of the HHSE. As reported in the HHSE, no chemical of concern was present at a concentration that exceeded the EPA Regional Screening Levels (RSL) for industrial land use (please also see pages IV.E-9 and IV.E-10 of the Draft

EIR). Soil is not proposed to be removed from the property. Regarding arsenic levels, four of 141 soil samples contained arsenic at a concentration that exceeded the background concentration of 12 mg/kg, however, the average and 95% upper confidence limit of the average concentration (95UCL) were below the background concentration, which indicates that further investigation or mitigation of arsenic is not necessary to protect public health or the environment. Further investigation or mitigation is not considered to be warranted since the 95% upper confidence limit of the average concentration is 3.9 mg/kg as compared to the estimated background concentration of 12 mg/kg; and only four of 141 soil samples contained arsenic at a concentration greater than 12 mg/kg.

Residential land use is not contemplated for this property and the Draft EIR was performed to address commercial/industrial land use; therefore, as noted in the HHSE, residential land use was not evaluated. In addition, the Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>28</sup>

#### **COMMENT NO. E10-26**

In addition, low concentrations of VOCs were identified in scattered soil samples in earlier investigations. No soil vapor assessment has been conducted on the Property to date. Consequently, it is not clear whether these VOC detections resulted from small release incidents or are indicative of a wider, more significant problem. **A comprehensive Property-wide soil vapor assessment was recommended.**"

#### **RESPONSE NO. E10-26**

Your comment regarding the extent to which a soil vapor assessment was performed has been noted. As discussed in the soil vapor report prepared in 2011 by SCS Engineers, a comprehensive, property-wide soil vapor assessment was performed to address the presence of volatile organic compounds based on historical site uses and as reported in environmental site investigations. The March 2011 Soil Vapor Survey has been included as Appendix K to this Final EIR. SCS (2011) concluded that, based on a comparison to the now vacated California Human Health Screening Levels (CHHSLs), there was no evidence of a significant release or vapor intrusion risk. In the HHSE (see Section 5.5 and Tables 6 and 7) (Kleinfelder 2014), and consistent with current DTSC policy, the SCS (2011) soil vapor data was re-evaluated using EPA Regional Screening Levels (RSLs) and the conclusions of the SCS report were corroborated i.e., the potential health hazards that may be associated with the vapor intrusion pathway under commercial land use assumptions were below a level that requires further investigation or mitigation.

#### **COMMENT NO. E10-27**

Let us re-examine the earlier sentence (3 paragraphs up) that says: "No significant concentrations were detected for most of these chemicals of potential concern." This is an unusual way of saying the site is doing alright in regards to its contamination by "most" chemicals, but **it does not state clearly which precise substances were tested that were found beyond regulatory levels.**

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<sup>28</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

**RESPONSE NO. E10-27**

Your comment regarding the testing of chemicals of potential concern has been noted. The specific compounds for which testing was performed were identified in Section 3, including Table 2, of the HHSE (Kleinfelder 2014). The COPCs addressed in the HHSE included petroleum hydrocarbons, polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), and organochlorine pesticides. Comparison of the maximum concentration reported for each chemical of concern to regulatory levels was discussed in Section 5 and presented in Tables 4 and 5 of the HHSE. As reported in the HHSE, no chemical of concern was present at a concentration that exceeded the EPA Regional Screening Levels (RSL) for industrial land use. The concentrations of all chemicals detected at least once in any soil sample were below regulatory levels except arsenic and lead. Four of 141 soil samples contained arsenic at a concentration that exceeded the background concentration of 12 mg/kg, however, the average and 95% upper confidence limit of the average concentration (95UCL) were below the background concentration, which indicates that further investigation or mitigation of arsenic is not necessary to protect public health or the environment. Lead was evaluated by comparison to the Cal/EPA limit for soil on industrial sites (320 mg/kg). Four of 142 soil samples contained lead at a concentration greater than 320 mg/kg and three of those samples only slightly exceeded the limit (334, 335, and 354 mg/kg). The maximum concentration of lead was 726 mg/kg. The average and 95UCL concentrations of lead were well below the industrial soil limit indicating that further investigation or mitigation of lead is not necessary to protect public health or the environment. For arsenic, the standard would be DTSC (2009), Arsenic Strategies, Determination of Arsenic Remediation, Development of Arsenic Cleanup Goals. Department of Toxic Substances Control, California Environmental Protection Agency, Sacramento, January 16, 2009 (Appendix L to the Final EIR). For lead, the standard would be DTSC (2014), Human Health Risk Assessment (HHRA) Note 3, DTSC Recommended Methodology for Use of U.S. EPA Regional Screening Levels (RSLs) in the Human Health Risk Assessment Process at Hazardous Waste Sites and Permitted Facilities. July 14, 2014 (Appendix M to the Final EIR).

**COMMENT NO. E10-28**

Are all the substances that exceeded regulatory levels mentioned in the first paragraph (immediately below the line of asterisks) or in the following paragraph (arsenic and perhaps other metals)? **Please clearly state which toxic materials were found at the site which exceeded the "usual" regulatory level. Please also make another distinction -- that would be how many (and identify) the toxic materials that would need remediation if the site was to host residences (or if soil was to be removed from the site).** There are repeated references (especially by SCS Engineers reports) that a number of toxic materials are too high if the area was to be residential, but **apparently a fairly high toxic material level is acceptable if a site is merely a "construction" or "industrial" site.** Is part of this logic that people may well spend over half their 24-hour day at their residence, but spend closer to 8 or 9 hours at their workplace? However, sweat-shops are known for long hours. Should hours of a worker at the 41st and Alameda site be limited so that they do not receive excessive exposure from toxic materials lurking in the soil? Please explain. **Also explain how much soil would need to be "removed" from the site in order to trigger a more thorough investigation and remediation of such toxic substances. Are there plans for the removal of any soil from the 41st and Alameda site? Explain...**

**RESPONSE NO. E10-28**

Your comment regarding the maximum concentrations of chemicals of concern on the proposed project site has been noted. The specific compounds for which testing was performed were identified in Section 3, including Table 2, of the HHSE (Kleinfelder 2014). Comparison of the maximum concentration reported for each chemical of concern to regulatory levels was discussed in Section 5 and presented in Tables 4 and 5 of the HHSE. As reported in the HHSE, no chemical of concern was present at a



concentration that exceeded the RSL for industrial land use. In addition, comparisons of arsenic and chemicals of concern concentrations to Cal/EPA and DTSC regulatory levels can be found on pages IV.E-9 and IV.E-10 of the Draft EIR, and further information in Response to Comment No. E10-19 and No. E10-27. Residential land use is not contemplated for this property and the Draft EIR was performed to address commercial/industrial land use; therefore, as noted in the HHSE, residential land use was not evaluated. No soil is proposed to be removed from the proposed project site.

#### **COMMENT NO. E10-29**

I will now quote the "5 REGULATORY LIMITS" portion of the March 2011 soil vapor study by SCS Engineers: "The California EPA Office of Environmental Health Hazard Assessment (OEHHA) published the *Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil*, dated November 2004, revised January 2005. Within this document, California Human Health Screening Levels, or CHHSLs, were developed for certain VOCs in soil gas at 5 feet below buildings for vapor intrusion into structures under residential and industrial / commercial land use scenarios. The CHHSLs are based on general assumptions regarding soils and buildings at VOC-impacted sites, the chemical characteristics of various VOCs, and potential health risks. **The OEHHA guidance states that CHHSLs are 'useful to get a general understanding of potential problems with a site, but cannot be used to assess actual health risks.'** Further, OEHHA has stated that CHHSLs have 'no regulatory effect, and have been published solely as a reference value that may be used by citizen groups, community organizations, property owners, developers, and local government officials to estimate the degree of effort that may be necessary to remediate a property.'

#### **RESPONSE NO. E10-29**

There are two regulatory frameworks that govern the analysis of VOCs. One is for air quality and another one is for toxic air contaminants (TACs) in the soil. The air threshold can be found in the SCAQMD Air Quality Significance Threshold Table<sup>29</sup>. This section provides the mass daily threshold for VOCs during construction (75 lbs/day) and operation (50 lbs/day).

SCAQMD's Rule 1401 sets limits for TACs, including both carcinogens and non-carcinogens, for new and modified existing permit units. The analysis in the HHSE and Draft EIR was performed as per the respective VOC and TAC regulatory frameworks described above. The threshold for the maximum incremental cancer risk level is 10 parts in a million if best available control technology for toxics (T-BACT) is used. Cancer burden (the increase in number of cancer cases in the population) shall not exceed 5 parts in a million. The chronic hazard index and the acute hazard index are set at 1 part in a million.

#### **COMMENT NO. E10-30**

The VOCs detected in vapor samples collected from the Property may be compared to the CHHSLs (if any) listed at the bottom of Table 1. Of the samples collected at 5 feet bgs, two contained PCE (SV2-5' and SV6-5') above its commercial/industrial CHHSL of 0.603 ug/L. The remaining concentrations of PCE and other VOCs were below their respective commercial/industrial CHHSLs, if any."

#### **RESPONSE NO. E10-30**

Your comment regarding the analysis of VOC levels on the proposed project site has been noted. The approach to the evaluation of the vapor intrusion pathway was discussed in Section 5.5 of the HHSE

<sup>29</sup> <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>  
Accessed 25 August 2015.

(Kleinfelder 2014) and the comparison of the maximum soil vapor concentrations of all VOCs detected at least once in any soil vapor sample was presented in Tables 6 and 7 of the HHSE. No VOC was present at a concentration that exceeded soil vapor screening levels based on the EPA indoor air RSLs. Based on this finding, further investigation or mitigation is not warranted. See also Response to Comment No. E10-26.

#### **COMMENT NO. E10-31**

First, explain PCE once more. One of the documents calls Tetrachloroethene "PCE", even though it seems like PCE would have penta or a per (rather than tetra) beginning the chemical name. But then I notice in the June 2013 SCS document that says PCE is actually "perchloroethene." Please alleviate any confusion regarding this alphabet soup matter.

#### **RESPONSE NO. E10-31**

Your comment regarding a further explanation of PCE has been noted. Tetrachloroethene is another name for perchloroethylene (PCE). Tetrachloroethylene is widely used for dry-cleaning fabrics and metal degreasing operations.<sup>30</sup>

#### **COMMENT NO. E10-32**

It sounds like the CHHSLs is a basic reference which cannot be relied upon to properly assess health risks (whether it be for residential, construction, or industrial / commercial property). Would not the "precautionary principle" dictate that there needs to be a "real" health assessment with a firmer testing and remediation regimen, rather than some toothless general references? Are sweatshop workers, truckers, and construction workers expendable, or can they handle a higher toxic load? Explain thoroughly in the EIR.

#### **RESPONSE NO. E10-32**

Your comment regarding the reliability of CHHSLs for determining health risk has been noted. CHHSLs were not used in the HHSE because DTSC policy now calls for use of EPA RSLs (see DTSC HHRA Note 3 available on-line at [www.dtsc.ca.gov/assessingrisk/humanrisk2.cfm](http://www.dtsc.ca.gov/assessingrisk/humanrisk2.cfm)). Thresholds for risk management decisions that were applied in the HHSE (Kleinfelder 2014) were consistent with Cal/EPA and federal EPA policy: cancer risk of  $10^{-6}$  (one in one million) and a noncancer hazard quotient of 1.0.

#### **COMMENT NO. E10-33**

It is vital to point out (as it was in the last paragraph under "6 SUMMARY AND FINDINGS") that **"there has been no regulatory involvement or oversight of the investigations to date."** Later in that paragraph from a SCS report, it says that "There is a **possibility that regulatory agencies**, upon review of this report, **would require further investigation to confirm findings of this investigation and the vertical extent of VOCs in the soil.** In addition, if the Property is to be developed for residential use, additional investigation or a health risk assessment may be warranted."

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<sup>30</sup> U.S. Environmental Protection Agency. December 2012. Available online at: <http://www.epa.gov/ttnatw01/hlthef/tet-ethy.html>. Accessed 24 August 2015.

**RESPONSE NO. E10-33**

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>31</sup>

**COMMENT NO. E10-34**

If a formal "health risk assessment" was undertaken, would that follow certain guidelines set forth by certain agencies? It also appears that one of the further investigations (and related sampling) needed pertain to the need for sampling at varying depths in order to gauge the vertical extent of VOCs in the soil.

**RESPONSE NO. E10-34**

See Response to Comment No. E10-20.

Your comment regarding the completion of the HRA and HHSE and their adherence to established agency guidelines has been noted. Thresholds for risk management decisions that were applied in the HHSE (Kleinfelder 2014) were consistent with Cal/EPA and federal EPA policy: cancer risk of  $10^{-6}$  (one in one million) and a noncancer hazard quotient of 1.0. As discussed in the soil vapor report prepared in 2011 by SCS Engineers, a comprehensive, property-wide soil vapor assessment was performed to address the presence of volatile organic compounds based on historical site uses and as reported in environmental site investigations. SCS (2011) concluded that, based on a comparison to the now vacated California Human Health Screening Levels (CHHSLs), there was no evidence of a significant release or vapor intrusion risk. In the HHSE (see Section 5.5 and Tables 6 and 7) (Kleinfelder 2014), and consistent with current DTSC policy, the SCS (2011) soil vapor data was re-evaluated using EPA Regional Screening Levels (RSLs) and the conclusions of the SCS report were corroborated i.e., the potential health hazards that may be associated with the vapor intrusion pathway under commercial land use assumptions were below a level that requires further investigation or mitigation.

**COMMENT NO. E10-35**

I want to point out some "Data Gaps" which were admitted on pages v and vi of the SCS Engineers' June 2013 Phase I Environmental Assessment. Gaps are admitted in "individual parcel histories", and it is admitted that: **"In light of the industrial usage of much of the Property, this is a potentially significant data gap."** It is furthermore pointed out that much of the industrial activity on this site existed when there was little or no regulatory oversight of toxic materials. **"Consequently, there are no records of hazardous material use or management. This is a potentially significant data gap."**

**RESPONSE NO. E10-35**

Your comment regarding the three potentially significant data gaps identified in the Phase I ESA has been noted. The Phase I ESA (Appendix VII of the Draft EIR) disclosed the potentially significant data gaps in its Executive Summary (pp. v–vi) and text (pp. 21–22).

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<sup>31</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

The Phase I ESA was performed in conformance with Title 40, Section 312 of the Code of Federal Regulations (40 CFR § 312), Standards for Conducting All Appropriate Inquiries. 40 CFR § 312.20(g) provides in relevant part that to the extent there are data gaps in the information that affect the ability of the environmental professional conducting the all appropriate inquiries to identify conditions indicative of releases or threatened releases in each area of inquiry under each standard and practice, such persons should identify such data gaps, identify the sources of information consulted to address such data gaps, and comment upon the significance of such data gaps with regard to the ability to identify conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property. Sampling and analysis may be conducted to develop information to address data gaps. 40 CFR § 312.10(b) defines a data gap as a lack of or inability to obtain information required by applicable standards and practices despite good faith efforts by the environmental professional to gather such information.

Despite the potentially significant data gaps identified in the Executive Summary of the Phase I ESA, sampling and analysis were conducted in connection with the preparation of the Phase I ESA. At least five soil investigations have been conducted on the site. While no significant contamination (with respect to commercial land use) has been detected, low concentrations of VOCs were identified in scattered soil samples. The results of the soil vapor survey appeared consistent with the results of previous soil investigations, that is, trace concentrations of VOCs were detected, primarily in the northwestern portion of the site. The soil vapor data from two sampling points indicated slightly increasing VOC concentrations with depth, but the VOC vapor concentrations were, for the most part, less than generally accepted regulatory limits (CHHSLs) for commercial/industrial land use. Based on experience with similar sites, there was no evidence of a significant release or significant vapor intrusion risk based on a continued use of the site for commercial or industrial purposes. There had been no regulatory involvement or oversight of the investigations as of the date of preparation of the Phase I ESA. However, the DTSC has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use would require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).

Response to Comment No. E10-19 further addresses potential contamination of the project site, including the Phase I ESA and subsequent HHSE.

#### **COMMENT NO. E10-36**

**Since there are admitted data gaps and uncertainties regarding extent of contamination, let us choose the side of caution and do thorough sampling for the substances which I have already mentioned in this scoping comment. The Alameda / Central neighborhood is already essentially a "sacrifice area".** -- note that there is no admission in the record that there are actual residents in the neighborhood (either the quite immediate area to the south of 41st St. and east of Long Beach Ave.), but even no admission that residents exist in the quite populated area west of Long Beach Ave.

#### **RESPONSE NO. E10-36**

Your comment regarding the three potentially significant data gaps identified in the Phase I ESA has been noted. The Phase I ESA (Appendix VII of the Draft EIR) disclosed the potentially significant data gaps in its Executive Summary (pp. v–vi) and text (pp. 21–22).

The Phase I ESA was performed in conformance with Title 40, Section 312 of the Code of Federal Regulations (40 CFR § 312), Standards for Conducting All Appropriate Inquiries. 40 CFR § 312.20(g)

provides in relevant part that to the extent there are data gaps in the information that affect the ability of the environmental professional conducting the all appropriate inquiries to identify conditions indicative of releases or threatened releases in each area of inquiry under each standard and practice, such persons should identify such data gaps, identify the sources of information consulted to address such data gaps, and comment upon the significance of such data gaps with regard to the ability to identify conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property. Sampling and analysis may be conducted to develop information to address data gaps. 40 CFR § 312.10(b) defines a data gap as a lack of or inability to obtain information required by applicable standards and practices despite good faith efforts by the environmental professional to gather such information.

Despite the potentially significant data gaps identified in the Executive Summary of the Phase I ESA, sampling and analysis were conducted in connection with the preparation of the Phase I ESA. At least five soil investigations have been conducted on the site. While no significant contamination (with respect to commercial land use) has been detected, low concentrations of VOCs were identified in scattered soil samples. The results of the soil vapor survey appeared consistent with the results of previous soil investigations, that is, trace concentrations of VOCs were detected, primarily in the northwestern portion of the site. The soil vapor data from two sampling points indicated slightly increasing VOC concentrations with depth, but the VOC vapor concentrations were, for the most part, less than generally accepted regulatory limits (CHHSLs) for commercial/industrial land use. Based on experience with similar sites, there was no evidence of a significant release or significant vapor intrusion risk based on a continued use of the site for commercial or industrial purposes. There had been no regulatory involvement or oversight of the investigations as of the date of preparation of the Phase I ESA. However, the DTSC has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use would require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).

Response to Comment No. E10-19 further addresses potential contamination of the project site, including the Phase I ESA and subsequent HHSE.

#### **COMMENT NO. E10-37**

As an indication **that the Alameda / Central neighborhood is essentially a "sacrifice area"**, I note that there are **11 hazardous waste sites** (called US EPA Hazardous Waste Generators) **within a quarter mile of the 41st and Alameda site** (see page 18 of SCS June 2013 report). This shows that the neighborhood is already overburdened with toxic materials and industry -- **this must be part of a thorough Environmental Justice analysis on the proposed project.**

#### **RESPONSE NO. E10-37**

Your comment regarding the presence of hazardous waste sites, and the need for a thorough environmental analysis on the project has been noted.

Potential hazards and hazardous materials were evaluated via a Phase I Environmental Site Assessment (ESA) prepared by SCS Engineers in June 2013 (Appendix VII in Volume V of the DEIR), a Human Health Screening Evaluation (HHSE) prepared by Kleinfelder, Inc. (Appendix VIII in Volume VI of the DEIR), an environmental regulatory database compilation, and a review of published and unpublished literature.

Several Phase I and Phase II environmental site investigations have been performed on the subject site

since the 1990s. Reports of these investigations were reviewed to develop a conceptual site model, to identify Constituents of Potential Concern (COPCs), and to identify appropriate exposure point concentration estimates for the health screening evaluation. The reports reviewed are documented in Response to Comment No. E10-19. Collectively, these reports provide a representative summary of environmental conditions on the subject site analyzed for COPC on past land uses, breadth of chemical analyses, and quality of analytical data collected on environmental samples from the site.

An HHSE was performed for the proposed project site bounded by Martin Luther King, Jr. Boulevard, Alameda Street, East 41st Street, and Long Beach Avenue in Los Angeles, California. The HHSE was performed to evaluate whether Chemicals of Potential Concern (COPCs) were present in environmental media (soil, soil vapor, or groundwater) at concentrations that may be associated with adverse health effects under future commercial land uses.

The site was found to be suitable for commercial/industrial development based on the conceptual site model described in the HHSE (Kleinfelder 2014), which identified sub-surface utility workers and on-site employees as appropriate human receptor groups, and as presented in a comparison of the maximum concentration of any analyte detected at least once in soil or soil vapor to levels of regulatory concern. The HHSE methods, approach, and findings are discussed in more detail in Response to Comment No. E10-19. The HHSE can be found in Volume VI, Appendix VIII of the DEIR.

Related to your comment calling for a thorough environmental justice analysis, CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>32</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in Response to Comment No. E10-18 and in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E10-38**

**The CUMULATIVE IMPACT of all the historic hazardous materials activities on the 41st and Alameda site, continued exposure to such materials on-site, combined with excessive air pollutants from industry in the region (including the nearby hazardous waste generators as well as the Exide battery facility in Vernon), combined with pollutants from nearby freeways and streets as well as from LAX-related air traffic (including the associated "fine particulates") combined with likely**

<sup>32</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**emissions from the project (in construction and operational phases) all need to be carefully evaluated.**

### **RESPONSE NO. E10-38**

Your comment regarding cumulative hazardous waste and air quality risks has been noted. The potential risks from on-site contamination have been discussed in Response to Comment No. E10-19. A Phase I ESA was prepared by SCS Engineers in June 2013 (Appendix VII in Volume V of the Draft EIR), and a Human Health Screening Evaluation (HHSE) was prepared by Kleinfelder, Inc. (Appendix VIII in Volume VI of the Draft EIR) in accordance with California Environmental Protection Agency (Cal/EPA) guidance as described in the Preliminary Endangerment Assessment (PEA) Guidance Manual.

The Phase I ESA revealed evidence of conditions indicative of releases or threatened releases of hazardous substances. The Property has a long and varied history of residential and commercial/industrial uses. Many of the identified commercial/industrial uses are of types typically associated with the use or storage of hazardous materials. Consequently, these activities pose a risk of contamination on the Property. At least five soil investigations have been conducted on the Property. While no significant contamination (with respect to commercial land use) has been detected, low concentrations of VOCs were identified in scattered soil samples. The results of the soil vapor survey appeared consistent with the results of previous soil investigations, that is, trace concentrations of VOCs were detected, primarily in the northwestern portion of the Property. The VOC vapor concentrations were, for the most part, less than generally accepted regulatory limits (CHHSLs) for commercial/industrial land use. Based on experience with similar sites, there was no evidence of a significant release or significant vapor intrusion risk based on a continued use of the Property for commercial or industrial purposes. The soil vapor data from two sampling points indicated slightly increasing VOC concentrations with depth. The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>33</sup>

With regard to cumulative air quality impacts, SCAQMD's *CEQA Air Quality Handbook* identifies several methods to determine the cumulative significance of land use projects (i.e., whether the contribution of a project is cumulatively considerable). However, the SCAQMD no longer recommends the use of these methodologies. Instead, according to SCAQMD's *White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions*, the new recommendation says if any emissions from individual development projects exceed the project-specific mass daily emissions thresholds, then they must also be considered cumulatively considerable. SCAQMD neither recommends quantified analyses of the emissions generated by a set of cumulative development projects nor provides thresholds of significance to be used to assess the impacts associated with these emissions.

The proposed project would have a significant impact on air quality for PM<sub>10</sub> emissions during construction. Due to the anticipated air quality impacts during the construction phase, the CalEEMod was re-run including Mitigation Measures Air-1 through Air-7, as detailed on page IV.B-23-24 of the Draft EIR. The CalEEMod model is calibrated to calculate the anticipated reductions in criteria pollutants associated with each mitigation measure. The analysis of the mitigated impacts of the construction phase of the project is provided in Table IV.B-12 of the Draft EIR (page IV.B-24). The implementation of these

<sup>33</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

mitigation measures would result in the reduction of both construction PM<sub>2.5</sub> and PM<sub>10</sub> emissions by approximately 63 percent and 73 percent, respectively, reducing PM<sub>10</sub> emissions to below the level of SCAQMD significance threshold.

These mitigations targeted at PM emissions include Mitigation Measures Air-1, Air-2, and Air-3 listed below:

**Air-1.** During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).

**Air-2.** During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).

**Air-3.** During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

All other criteria pollutants are anticipated to be below the SCAQMD significance thresholds as shown in Table IV.B-8 *Unmitigated Estimated Daily Regional Construction Emissions* and Table IV.B-9 *Unmitigated Estimated Daily Operational Emissions*. The cancer risk from diesel particulate matter (DPM) was analyzed separately in the air quality analysis through the Health Risk Assessment (HRA), located in Appendix V in Volume IV of the Draft EIR. The major source of DPM for this proposed project is mobile trips made by delivery trucks to and from the proposed site. The HRA relied upon data from the Traffic Impact Study and its October 2014 Addendum in calculating DPM emissions.

Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long -term basis (70-year) for cancer impacts, so the impact of short-term TACs from the construction of the proposed project was determined to be less than significant and were not quantified as part of the Draft EIR. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR (pg. IV.B-17-18).

For the operations of the proposed project, the Draft EIR considered a total of 351 truck trips/day. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks, for an estimate of 31 diesel fueled trucks. Because the total trucks trips per day are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. The maximum potential cancer risk is 0.3 in a million. This is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, under Alternative C the maximum cancer risks drop to 0.6 percent of the allowable threshold.

#### **COMMENT NO. E10-39**

By the way, **what model will be used to predict emissions from construction activities on the 41st and Alameda site? How will NOX and "black carbon" be regulated as far as construction emissions at the site? Also, identify the VOC content of paint** which may be used at this site. In regards to traffic, **we need more detail on what trip generation assumptions are used to generate operational emissions from the project. As far as facility operation, will there be regulations pertaining to idling time for diesel trucks, or will cleaner trucks be considered since this area is already overburdened with toxic materials?** Apparently, mere sweatshop workers, groundskeepers, and truck-drivers do not



deserve a level of remediation of the site that one would expect (and which may be legally mandated) if a residence or residences were planned on the property.

**RESPONSE NO. E10-39**

Your comment regarding the air quality model, the regulation of NO<sub>x</sub> and black carbon, the VOC content of paint that will be used on-site, operational truck idling time, and clean truck technologies has been noted.

- The CalEEMod.2013.2.2 will be used to model construction and operation emissions from the proposed project site.
- NO<sub>x</sub> is included as one of the main criteria air pollutants to be measured in the model and compared against the SCAQMD significance threshold. The SCAQMD air quality significance threshold for NO<sub>x</sub> is 100 pounds/day for construction and 55 pounds/day for operation.
- Black carbon is not a criteria air pollutant according to CARB and is not measured specifically in the air analysis for the proposed project. There is no standard or threshold established for black carbon. The impacts of black carbon are considered cumulatively in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub>.
- Paint with low VOC content (nonresidential interior VOC = 250 g/L) will be used.
- CARB mandates that airborne toxic control measures (ATCMs) limit diesel fueled commercial vehicles (delivery trucks) to idle for no more than 5 minutes at any given time.

SCAG's 2012-2035 RTP/SCS sets a regional commitment to deploying zero- and near-zero emission transportation technologies in the 2023-2035 time frame, but there are no specific requirements for the trucks and passenger vehicles associated with the proposed project to use these zero emission technologies. The relevant existing regulation from CARB includes the ATCMs to limiting truck idling to 5 minutes. Alternative B, Use of Clean Fuel Trucks, evaluates the impacts from using alternative fueled trucks versus diesel trucks in the proposed project.

The proposed project anticipates a total of 351 truck trips/day. The project was assumed as a single warehousing project with ancillary office uses (i.e., office spaces are related to warehousing uses and no outside office use) for trip generation purposes. ITE trip generation model was used to estimate trips to be generated by the project using trip generation rates based on nation-wide survey of similar warehouses. This resulted in a total of 351 truck trips to be generated by the project. However, under Alternative C, no more than 75 truck trips per day are expected to be generated by the project. The analysis based on these truck trips results in no significant project traffic impacts on the study area circulation system.

The following items were highlighted in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) dated September 17, 2014 (referred to here as the HRA):

- a. The Addendum to the Traffic Impact Study (Appendix IX; October 3, 2014) shows that at 351 truck trips per day, impacts will occur only at the Alameda/Washington intersection, and not at intersections surrounding the project site. However, Alternative C analysis assumptions (75 maximum truck trips per day) will not have any significant impact at any study intersections. See Draft EIR Page IV.G-13 for discussion on this topic.
- b. The project applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site, thus further reducing potentially harmful emissions.

- c. The HRA assumed 351 trucks per day based on the proposed project based upon ITE (Institute of Transportation Engineers) trip generation rates.
- d. Per the approved EMFAC 2011 emissions model, the size vehicles anticipated could be either diesel or gasoline powered. EMFAC distributions specific to Los Angeles County show that 9 percent of these vehicles on average (i.e., 31 trucks per day) are expected to be diesel powered.
- e. Per the HRA and assuming 351 truck trips per day, the maximum cancer risk is estimated to be only 3 percent of the allowable threshold of 10 in 1 million.
- f. With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risks drop to 0.6 percent of the allowable threshold.
- g. Alternative B, Use of Clean Fuel Trucks, would reduce DPM and air quality impacts overall by using alternative fuels rather than diesel to fuel the trucks.

**COMMENT NO. E10-40**

Lastly, I will mention that more things should have been checked on the checklist as applicable to this project -- though I mentioned it in earlier comments which will be scanned and sent in, so I will leave it be for now.

**RESPONSE NO. E10-40**

Your comment has been noted.

**COMMENT NO. E10-41**

**Keep me updated on any public scoping hearing, and in regards to all other aspects of the proposed development on the 41st and Alameda site -- now increasingly called the 4051 South Alameda Street Project.**

**RESPONSE NO. E10-41**

Your comment has been noted. Your name and contact information has been included on the project distribution list and you will be informed of future opportunities for comment. However, as mentioned in Response to Comment Nos. E10-4 and E10-5, a public scoping meeting was not held as the project does not meet the criteria for regional significance.

**LETTER NO. E11*****Bruce Campbell – Letter No. 2*****COMMENT NO. E11-1**

This is my third submission of comments regarding the DEIR on the 4051 South Alameda Street proposal.

Thank you for including them in the file.

The following were key paragraphs in my comment letter (sent on July 9, 2014) on the NOP – which I wanted to especially highlight due there being a desperate need for responses to the issues.

**RESPONSE NO. E11-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E11-2**

These include a whole bunch of toxic materials which should be tested for at the old South Central Farm site, as well as in regards to needing an Environmental Justice analysis seeing that the Alameda / Central neighborhood is often considered a “sacrifice zone.” Plus, we need analyses of “black carbon”, more discussion on what trucks are allowed and their turning radius, etc.

**RESPONSE NO. E11-2**

Black carbon is not a criteria air pollutant according to CARB and is not measured specifically in the air quality analysis for the proposed project. There is no standard or threshold established for black carbon. The impacts of black carbon are considered in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>34</sup>

There are 11 projects that are anticipated to be implemented within the construction period of the proposed project occurring within an approximate 2-mile radius of the proposed project site and are therefore included in the cumulative impact analysis of the proposed project (Table II.B-1, *List of Related*

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<sup>34</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

*Projects*, Figure II.B-1, *Related Projects*). According to the South Coast Air Quality Management District (SCAQMD), individual construction projects that exceed the SCAQMD recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the basin is a nonattainment area. As discussed above, emissions during construction of the proposed project as analyzed in the Draft EIR would be reduced to below the level of significance with the implementation of Mitigation Measures Air-1 through Air-7. Therefore, implementation of the proposed project would not be expected to result in cumulative impacts when considered with construction of the related past, present, or reasonably foreseeable projects.

An evaluation of the cumulative impacts to air quality/pollution has been disclosed in Section IV.B, *Air Quality*, pages IV.B-22 and IV.B-23, of the Draft EIR. The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed in Section IV.B *Air Quality* of the Draft EIR and in Response to Comment No. E10-38 above. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

The project applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site. The turning radius will be standard to cargo vans and box trucks. The proposed project would nevertheless accommodate 65-foot-long tractor trailers should such larger trucks ever be required to access the project site. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

### **COMMENT NO. E11-3**

Also, it is sure bogus to act like measurements four miles to the north accounts for what is in Alameda Corridor area air, and yet cut off consideration of “SENSITIVE RECEPTORS” at a mere 500 feet from the 4051 South Alameda site – so I will recopy what I advised as far as analyzing how sensitive receptors at recreation, school, and other sites not far away from the site will be impacted.

### **RESPONSE NO. E11-3**

Your comment regarding sensitive receptors has been noted. There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors*, in the Draft EIR. Other sensitive receptors such as schools and medical facilities are outside the 500 foot radius, but can be seen in Figure IV.B-2, *Receptor Grid and Sensitive Receptors*, in the Draft EIR. The sensitive receptors include multifamily residences located to the west, southwest, and south of the proposed project site. In addition, a human health risk analysis was performed in relation to specific sensitive receptors. This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. Table IV.B-11 contains a summary of the health impact results from diesel particulate matter on these key sensitive receptors. Further information on the exposure of sensitive receptors to air pollution can be found on pages IV.B17-23 of the Draft EIR, including cumulative impacts.

The City acknowledges that the comment states “measurements 4 miles to the north” as being inadequate. On page IV.B-10 of the Draft EIR, it states, “The closest monitoring station to the proposed project is the Los Angeles-North Main Street Monitoring Station, located approximately 4 miles north of the proposed

project at 1630 North Main Street, Los Angeles, California 90012. The Los Angeles-North Main Street Monitoring Station records measurements for ozone, carbon monoxide, nitrogen dioxide, PM<sub>2.5</sub>, PM<sub>10</sub>, and sulfur dioxide.” This is the closest local ambient air data available. The 500 foot radius chosen to evaluate sensitive receptors by a distribution center is established by California Air Resources Board’s (CARB’s) Air Quality and Land Use Handbook.

#### **COMMENT NO. E11-4**

The DEIR inadequately analyzes “sensitive receptors” and virtually ignores the key analyses needed in regards to ENVIRONMENTAL JUSTICE / SACRIFICE ZONES, BLACK CARBON EMISSIONS, CUMULATIVE IMPACTS to Sensitive Receptors, to workers, and to others in the neighborhood or along the Alameda Corridor. Here are some excerpts from my comment letter submission sent on July 9, 2014:

Also, I realize that not only was there a concerted effort made to pretend that there are no residences south of 41st St. and east of Long Beach Ave., but **they even have the nerve to pretend that the fairly densely populated neighborhood to the west of Long Beach Ave. is mere warehouse / industrial.** Basically, after going about a block west of Long Beach Ave. on 41st Ave., then it is predominately a residential area, and quite a populated one at that. **Thus, do not pretend there are not a bunch of "sensitive receptors" in the immediate as well as greater vicinity of the 41st and Alameda site.**

I will now peer at the map in the record and mention some key parcels in the general area which could be considered "sensitive receptors" or otherwise contributing to safety concerns in the region. **Glancing at page 27 of 781, the Snyder Recreation Center would be the closest site which would have a number of sensitive receptor people (unless one counts individuals with asthma, other ailments, or a baby or elder in closerby residences) I note that the nearest school is Nevin Ave. School -- followed closely by Jefferson High School, then the Roberts Recreation Center, the Ascot Avenue School, and the Holmes Ave. School. Carefully evaluate the likely impacts of added air pollutants on the sensitive receptors at each school and recreation site mentioned above.**

**Increased diesel emissions, increased congestion, inadequate street size, and other aspects relating to the project will certainly add to the already excessive toxic burden which the Alameda - Central community carries at the aforementioned schools and recreation centers, as well as otherwise.** While I personally have not surveyed the neighborhood for nursing / retirement homes, or for places for medical or psychiatric care, please identify such facilities in the EIR if they are within 3/4 of a mile of the 41st and Alameda site.

With the increased congestion on all 4 surrounding streets, as well as the proposed surge in vehicle journeys associated with the project, **this increase in emissions which clearly has an impact on many sensitive receptors must be carefully analyzed in the EIR.** In addition, **these emissions, plus the impact on health and safety of sensitive receptors** in the neighborhood, must also be carefully analyzed in an **Environmental Justice context.**

#### **RESPONSE NO. E11-4**

Please note that this is the exact same comment from Letter No. E10, Bruce Campbell - Letter No. 1, Comment Nos. E10-15, E10-16, E10-17, and E10-18, from the NOP comment period. See Response to Comment Nos. E10-15, E10-16, E10-17, and E10-18 above under Letter No. E10.

**COMMENT NO. E11-5****IMPORTANT SUBSTANCES FOR WHICH TO TEST:**

I find 14 samples at 5 foot depth, with perhaps two at a 15-foot depth as part of a soil vapor probe, to be an inadequate characterization of this heavily abused site for toxic materials.

I call for a thorough assessment of hazards and hazardous materials to be included in the EIR. **Such thorough testing would involve numerous sampling sites within each acre within the 41st and Alameda site.** A mere one sample per acre is certainly inadequate if one is concerned about health and safety. I am not an expert on sampling, but the more the better, and taking samples at differing depths could bring useful information forward.

**The toxic materials which must be tested for (in the EIR) include:** Total Petroleum Hydrocarbons (TPH), VOCs, SVOCs, CCR Title 22 metals, organochlorine pesticides, PCBs, pentachlorophenol, creosote, formaldehyde, xylene, benzene, toluene, 2,4-D , DDT / DDE, glyphosate, atrazine, ARSENIC, lead, fluoride, HEXAVALENT CHROMIUM, cadmium, chromium, chromium-6, chromium-12, perchlorate, TCE, Tetrachloroethene, PCE, diesel constituents and breakdown products, as well as for substances one might find from a color and dye company and from a dry-cleaning company once on the site.

In addition, test for these components and/or breakdown products of diesel. I note that **Table 1: Substances in Diesel Exhaust Listed by Cal EPA as Toxic Air Contaminants mentions these:** acetaldehyde; acrolein; aniline; antimony compounds; arsenic; benzene; beryllium compounds; biphenyl; bis[2-ethylhexyl]phthalate; 1,3-butadiene; cadmium; chlorine; chlorobenzene; chromium compounds; cobalt compounds; creosol isomers; cyanide compounds; dibutylphthalate; dioxins and dibenzofurans; ethyl benzene; formaldehyde; inorganic lead; manganese compounds; mercury compounds; methanol; methyl ethyl ketone; naphthalene; nickel; 4-nitrobiphenyl; phenol; phosphorus; polycyclic organic matter, including polycyclic aromatic hydrocarbons (PAHs) and their derivatives; propionaldehyde; selenium compounds; styrene; toluene; xylene isomers and mixtures; o-xylenes; m-xylenes; and p-xylenes. Please test for some of these components of diesel emissions in soil at various sites throughout the approximately 14 acres.

Some review of the earlier documentation indicated that certain substances were found at levels of concern.

**RESPONSE NO. E11-5**

Please note that this is the exact same comment from Letter No. E10, Bruce Campbell - Letter No. 1, Comment Nos. E10-19, E10-20, E10-21, and E10-22, from the NOP comment period. See Response to Comment Nos. E10-19, E10-20, E10-21, and E10-22 above under Letter No. E10.

**COMMENT NO. E11-6**

Seeing that an AQMD official or staffer advised that the earlier incarnation of this proposed development be mitigated by having a ramp for traffic to travel all the way from the 41st and Alameda site up to the Santa Monica Freeway, does it sound like the AQMD considers this fairly similar development (except on even more of the site) of regional significance?

**RESPONSE NO. E11-6**

The comment is an exact copy of Comment No. E10-24 above under Bruce Campbell – Letter No. 1. See Response to Comment No. E10-24 above under Letter No. E-10.

**COMMENT NO. E11-7**

It is vital to point out (as it was in the last paragraph under "6 SUMMARY AND FINDINGS") that **"there has been no regulatory involvement or oversight of the investigations to date."** Later in that paragraph from a SCS report, it says that "There is a **possibility that regulatory agencies**, upon review of this report, **would require further investigation to confirm findings of this investigation and the vertical extent of VOCs in the soil.** In addition, if the Property is to be developed for residential use, additional investigation or a health risk assessment may be warranted."

If a formal "health risk assessment" was undertaken, would that follow certain guidelines set forth by certain agencies? It also appears that one of the further investigations (and related sampling) needed pertain to the need for sampling at varying depths in order to gauge the vertical extent of VOCs in the soil.

**RESPONSE NO. E11-7**

The comment is an exact copy of Comment Nos. E10-33 and E10-34 previously addressed above under Bruce Campbell – Letter No. 1. See Response to Comment Nos. E10-33 and E10-34 above under Letter No. E10.

**COMMENT NO. E11-8**

I want to point out some "Data Gaps" which were admitted on pages v and vi of the SCS Engineers' June 2013 Phase I Environmental Assessment. Gaps are admitted in "individual parcel histories", and it is admitted that: **"In light of the industrial usage of much of the Property, this is a potentially significant data gap."** It is furthermore pointed out that much of the industrial activity on this site existed when there was little or no regulatory oversight of toxic materials. **"Consequently, there are no records of hazardous material use or management. This is a potentially significant data gap."**

**Since there are admitted data gaps and uncertainties regarding extent of contamination, let us choose the side of caution and do thorough sampling for the substances which I have already mentioned in this scoping comment. The Alameda / Central neighborhood is already essentially a "sacrifice area".** -- note that there is no admission in the record that there are actual residents in the neighborhood (either the quite immediate area to the south of 41st St. and east of Long Beach Ave.), but even no admission that residents exist in the quite populated area west of Long Beach Ave.

**RESPONSE NO. E11-8**

The comment is an exact copy of Comment Nos. E10-35 and E10-36 previously addressed above under Bruce Campbell – Letter No. 1. See Response to Comment Nos. E10-35 and E10-36 above under Letter No. E10.

**COMMENT NO. E11-9**

As an indication **that the Alameda / Central neighborhood is essentially a "sacrifice area"**, I note that there are **11 hazardous waste sites** (called US EPA Hazardous Waste Generators) **within a quarter mile**

**of the 41st and Alameda site** (see page 18 of SCS June 2013 report). This shows that the neighborhood is already overburdened with toxic materials and industry -- **this must be part of a thorough Environmental Justice analysis on the proposed project.**

**RESPONSE NO. E11-9**

The comment is a verbatim compilation of Comment No. E10-37 previously addressed above under Bruce Campbell – Letter No. 1. See Response to Comment No. E10-37 above under Letter No. E10.

**COMMENT NO. E11-10**

**The CUMULATIVE IMPACT of all the historic hazardous materials activities on the 41st and Alameda site, continued exposure to such materials on-site, combined with excessive air pollutants from industry in the region (including the nearby hazardous waste generators as well as the Exide battery facility in Vernon), combined with pollutants from nearby freeways and streets as well as from LAX-related air traffic (including the associated "fine particulates") combined with likely emissions from the project (in construction and operational phases) all need to be carefully evaluated.**

**RESPONSE NO. E11-10**

The comment is a verbatim compilation of Comment No. E10-38 previously addressed above under Bruce Campbell – Letter No. 1. See Response to Comment No. E10-38 above under Letter E10.

**COMMENT NO. E11-11**

**By the way, what model will be used to predict emissions from construction activities on the 41st and Alameda site? How will NOX and "black carbon" be regulated as far as construction emissions at the site? Also, identify the VOC content of paint which may be used at this site. In regards to traffic, we need more detail on what trip generation assumptions are used to generate operational emissions from the project. As far as facility operation, will there be regulations pertaining to idling time for diesel trucks, or will cleaner trucks be considered since this area is already overburdened with toxic materials?**

**RESPONSE NO. E11-11**

The comment is a verbatim compilation of Comment No. E10-39 previously addressed above under Bruce Campbell – Letter No. 1. See Response to Comment No. E10-39 above under Letter No. E10.

**COMMENT NO. E11-12**

The above excerpts does not mean that you can ignore other points that I brought up in my comment letter on the NOP sent on July 9, 2014 just because they are not specifically recopied in this Submission # 3 on the DEIR on the 4051 So. Alameda St. project.

**RESPONSE NO. E11-12**

Your comments regarding your previous comments in your letter submitted for the Notice of Preparation have been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. The responses to comments attached to Letter No. E10 have been



responded to above. Your letter has been added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR.

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**LETTER NO. E12*****Bruce Campbell – Letter No. 3*****COMMENT NO. E12-1**

This is my second submission of comments regarding the DEIR on the 4051 South Alameda Street proposal. Thank you for including them in the file.

**RESPONSE NO. E12-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E12-2**

Due to the exclusion of my comment letter from the Appendixes of the DEIR regarding the 4051 South Alameda Street project, please begin the process to re-submit the DEIR with at least a 45-day comment period. In this circulation, do include my comment letter on the Notice of Preparation which was sent to Ms. Hewawitharana on July 9th, 2014 – as well as all other comment letters on the project whether they were accidentally or purposefully excluded. (I forwarded my original comment letter to Ms. Hewawitharana earlier today to prove that such a comment letter exists and was sent in a timely manner.) It would also be preferable if the letters submitted by the public and by agencies could be viewed taking up more of the screen.

It may be a metaphor for the land-use process in the City of L.A., but why should the applicant's pages of info cover the whole computer screen, while I have to squint with my computer glasses on in order to see what the public said in comments covering a small portion of the screen? Of course, it is easier to hide the fact that certain comments were excluded if the scrolling process is a laborious process and has real small print. But, I ask for my comment letter dated July 8th, 2014, and sent via e-mail on July 9th, 2014, to be included in a recirculated DEIR – preferably in a large enough size to read.

Thank you for remedying this serious violation of CEQA and begin the recirculation process soon.

Of course I am seeking additional responses in the new DEIR to respond to many concerns which I brought up, not just calling for the addition of excluded letter(s), but with the exact same wording by the applicant to be re-circulated.

**RESPONSE NO. E12-2**

Your comments regarding the Draft EIR comment period, your previous comment on your letter submitted for the Notice of Preparation, and the screen resolution on the City's webpage have been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. The responses to comments attached to letter number E10 have been responded to above. Your letter will be added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR. Your comment regarding the screen resolution of the City's webpage has been noted.

**COMMENT NO. E12-3**

Some of my points (but not all) where I saw no discussion of the subject in the documents include considering the Alameda / Central neighborhood in an “Environmental Justice” analysis – and I referred to the vicinity as a “sacrifice zone”. I also asked for analysis of “black carbon” toxic emissions to be analyzed both in terms of toxicity of air pollutants relating to the project’s construction phase emissions (and preferably relating to Greenhouse Gases as well) – but I was unable to locate any discussion of that significant toxin in the DEIR and associated documents.

**RESPONSE NO. E12-3**

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>35</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed in Section IV.B *Air Quality* of the Draft EIR and in Response to Comment No. E10-38 above.

Black carbon is a component of particulate matter emissions, which are covered in Section IV.B of the Draft EIR. Black carbon is not a criteria air pollutant according to the California Air Resources Board (CARB) and is not measured specifically in the air quality analysis for the proposed project. There is no standard or threshold established for black carbon. The impacts of black carbon are considered in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR.

**COMMENT NO. E12-4**

I called for the document to state exactly what kind of trucks would be allowed into the 4051 South Alameda site (including specifically asking about 53- foot trailers with large sleeper cabs which are so difficult to maneuver on many urban streets), while another person who focused on truck-related comments was also unable to find his comment on the NOP.

**RESPONSE NO. E12-4**

Your comment inquiring about the type of trucks used in the proposed project has been noted. The applicant has specified that truck traffic would consist of cargo vans and box trucks only; no large diesel semi-tractor trucks would be included in the daily traffic to the site, thus further reducing potentially

<sup>35</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

harmful emissions. Additionally, please see the revised Figure IV.G-1, *Access Driveways*, (on page IV-6) of Section IV, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

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**LETTER NO. E13*****Bruce Campbell – Letter No. 4*****COMMENT NO. E13-1**

I accidentally sent my Submission #4 to myself – rather than to you.

I sure hope that this is counted despite my accident of sending it to myself instead (while honing the wording). And whether this is counted or not, my other 3 Submissions do count, and thus the DEIR must be recirculated answering many of my concerns brought up in my July 9, 2014 and other comments.

**RESPONSE NO. E13-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E13-2**

Please consider this my Submission # 4 regarding the DEIR on the 4051 South Alameda Street proposal. I could sure use more time to assemble my notes since I did not expect to spend a few hours today reiterating my earlier (scandalously excluded) submission on the NOP with that e-mail sent on July 9, 2014. But, that is how the ball bounced seeing that my substantial comments were conveniently excluded from the Appendix which had at least most of the comment letters on the Notice of Preparation for the 4051 So. Alameda St. project.

**RESPONSE NO. E13-2**

Your comment regarding your previous comments in your letter submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. In addition, your NOP comments have been responded to individually as requested in Letter No. E10, above. Your letter has been added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR*, of the Final EIR.

**COMMENT NO. E13-3**

I note that Sensitive Receptors seem to be more or less mapped within 500 feet of the proposed project site. Why only 500 feet? Aren't the higher concentration of sensitive receptors just beyond that 500 foot distance? Please respond to my concern about sensitive receptors at various schools, recreation centers, etc. (as was called for in my 7-9-14 e-mailed comment letter on the NOP).

**RESPONSE NO. E13-3**

Your comment regarding sensitive receptors has been noted. There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors* in the Draft EIR. The 500 foot radius chosen to evaluate sensitive receptors by a distribution center is established by CARB's Air Quality and Land Use Handbook. The sensitive receptors include residences located to the west, southwest, and south of the proposed project site. Schools, recreation centers, and medical facilities are included in the CARB's definition of sensitive receptors, but they are all located outside of the 500

foot radius of the proposed project site. In addition, an Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) was performed in relation to specific sensitive receptors. This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. Table IV.B-11 of the Draft EIR contains a summary of the health impact results from toxic air contaminants like diesel particulate matter on these key sensitive receptors. Air quality and health-related impacts during both construction and operational phases of the project are further discussed on pages IV.B-17 through IV.B-22 of the Draft EIR. All criteria pollutants, except PM<sub>10</sub> during construction, are anticipated to be below the SCAQMD significance thresholds as shown in Table IV.B-8 *Unmitigated Estimated Daily Regional Construction Emissions* and Table IV.B-9 *Unmitigated Estimated Daily Operational Emissions*. PM<sub>10</sub> emissions are expected to be reduced to below the level of significance after mitigation.

#### **COMMENT NO. E13-4**

Then I notice that 11 other construction projects in the general vicinity are examined. However, there are two key actual or potential construction projects that should also be evaluated in relation to an analysis of traffic congestion and air emissions in the 4051 So. Alameda Street project. Those two are the huge Wilshire and Figueroa construction project, as well as the possibility of building an NFL stadium at the site of the West Hall of the L.A. Convention Center. How many construction-related vehicles for those projects use Alameda Street / Corridor, and would be slowed by the congestion around the 4051 So. Alameda site due to construction and operation of the proposed sweatshops?

#### **RESPONSE NO. E13-4**

Your comment regarding related projects and cumulative traffic impacts from the proposed project has been noted. The 11 other construction projects mentioned in the comment will be required to conduct a traffic impact analysis if they exceed the trip generation and distribution requirements of the LADOT. The State CEQA Guidelines require all projects to define the project environmental setting at the time and condition as presented in the Notice of Preparation. The methodology for addressing cumulative projects in the general vicinity is determined by looking at projects within the 2-mile radius of the proposed project. Based on this methodology, it is determined that there are 11 projects within a 2-mile radius of the proposed project site. Of these 11 projects, 5 are located in the direct trip path and near geographic proximity to the proposed project site such that these related projects could affect the cumulative impact analysis of the proposed project within the construction period (Table II.B-1, *Related Projects*, Figure II.B-1, *Related Projects*). The two construction project mentioned in the comment are outside of the 2-mile radius of the proposed project. However, as shown in Table IV.G-7 (*Future 2016 Conditions Without Project*, which include traffic from related projects, and *Future 2016 Conditions With the Proposed Project*, which include traffic from related projects as well as the proposed project), the proposed project would be expected to result in a less than significant cumulative impact in relation to traffic and transportation with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. However, the implementation of the proposed project would not be expected to result in cumulative impacts when considered with construction of the related past, present, or reasonably foreseeable projects.

Therefore, the proposed project would not be anticipated to contribute significantly to traffic congestion at Wilshire and Figueroa construction projects, including the NFL stadium at the L.A. Convention Center.

#### **COMMENT NO. E13-5**

Now I will get into why a monitoring station for air contaminants on North Main Street (north/northeast of Chinatown) fails miserably to account for what is in the air of the Alameda Corridor. The Alameda



Corridor has especially toxic air contaminants being emitted due to it being such a key goods movement area. Also, the emissions related to LA International Airport flights waft up to the 4051 So. Alameda site. Plus, look at the immediate area of the proposed project site. There is Alameda Street and the Corridor virtually right there, and the Harbor Freeway is to the west and the Long Beach Freeway to the east.

If one compares that with the air monitoring station on North Main Street, in that general vicinity are the narrow “Cornfields” park and the larger fairly nearby Elysian Park (which could help filter some air contaminants to make the air toxics readings less). Plus though the Harbor Freeway is in the general area, yet trucks are not allowed north of downtown L.A. on the 110, so one would not expect major diesel emissions from that thoroughfare at that point. Interstate 5 is in the vicinity to the east, and it does have some diesel and goods movement – but is not immersed in a region where diesel-spewing vehicles transporting goods (such is the case with the 4051 So. Alameda site).

#### **RESPONSE NO. E13-5**

Your comment about the validity of air quality monitoring stations has been noted. SCAQMD monitors air quality through a network of 35 permanent, multi-pollutant monitoring stations and 5 additional single pollutant monitoring stations for source lead in the Basin and a portion of the Salton Sea Air Basin in Coachella Valley. The closest monitoring station to the proposed project is the Los Angeles-North Main Street Monitoring Station, located approximately 4 miles north of the proposed project at 1630 North Main Street, Los Angeles, California 90012. The monitoring stations provide ambient air quality data for the criteria air pollutants. These air quality monitoring stations are responsible for capturing existing emissions that may impact the proposed project area. As your concern relates to diesel emissions along transportation corridors, these DPM emissions are addressed through the health risk assessment (in the impact analysis and Appendix V of the Draft EIR) designed to measure the cancer risk from mobile trips. The air monitoring station just serves as a basis for the existing condition.

#### **COMMENT NO. E13-6**

Do not forget that CEQA Guidelines, Section 15130, says that an EIR is required to “consider the significant environmental impacts of a project as well as ‘cumulative impacts’.” I await a more thorough cumulative impacts analysis in regards to toxic air contaminants, in regards to impacts of such on sensitive receptors, and in regards to health and safety impact of construction and operation on a very toxic site (4051 So. Alameda).

Recall that CEQA Section 15355 defines cumulative impact as “an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.” Clearly, construction emissions and hauling workers and equipment to construction sites (such as 4051 So. Alameda – as well as for the proposed NFL stadium at the Conv Ctr site as well as the giant construction project now taking place at Wilshire and Figueroa.

CEQA Section 15130 (a)[1] does not so much apply here – since the vehicles destined for the different sites do overlap and emit toxic air emissions – so it is in part due to 4051 So. Alameda proposed project with the emitting vehicles that they attract.

We need a CEQA cumulative impacts analysis on impact to worker health and safety from construction and operational activities on the site.

**RESPONSE NO. E13-6**

The City of Los Angeles has noted the comment on cumulative impacts on worker health and safety in regard to CEQA. Health risks are covered in the HRA (Appendix V of the Draft EIR) and in Section IV.B *Air Quality* of the Draft EIR. Worker safety is not specifically included as part of an EIR done under CEQA, except as it relates to one or more potentially significant environmental impacts of the proposed project. SCAQMD's *CEQA Air Quality Handbook* identifies several methods to determine the cumulative significance of land use projects (i.e., whether the contribution of a project is cumulatively considerable pursuant to CEQA Guidelines Section 15130). However, the SCAQMD no longer recommends the use of these methodologies. Instead, according to SCAQMD's *White Paper on Regulatory Options for Addressing Cumulative Impacts from Air Pollution Emissions*, the new recommendation says if any emissions from individual development projects exceed the project-specific mass daily emissions thresholds, then they must also be considered cumulatively considerable. The SCAQMD neither recommends quantified analyses of the emissions generated by a set of cumulative development projects nor provides thresholds of significance to be used to assess the impacts associated with these emissions. Further information on cumulative impacts and exposure to sensitive receptors with respect to Air Quality can be found in Section IV. B-22 of the Draft EIR. Regarding construction-phase emissions, as discussed in the aforementioned section, emissions during construction of the proposed project as analyzed in the Draft EIR would be reduced to below the level of significance with the implementation of Mitigation Measures Air-1 through Air-7. Therefore, implementation of the proposed project would not be expected to result in cumulative impacts when considered with construction of the related past, present or reasonably foreseeable projects.

**COMMENT NO. E13-7**

Environmental Justice is clearly an Area of Controversy – will it be analyzed for in a recirculated DEIR?

**RESPONSE NO. E13-7**

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>36</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed in Section IV.B *Air Quality* of the Draft EIR and in Response to Comment No. E10-38 above.

<sup>36</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**COMMENT NO. E13-8**

Remember construction equipment emissions are considerably cumulative.

**RESPONSE NO. E13-8**

See Response to Comment Nos. E13-6 and E13-3. Further information on cumulative impacts with respect to Air Quality can be found in Section IV. B-22 of the Draft EIR.

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**LETTER NO. E14*****Bruce Campbell – Letter No. 5*****COMMENT NO. E14-1**

Of course I am seeking additional responses in the new DEIR to respond to many concerns which I brought up, not just calling for the addition of excluded letter(s), but with the exact same wording by the applicant to be re-circulated.

**RESPONSE NO. E14-1**

Your comment regarding your previous comments in your letter submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. In addition, your NOP comments have been responded to individually as requested in comment letter E10, and can be found above. Your letter has been added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR* of the Final EIR.

**COMMENT NO. E14-2**

Some of my points (but not all) where I saw no discussion of the subject in the documents include considering the Alameda / Central neighborhood in an “Environmental Justice” analysis – and I referred to the vicinity as a “sacrifice zone”. I also asked for analysis of “black carbon” toxic emissions to be analyzed both in terms of toxicity of air pollutants relating to the project’s construction phase emissions (and preferably relating to Greenhouse Gases as well) – but I was unable to locate any discussion of that significant toxin in the DEIR and associated documents.

**RESPONSE NO. E14-2**

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>37</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed in Section IV.B *Air Quality* of the Draft EIR, and in Response to Comment No. E10-38 above.

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<sup>37</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

Black carbon is not a criteria air pollutant according to the California Air Resources Board (CARB) and is not measured specifically in the air analysis for the proposed project. There is no standard or threshold established for black carbon. The impacts of black carbon are considered in the analysis of PM<sub>2.5</sub> and PM<sub>10</sub> because black carbon is a component of diesel particulate matter emissions, which are quantified in Table IV.B-8 and Table IV.B-9 in Section IV.B *Air Quality* of the Draft EIR.

**COMMENT NO. E14-3**

I called for the document to state exactly what kind of trucks would be allowed into the 4051 South Alameda site (including specifically asking about 53-foot trailers with large sleeper cabs which are so difficult to maneuver on many urban streets), while another person who focused on truck-related comments was also unable to find his comment on the NOP.

**RESPONSE NO. E14-3**

Your comment inquiring about the type of trucks used in the proposed project has been noted. The applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site, thus further reducing potentially harmful emissions. Additionally, please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, page IV-6, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

**COMMENT NO. E14-4**

And there is more, but I am trying to work on new comments at this time rather than do house-cleaning regarding the bureaucratic snafu which excluded my (and perhaps other) comment letters on the NOP.

**RESPONSE NO. E14-4**

Your comment has been noted by the City.

**LETTER NO. E15*****Bruce Campbell – Letter No. 6*****COMMENT NO. E15-1**

Due to the exclusion of my comment letter from the Appendixes of the DEIR regarding the 4051 South Alameda Street project, please begin the process to resubmit the DEIR with at least a 45-day comment period. In this circulation, do include my comment letter on the Notice of Preparation which was sent to Ms. Hewawitharana on July 9th, 2014 – as well as all other comment letters on the project whether they were accidentally or purposefully excluded. (I forwarded my original comment letter to Ms. Hewawitharana earlier today to prove that such a comment letter exists and was sent in a timely manner.) It would also be preferable if the letters submitted by the public and by agencies could be viewed taking up more of the screen.

**RESPONSE NO. E15-1**

Your comment regarding your previous comments in your letter submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. In addition, your NOP comments have been responded to individually as requested in Letter No. E10, and can be found above. Your letter will be added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR* of the Final EIR.

**COMMENT NO. E15-2**

It may be a metaphor for the land-use process in the City of L.A., but why should the applicant's pages of info cover the whole computer screen, while I have to squint with my computer glasses on in order to see what the public said in comments covering a small portion of the screen? Of course, it is easier to hide the fact that certain comments were excluded if the scrolling process is a laborious process and has real small print. But, I ask for my comment letter dated July 8th, 2014, and sent via e-mail on July 9th, 2014, to be included in a recirculated DEIR – preferably in a large enough size to read.

**RESPONSE NO. E15-2**

The City has noted your comment regarding the screen resolution of the City's webpage. This comment is beyond the scope of this document.

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**LETTER NO. E16**

*Antonio Cano*

**COMMENT NO. E16-1**

My name is Antonio T. Cano. I have been working at IMPACT for 5 years. I am very pleased to be working with this company and happy to have more work. I hope that the company continues to grow so that we can continue years to come. May God bless the boss.

**RESPONSE NO. E16-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E17***Jesus Chagoya***COMMENT NO. E17-1**

Hi mi name is Jesus Chagoya, I live on 8th St. of Los Angeles CA. I have been living in Los Angeles for about 13 years now. I have been working at Impact Inc. since December 2013. I started working in the bundling area, and then I was moved as a production assistant. Ever since I started working here it has helped in economically because of the over time our boss offer us. I am really happy working at impact, everybody is nice to each other here we get along good. Some days during the week the boss lets us stay after work since we have sports activities such as soccer & basketball. Working at Impact has helped me afford a better living for me and family since my mom depends on me. Impact has been great for me because I have met people in here that I consider as second family we celebrate our birthdays together and we share some great moments.

**RESPONSE NO. E17-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E18**

*Carmelo Cruz*

**COMMENT NO. E18-1**

My name is Carmelo Cruz. I have worked at IMPACT for over 25 years. I know my boss very well. He is a very kind person and appreciates our work. We have had no problems with the boss and he provides much work as well as over time. I am in charge of opening the factory (warehouse), I clean and set out the materials (supplies) for the day's work. I am always punctual for work. I have no problems with my coworkers and get along quite well.

**RESPONSE NO. E18-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E19**

*Juan Diego*

**COMMENT NO. E19-1**

My name is Diego Juan. I work at IMPACT. I started working in 2009. He's an excellent boss. Thanks to him, I have a lot of work.

**RESPONSE NO. E19-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E20***Leticia Flores***COMMENT NO. E20-1**

I've been living on Central st Los Angeles for 10 years. I have been working at Impact for almost 4 years as a receptionist. I'm really happy with my position and I thank my boss for giving me this opportunity to work at Impact. Working at Impact has given me the chance to learn so many new things in the past years. I really like my job because I meet new people and I keep learning new things from all the people around me. I get more experience each year which I know that it will help me a lot and I also get to experience new things. This job has help me and my family because my dad has health problems and can't work, thus I'm the one supporting my family of seven including me. It has really helped me economically because I can give my family what they really need.

**RESPONSE NO. E20-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E21***Gwendolyn Forrest***COMMENT NO. E21-1**

Please resist the temptation of pitting jobs against the environment! We need your wise leadership on this issue.

**RESPONSE NO. E21-1**

Your comment has been noted by the City. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E21-2**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, "to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E21-2**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NOx, CO, SOx, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub> does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel

fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions, of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>38</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E21-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E21-3**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of

<sup>38</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

### **RESPONSE NO. E21-3**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

### **COMMENT NO. E21-4**

Regional Air Quality

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

### **RESPONSE NO. E21-4**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate

pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E22***Janneth Garcia***COMMENT NO. E22-1**

I live on Figueroa los Angeles, over 27 years, I've been working at impact since October 2006, I started as a receptionist , then I was promoted to Pre- production assistant and doing some production manager as well. I been learning mostly everything along the years. Along With my knowledge my compensation has grown over the years, I've been able to achieve new things in my life and By helping me learn many things that will help me in the future. working at impact has made me learn so much about the fashion design and made me understand how impact makes everything possible to achieve everything for their customers. Me and my coworkers always try our best to achieve everything that comes to us. I feel really happy to see famous people wearing our products that we made at impact. This job has help me to be able to help my family In every way that I can.

**RESPONSE NO. E22-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E23**

*Maria Garcia*

**COMMENT NO. E23-1**

I've been living in Figueroa st Los Angeles for 24 years; I've worked for impact for 4 years as pre-production assistant in samples and developments. I have learn so many things in this past years I thank my boss for giving me this chance to work for his company. I am a single mother so this opportunity has help me a lot economic and to learn things. I love my job we get to meet new people and work big companies. I'm really happy to work with impact and experience new things. I feel glad to see famous people wearing our products that we made here at impact. This has help me so much to give my child and family all the help I can.

**RESPONSE NO. E23-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E24**

*Artemio Gonzalez*

**COMMENT NO. E24-1**

Hello, my name is Artemio Gonzalez. I live on Avalon and 41<sup>st</sup>. I am a father of three children who are my reason for advancement (succeeding) in this country. I have lived in Los Angeles 27 years and work as a manager at IMPACT. Thanks to my efforts and performance, this company has given me more than I thought I could achieve in my life. I am completely satisfied with my work and I really love my job. The employees are like family. I hope IMPACT can achieve the goals and what it is trying to accomplish as it would be a great favor to all the employees and people who need a steady job and great benefits. Please, whoever is in receipt of this correspondence, thank you for everything.

**RESPONSE NO. E24-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E25***Crystal Gonzalez***COMMENT NO. E25-1**

In regards to the project (4051 South Alameda Street Project), please halt the plans to build an industrial park in South Los Angeles. South LA needs more green space for its residents, not more industrial parks. I am a High School teacher. I see the dreams of youth: They want Los Angeles be a place where they can live, breath clean air, be in community, and thrive. At the moment youth feel like it is a place they want to leave, not a place they want to stay.

**RESPONSE NO. E25-1**

Your comment expressing concern for today's youth and the need for more green space in South Los Angeles has been noted. Section VI, *Alternatives*, of the Draft EIR, specifically pages VI-3 and VI-4, addresses the possibility of alternate land use alternatives such as a community garden and a park/recreational use.

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.

- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

**Policies**

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

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

**Policies**

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

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

The applicant acknowledges the former interim use of the project site as a community garden that

occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E25-2**

I understand that industrial parks have the potential to create jobs, but green spaces can also create jobs. We need to start thinking about development in sustainable and creative ways.

**RESPONSE NO. E25-2**

Your comment on how to balance jobs versus the environment has been noted. As further detailed in Response to Comment No. E25-1 above, the Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. However, this alternative was withdrawn from consideration as it does not meet the basic project objectives. The proposed project better meets the basic objectives of the project by constructing a new industrial park that provides a minimum of 480,000 square feet of light industrial space to facilitate garment manufacturing, locating a new industrial park within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area, developing an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities, providing opportunities for the project's labor force to utilize existing public transit systems and other multi-modal transportation opportunities in the vicinity of the proposed project, preserving and/or redeveloping the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population, and providing benefits to the Southeast Los Angeles Community Plan Area population as a result of economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E25-3**

Please halt plans to further industrialize and contaminate South Los Angeles.

**RESPONSE NO. E25-3**

The City of Los Angeles has noted the comment about industrial use at the proposed project site. However, as detailed in Response to Comment Nos. E25-1 and E25-2 above, the proposed project is consistent with the goals and objectives of the adopted Southeast Los Angeles Community Plan. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.



**LETTER NO. E26**

*Maria V. Gonzalez*

**COMMENT NO. E26-1**

I Maria Valentina Gonzalez have been employed by Mr. Tony Yuu since 1998 – 3-9-2015 to present. I'm writing this letter of recommendation for Mr. Yuu. He has been a fair employer and has helped his employees in any way possible. I've been very happy working for him and would like his plans for his company to come to reality, making easier for everyone to work together.

**RESPONSE NO. E26-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E27**

***Ira Gottlieb***  
***Bush Gottlieb***  
***500 North Central Avenue, Suite 800***  
***Glendale, California 91203***

**COMMENT NO. E27-1**

I am a senior partner union-side labor law attorney with the law firm of Bush Gottlieb, located in Glendale, CA. Although my office is not located within the City of Los Angeles, I represent clients with offices in the City and unions with many members who reside in town, and thus have a stake in the future of Los Angeles as a neighbor living adjacent to the great megalopolis that LA has become.

**RESPONSE NO. E27-1**

This comment provides background information regarding the law firm of Bush Gottlieb and its interest in commenting on the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E27-2**

I am writing to request revisions in the DEIR for the long-disputed tract of land in South Los Angeles slated for industrial development. I ask that you reconsider your department's failure to recognize the community value in designating the land for gardening and recreational purposes.

**RESPONSE NO. E27-2**

Your comment regarding the designation of the proposed project site for gardening and recreational purposes has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.

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

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

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

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

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

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

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the

project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project site.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E27-3**

I have lived in the Los Angeles region for almost 29 years, and am dismayed by the paucity of green space in our concrete-bound culture, both generally and as the shortage is unjustly distributed within the City. A quick Google search reveals comments like "South L.A. is ankle-deep in the worst public land deficit in the city" (<http://www.oncentral.org/news/2011/12/22/south-lspark-struggle/>). That article published in 2011 went on to note that

"A report issued by the Trust for Public Land, national non-profit aimed at developing public spaces in underserved areas, found that there were roughly 6.2 acres per every 1,000 people in Los Angeles. It's even worse if you look at individual communities. A study conducted by the UCLA Institute of Environment and Sustainability in 2006 found that African-American and Latino communities receive .8 and 1.6 acres per 1,000 persons respectively, with South Los Angeles averaging less than half an acre per 1,000 residents."

In 2009, a story about the opening of a park in the Baldwin Hills area remarked upon how then City Councilman Mark Ridley-Thomas joked, with some no doubt intended irony, that he was suffering from “nature-deficit disorder.” ([http://switchboard.nrdc.org/blogs/dnagami/tackling\\_nature\\_deficit\\_disord.html](http://switchboard.nrdc.org/blogs/dnagami/tackling_nature_deficit_disord.html)) That article further observed “Urban Los Angeles is one of the most park-poor areas in the nation, with fewer acres of parkland per resident than any other major city. Without adequate green space, these often lower-income communities of color don't receive the many benefits that come with parks, like a healthier local environment, access to low-cost recreation, and the chance to experience and connect with nature up close.”

### **RESPONSE NO. E27-3**

Your comment regarding the lack of parkland and open space in Los Angeles has been noted. As described in Response to Comment No. E27-1, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives. The City entered into an agreement with the property owner to provide a cash pledge to meet the City's requirement for parkland. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>39</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E27-4**

That malady is not unique to high-profile city officials, and has by no means been cured or even mitigated in more recent years. Specifically, I would like to draw your attention to a critical study of the American Institute of Architects (California Council) conducted in 2012 that documented inequities between South Los Angeles and other parts of LA lacking in greenery, open space, and recreational facilities. Click below to read the study:

<http://www.aiacc.org/2012/05/29/20792/>

If you scroll on the site, you'll note South LA is categorized under the classification of “park poverty” with only 783 acres of parkland, in contrast to West LA with 16, 497 acres. This reflects a history of protecting Westside communities from overdevelopment and allowing some green space to survive against the onslaught of development, but also shows a different, disparate outcome when considering the areas of the most dense populations in the City, which of course need the green space the most:

. . . those areas with 75% or more Latino population (188 census tracts, with over 770,000 residents) had only 0.6 park acres per 1,000 population, and heavily African-American dominated tracts (11 census tracts with almost 50,000 residents) had 1.7 park acres per 1,000 population. In comparison, heavily White dominated areas (117 census tracts with almost 480,000 residents) enjoyed 31.8 park acres per 1,000 residents.

The implications of this disparity and park shortage in disadvantaged densely populated areas are dramatic for young people who have no place to go to run, to chase, kick and throw a ball, enjoy the thrill

<sup>39</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

of competitive sports, or just gain respite from the drabness of concrete walls and whirl of commerce. As a former camp counselor, sports director and avid basketball player born and raised in New York City, I've learned first-hand how important it is, both in terms of physical and mental health, for young people to have parks nearby. As Mahatma Gandhi taught us, "It is health that is real wealth and not pieces of gold and silver."

**RESPONSE NO. E27-4**

Your comment regarding the lack of parkland and open space in South Los Angeles has been noted. As described in the responses above, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives. The property owner entered into a cash pledge agreement with the City to provide a cash pledge to meet the City's requirement for parkland, whereby funds were contributed to park/recreational development at more suitable alternative sites.

**COMMENT NO. E27-5**

When we have a choice about what to do with substantial swaths of undeveloped acreage in disadvantaged communities, this green space deficit and the need to serve the future needs of youth (and the not-so-young -- directly and for community quality of life all derive) must be carefully taken into account, with heavy weight afforded to the value of maintaining and enhancing open recreational space.

**RESPONSE NO. E27-5**

Your comment regarding green space deficits in disadvantaged communities has been noted. As described in the responses above, the property owner entered into a cash pledge agreement with the City to provide a cash pledge to meet the City's requirement for parkland, whereby funds were contributed to park/recreational development at more suitable alternative sites.

**COMMENT NO. E27-6**

Please revise this DEIR to take into consideration the indispensable community value in setting aside this land for gardening and recreation.

**RESPONSE NO. E27-6**

Your comment on setting aside this land for gardening and recreation has been noted. As described in the responses above, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives. The City entered into an agreement with the property owner to provide a cash pledge to meet the City's requirement for parkland. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>40</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

<sup>40</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

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**LETTER NO. E28***Lisa Green***COMMENT NO. E28-1**

I am a former State Assembly Candidate and a current member of the Green Party of Los Angeles and California. I am writing you regarding the DEIR concerning the land known as the South Central Farm. I am an artist in Venice as well as a life coach and spiritual guide for many. Our greater Los Angeles area is riddled with individuals who are suffering from the effects of over population in an urban environment. Noise, traffic, over emphasis on work, and a host of other maladies are affecting people at an alarm rate. Many of my clients have lost their connection to the Earth, our home, and with nature.

I am in opposition of the DEIR based on the following points from the report:

**RESPONSE NO. E28-1**

This comment provides introductory transmittal comments and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E28-2**

The DEIR's conclusion that community gardens do not carry local community value.

**RESPONSE NO. E28-2**

Your comment regarding the community value of gardens has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives:

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.

- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.
- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.
- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The

Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project site.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E28-3**

The DEIR fails to recognize the community value in using the land for recreational purposes.

### **RESPONSE NO. E28-3**

Your comment regarding the use of the proposed project site for recreational purposes has been noted. As discussed in Response to Comment No. E28-2, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet basic project objectives.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and

authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E28-4**

One of the healing remedies I suggest to people is to get back to nature in our urban jungle. Walk in the park, listen to the birds, sit by a tree, put your hands in the soil. Gardening is a very healthy way to heal the self, and to grow food for yourself and your community. Life is about choices and more people are seeking a path towards holistic living which includes contributing to your own food supply. Community gardens are beautiful, serene and empowering ways for communities to live and play together while producing with nature's assistance a fuel for our bodies, hearts and souls. It makes me wonder how many of your staff actually spend time engaged with nature and the environment? For report seems to show a level of ignorance and promotes neglect that is not a path to wholeness.

**RESPONSE NO. E28-4**

Your comment on the proposed project and the health benefits of gardening has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E28-5**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation. Please take time to get outdoors and commune with nature.

**RESPONSE NO. E28-5**

Your comment on the proposed project regarding a gardening/recreation alternative has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project. As discussed in Response to Comment No. E28-2 above, the alternatives for a community garden or park/recreation use were withdrawn from further analysis as they would not meet the basic objectives of the project. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>41</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

<sup>41</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

**LETTER NO. E29***Nallely Hernandez***COMMENT NO. E29-1**

Hi, my name is Nallely Hernandez. I live by Hooper and Naomi. I have resided in the Los Angeles area for 20 years. I am employed in X-Factory and have been working here a little over 6 months. I was a stay at home mother before I began working so working here has given me so much work experience and so much knowledge. I am constantly growing within my field, garment pre-production/production. Our employer, mister Tony Yu has always been so attentive towards us, his employees. Our work environment always feels safe and we as a company are constantly striving for better. We take pride in the garments produced as we work hard to make sure every detail of the garment is perfect. I enjoy working here because I always receive the best support from my colleagues if I have a family emergency. I am so happy that I am able to provide for my 2 children.

**RESPONSE NO. E29-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E30**

*Norma Hernandez*

**COMMENT NO. E30-1**

Hello, my name is Norma Hernandez. I've lived at 9324 Juniper St., Los Angeles, CA for 17 years. I am very grateful to God and my boss for working at IMPACT. It has been a year since I've had the opportunity of being part of IMPACT as a garment inspector (trimming). Thanks to this job, it has been a great benefit to my family and children. I am willing to improve my performance each day. I am proud to see our garments on TV because it makes me feel part of the IMPACT team. I hope that IMPACT will grow and be more productive in the future, providing more work every day.

**RESPONSE NO. E30-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E31**

*Salvador E. Hernandez*

**COMMENT NO. E31-1**

I live on Hooper Street of Los Angeles. I have lived in Los Angeles since 2006. I've been working at Poetry since May 2006. I am currently in the shipping department. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E31-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E32**

*Fausto Herrera*

**COMMENT NO. E32-1**

Hello, I am Fausto Herrera. I have worked at IMPACT for 25 years. I know my boss very well and he is a very good boss. He has much work for us and gives us over time. I am very happy with my work and get along well with my coworkers. I don't like to have problems at work. Thanks to my boss for being such a good person, there are few.

**RESPONSE NO. E32-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E33**

***Karen Iglesias***

**COMMENT NO. E33-1**

I live in Eastlake Ave Los Angeles, I've lived in Los Angeles for about 8 years. I've been working at Impact since August 2008, I started here as a receptionist, then I was promoted to pre-production assistant now I'm production manager assistant, along with the knowledge my compensation has grown, I've been able to afford a better living and help my family too. Work for Impact is a great experience, I consider my coworkers and boss as my second family, we celebrate success and birthdays with happiness and share great moments. I'm so proud to work at Impact and when I realize that is when I see on TV Shows some products of our clients that we have made here.

**RESPONSE NO. E33-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E34**

*Arcadio Jacinto*

**COMMENT NO. E34-1**

My name is Arcadio Jacinto. I'd like to talk about my work and my boss. I am a garment maker. Although I have not been with the company long, the truth is, I am very happy with my boss. He is responsible, he enjoys camaraderie and above all he is a good person. He has not failed us and provides work. I wish to thank him for all this.

**RESPONSE NO. E34-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E35**

*David Jo*

**COMMENT NO. E35-1**

I live on Westmoreland Avenue of Los Angeles. I have lived in Los Angeles for all my life. I've been working at Poetry since February 2014. I am currently in the sales department. I do multiple things for my job: sales, shipping company PO's, invoices, and also packing merchandise. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E35-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E36***Kathy Knight***COMMENT NO. E36-1**

Please do not accept the Draft EIR in its current form. It goes against the Open Space element in the City's master plan by opting against preservation and restoration of green open space in favor of more industrial uses. The highest use of this parcel would be to return it to the community as an urban garden with recreational opportunities.

**RESPONSE NO. E36-1**

Your comments regarding the consistency of the project with the City's General Plan Open Space Element, and regarding the community value of gardens have been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives:

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

- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the

west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

The Open Space Element consists primarily of general aspirational citywide policies and programs encouraging the provision of open space. The commenter has not specified in what way the project would be inconsistent with this General Plan Element. However, the project would be consistent with the South East Los Angeles Community Plan goals, objectives and land use designation as specified above in this Response to Comment No. E36-1, and further would contribute to open space amenities nearby, and, as such is considered substantially consistent with the general intent of the Open Space Element. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its community plan designation, goals and policies, and the project objectives. As a result, the project is consistent with the Open Space Element.

#### **COMMENT NO. E36-2**

The DEIR's conclusion that community gardens do not carry local community value and economic benefits is insensitive to communities of color. For the people of South LA, access to healthy food – broccoli, asparagus, tomatoes (as opposed to chips, sodas, and candy), as well as skills to produce this food -- are matters of life and death, of sight and blindness.

#### **RESPONSE NO. E36-2**

Your comment regarding sensitivity to communities of color, the local benefit and value of community gardens, and access to healthy food has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

As discussed in Response to Comment No. E36-1, above, the alternatives for a community garden or park/recreation use were withdrawn from further analysis as they would not meet the basic objectives of the project. The City entered into a cash pledge agreement with the prior owner to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>42</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the

<sup>42</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

project objectives.

**COMMENT NO. E36-3**

Also, we spend a huge amount of tax funds on jails in Los Angeles. But it has been shown that when children can grow food in community gardens with their families, they eat better and the crime rate goes down. It is a healthy activity for families to do together. Where is the impact of this shown in the DEIR?

**RESPONSE NO. E36-3**

Your comment regarding the allocation of tax funds, the crime rate, and the benefits of community gardens has been noted. CEQA centers on whether a project may have a significant effect on the physical environment. These topics are beyond the scope of this document. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E36-4**

In addition, the DEIR needs to study in detail the health and mental benefits of children in that area having open space to enjoy for recreation.

**RESPONSE NO. E36-4**

Your comment regarding the health and mental benefits to children from open space and recreation has been noted. As discussed in Response to Comment No. E36-1, above, the alternatives for a community garden or park/recreation use were withdrawn from further analysis as they would not meet the basic objectives of the project. The City entered into a cash pledge agreement with the prior owner to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>43</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

**COMMENT NO. E36-5**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation.

**RESPONSE NO. E36-5**

Your comment on the proposed project has been noted. As discussed in Response to Comment No. E36-1, above, the alternatives for a community garden or park/recreation use were withdrawn from further analysis as they would not meet the basic objectives of the project. The City entered into a cash pledge

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<sup>43</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

agreement with the prior owner to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>44</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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<sup>44</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

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**LETTER NO. E37***Bryan Lee***COMMENT NO. E37-1**

I live on Georgia Street of Los Angeles. I have lived in Los Angeles all my life. I've been working at Poetry since September 2008. I am currently in the sales department. I do multiple things for my job: sales, shipping company POs, invoices and also packing merchandise. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E37-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E38**

*Carlos Lopez*

**COMMENT NO. E38-1**

My name is Carlos Lopez. I have been working approximately 5 years here at IMPACT and I think we do good quality work. Until this moment, I feel good about working here and think it provides a good work environment.

From my experience in this line of work, it is one of the best I've found. I hope to continue for a long time and hope that the company continues to grow.

**RESPONSE NO. E38-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E39***Jose Lopez***COMMENT NO. E39-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, "to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E39-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, *Unmitigated Estimated Daily Operational*

*Emissions*, of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B-18 to B-22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>45</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E39-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E39-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>45</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E39-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E39-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E39-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.



**LETTER NO. E40**

*Marie Lorenzo*

**COMMENT NO. E40-1**

Hello my name is Maria Lorenzo. I have lived in Los Angeles, CA for 20 years. I work for IMPACT and I perform inspections. I have worked 5 years with this company. My boss is very friendly towards us and I like the way he treats us. I feel very happy working here.

**RESPONSE NO. E40-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E41**

*Adulfo Marin*

**COMMENT NO. E41-1**

Adulfo Marin

I've worked for IMPACT since September 2012 and I've lived in Los Angeles, CA since 1997. Toni is the best boss I've ever had. I get paid very well and he treats us very well. He gives us three breaks and everything is good.

**RESPONSE NO. E41-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E42**

*Juliana Martinez*

**COMMENT NO. E42-1**

Juliana Martinez

I've lived in Los Angeles, CA for 20 years. I've worked for the company for 5 years. I am happy working for this company. I have had work.

**RESPONSE NO. E42-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E43*****Mario Montano*****COMMENT NO. E43-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E43-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, *Unmitigated Estimated Daily Operational*

*Emissions*, of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B-18 to B-22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>46</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E43-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E43-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>46</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)



**RESPONSE NO. E43-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E43-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E43-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E44***Leslie Jeanne Morava***COMMENT NO. E44-1**

The Draft EIR in its current form for the site @ 41st & Alameda St. goes against the Open Space element in the City's master plan.

Please on the public's behalf, reject it.

It's choosing to go against preservation and restoration of green, open space in favor of industrial uses.

**RESPONSE NO. E44-1**

Your comment regarding the consistency of the project with the City's General Plan Open Space Element has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives:

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

- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a

park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. The Open Space Element consists primarily of general aspirational citywide policies and programs encouraging the provision of open space. The commenter has not specified in what way the project would be inconsistent with this General Plan Element. However, the project would be consistent with the South East Los Angeles Community Plan goals, objectives and land use designation as specified above in this Response to Comment No. E44-1, and further would contribute to open space amenities nearby, and, as such is considered substantially consistent with the general intent of the Open Space Element.

#### **COMMENT NO. E44-2**

The highest use of this parcel would be to return it to the community as an urban garden, with recreational opportunities!

#### **RESPONSE NO. E44-2**

Your comment regarding the highest use of the parcel has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives:

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.

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

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

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

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

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

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

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the

project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project site.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E44-3**

Cumulative impacts of diesel trucks required for warehouse activity will add to the area's already unacceptable level of air and noise pollution.

### **RESPONSE NO. E44-3**

Your comment regarding air quality and noise impacts has been noted. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7, which are listed on pages IV.B-23 and IV.B-24 in the Draft EIR and listed here:

#### Air-1

During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM2.5 and PM10 emissions).

Air-2

During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM2.5 and PM10 emissions).

Air-3

During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Air-4

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

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;



(4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

#### Air-5

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

#### Air-6

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

#### Air-7

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

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality

data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, *Summary of DPM Health Impact Results*. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Cumulative air quality impacts are further discussed on pages IV.B-22 and IV.B-23 of the Draft EIR.

**COMMENT NO. E44-4**

It will also impact pedestrian and automobile safety by increasing traffic congestion adjacent to residential areas and the Metro Blue Line.

**RESPONSE NO. E44-4**

Your comment addressing traffic congestion and safety has been noted. From the Addendum to the Traffic Impact Study prepared for Sage Strategies in October of 2014 (Appendix IX in Volume VI of Draft EIR),<sup>47</sup> all study intersections would operate at an acceptable LOS (at LOS A through D) with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard during the PM peak hour. A project's traffic impact is determined to be significant if the increase in V/C is 0.04 or more at LOS C, or 0.02 or more at LOS D, or 0.01 or more at LOS E and F.

Significant impacts occur at the intersection Alameda Street and East Washington Boulevard using 351 truck trips per day based on ITE trip generation rates. Section VI *Alternatives* in the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day) which is based on surveys conducted nationally at typical warehouse facilities. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C of the Draft EIR. However, significant impacts will still remain at the intersection of Alameda Street and East Washington Boulevard using full ITE trip rates. Currently, there is a maximum of 33 trips/day total for the various existing facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the assumption in Alternative C of the Draft EIR. An analysis with this reduced number of truck trips shows that Alternative C will not have a significant impact at any of the study intersections.

Regarding rail crossing and freeway safety, according to the Addendum to the Traffic Impact Study in October 2014 (Appendix IX in Volume VI of the Draft EIR, page 9).

*The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project...*

*...The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro's Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7's freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.*

<sup>47</sup> Sage Strategies, LLC. October 3, 2014. Appendix XI. Addendum to Traffic Impact Study. Prepared by Traffic Design, Inc.

**COMMENT NO. E44-5**

The DEIR's conclusion that community gardens do not carry local community value and economic benefits is extremely short-sighted and insensitive to communities of color, and communities in need. During operation of the South Central Farm years, it was proven to reduce crime in the area significantly, as well.

**RESPONSE NO. E44-5**

Your comment regarding the value and economic benefits of community gardens, sensitivity to communities of color and in need has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project. For further information on the Alternatives Analysis and community garden alternative, please see Response to Comment Nos. E44-1 and E44-2.

**COMMENT NO. E44-6**

For the people of South LA, access to healthy food – broccoli, asparagus, tomatoes (as opposed to chips, sodas, and candy), as well as skills to produce this food -- are matters of life and death, of sight and blindness. In essence, the DEIR's conclusion negating community value of organic gardens sends a Marie Antoinette message – not let them eat cake, but let them feast on salt, sugar, and fat while other more fortunate areas of Los Angeles enjoy the privilege of eating healthy food and living robust lives.

**RESPONSE NO. E44-6**

Your comment regarding the value of community gardens and access to healthy foods has been noted. The commenter's opinion on the conclusions of the Draft EIR has been noted and forwarded to the decision makers for their consideration prior to taking action on the proposed project. For further information on the Alternatives Analysis and community garden alternative, please see Response to Comment Nos. E44-1 and E44-2.

**COMMENT NO. E44-7**

I was equally appalled to read that the DEIR fails to recognize the community value in using the land for recreational purposes. Are we to believe there is a positive net gain in setting aside the land for polluting industrial use, for possible release of carcinogens and other toxins, rather than giving the children of Los Angeles a place to play and run and get in shape? This is a shameful conclusion, truly embarrassing to read.

**RESPONSE NO. E44-7**

Your comment regarding the value in using the land for recreational purposes has been noted. The commenter's opinion on the conclusions of the Draft EIR has been noted and forwarded to the decision makers for their consideration prior to taking action on the proposed project. As detailed in Response to Comment Nos. E44-1 and E44-2, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above

the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, *Summary of DPM Health Impact Results*. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, *Noise Technical Report*, for further information. Cumulative air quality impacts are further discussed on pages IV.B-22 and IV.B-23 of the Draft EIR.

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>48</sup>

#### **COMMENT NO. E44-8**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation.

#### **RESPONSE NO. E44-8**

Your comment on using the project site for recreational uses has been noted. As detailed in Response to Comment Nos. E44-1 and E44-2, the alternatives analysis withdrew the community garden and recreation alternatives as being infeasible as they did not meet basic objectives of the project. The project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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<sup>48</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

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**LETTER NO. E45**

*Leonila Munoz*

**COMMENT NO. E45-1**

Hello, my name is Leonila Muñoz. I have lived in Los Angeles for almost 15 years. I have worked for IMPACT these past 5 years. Thanks to this job, I have been able to provide a home and support my children. Also, thanks to this job, I am able to help my daughters attend University. I am very happy that thanks to this job I have been able to lead a fuller life. The boss is a very good person; he enjoys camaraderie and working alongside us.

**RESPONSE NO. E45-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E46**

*Jack Neff Letter No. 1  
P.O. Box 491272  
Los Angeles, CA 90049*

**COMMENT NO. E46-1**

In Re the above referenced matter, these public comments are truncated to a miniscule degree of the scope of all the issues this Commenter needs to note concerning that certain real estate within the City of Los Angeles designated within City Planning's file going forward as the above-referenced matter.

Firstly, it appears critical documents concerning public safety and traffic impacts have been indexed as being in the proposed Draft EIR, but are not locatable at the citations provided by City Planning.

These documents are shown on the List of Tables, Vol. I, Secs. I-IX:

Appendix IV: IV.B-10 Proposed Project Traffic Conditions for 2016 .....	IV.B-20
IV.G-2 2014 Existing Traffic Conditions .....	IV.G-7
IV.G-3 Freeway Segment Analysis.....	IV.G-8
IV.G-4 Freeway Off-Ramp Analysis .....	IV.G-8
IV.G-5 Level of Service Descriptions.....	IV.G-11
IV.G-6 Level of Service Criteria .....	IV.G-12
IV.G-7 Proposed Project Traffic Conditions for 2016 .....	IV.G-14

**RESPONSE NO. E46-1**

Your comment regarding the location of documents related to public safety and traffic impacts has been noted. The Traffic Study was appended to the Initial Study and hence is in Volume III of the Draft EIR, which is the initial study and its appendices. The tables mentioned in the comment regarding Existing Traffic Conditions, Freeway Segment Analysis, Freeway Off-Ramp Analysis, level of service description and criteria, and Proposed Traffic Conditions for 2016 are in reference to the Addendum to the Traffic Impact Study, which is located in Volume VI, Appendix IX, to the Draft EIR. In particular, see Table 2 (page 5) for existing and future intersection conditions. The freeway ramp analysis is found on page 8 of the Addendum.

**COMMENT NO. E46-2**

As such, this comment firstly requests additional time beyond, up to and including an additional 45 days from the noticed closing of Public Comments on March 9, 2015 at 4:00 p.m., or June 14, 2015, to submit crucial supplemental comments to necessarily confront the specifics of the dollar amount in concessions the developer is asking from the City, concessions in accountability of various sister governmental and public sector entities along the overlying jurisdictions controlling that certain area of real estate within the City of Los Angeles designated within City Planning's file going forward as the above-referenced matter.

**RESPONSE NO. E46-2**

Your comment regarding the review period for the Draft EIR and the role of public agencies in the review of the Draft EIR has been noted. The Notice of Completion of the Draft EIR was distributed to 3 federal agencies, 12 State agencies, 7 regional and local agencies, 8 County agencies, and 55 City agencies. The 45 day review period for the Draft EIR provides these agencies with an opportunity to comment on any

concerns they may have on the proposed project. The Final EIR is required to address any concerns raised by these agencies. Responses to agencies that submitted comments can be found in Response to Comment Nos. B1 through D2 in this Section III, *Responses to Comments*. The letter dated March 9, 2015 from the State Office of Planning and Research acknowledges that the project has fulfilled CEQA requirements relative to the distribution of the Draft EIR to state agencies for review. According to Section 15105 of the State CEQA Guidelines, the public review period for a draft EIR shall not be less than 45 days. The Notice of Completion for the Draft EIR was filed on January 22, 2015, and the public review period ended on March 9, 2015, for a period of 46 days.

### **COMMENT NO. E46-3**

Controversies abound on the face of the proposed draft EIR in the City Planning file, beginning with the document therein entitled "NOTICE OF COMPLETION AND AVAILABILITY OF ENVIRONMENTAL IMPACT REPORT ENV-2012-920-EIR; STATE CLEARINGHOUSE NUMBER: 2014061030", dated January 22, 2015 (the "NOP"). On page 2 therein, topic entitled "ANTICIPATED SIGNIFICANT ENVIRONMENTAL EFFECTS" I note one of the significant impacts identified by City Planners was "greenhouse gas emissions, hazards and hazardous materials, and land use and planning." Although City Planners say that as proposed, according to this same document from City Planning's file, the proposed new construction, "With implementation of the proposed mitigation measures" will likely have "no significant and unavoidable project or cumulative impacts in these issue areas addressed in the EIR are expected with regard to construction or operation of the proposed project."

The developer is conceding the controversial nature of the project, and so the issue of bias of City Planners is present. Questions concerning conflicting "Anticipated Significant Environmental Effects" must be addressed and more time is necessary to determine which of the "anticipated significant environmental effects" will receive priority in the course of mitigation and going forward to approval of the proposed draft EIR.

### **RESPONSE NO. E46-3**

Your comments regarding issues that were carried forward for further analysis in the Draft EIR have been noted. Based on public and agency comments in response to the NOP and a review of environmental issues by the Department of City Planning, the appropriate scope of the Draft EIR was determined to include seven environmental issues:

- Air Quality
- Cultural Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Land Use and Planning
- Transportation/Traffic
- Utilities and Service Systems

The above issue areas were found to have potentially significant impacts and therefore were carried forward for analysis in the Draft EIR. Information regarding mitigation measures can be found in Section I, pages 1 through 14 of the Draft EIR and pages IV-17 through IV-20 of Section IV, *Corrections and Additions to the Draft EIR* of this Final EIR. Mitigation Measures for Air Quality, Cultural Resources, and Utilities and Services Systems will reduce impacts to below a level of significance. However, traffic impacts at the intersection of Alameda Street and East Washington Boulevard will remain significant. All other categories are not expected to result in significant impacts and, as such, mitigation is not required.

The analysis provided in the Draft EIR demonstrates that any potential impacts identified in the above issue areas can be mitigated to the level of insignificance with mitigation measures.

**COMMENT NO. E46-4**

The proposed Draft EIR is a fraction of the material within City Planning's file, which references therein the South East Los Angeles Community Plan (the "Plan"), which in its current state is a work in progress, with various controversial proposals competing for the imprimatur of the Plan, including this proposed Draft EIR. Therefore the extent of the controversies disclosed by the proposed Draft EIR, could be said to include lobbying interests intersecting with the City, various sister governmental entities along the overlying jurisdictions controlling that certain area of real estate within the City of Los Angeles designated within City Planning's file going forward as the above-referenced matter.

This Commenter requests more time to investigate the the South East Los Angeles Community Plan and its proposed role in proposed Draft EIR. Otherwise, will City Planning be signing off on issues of accountability and put the public welfare entrusted to it and its sister governmental agencies into the hands of commerce and subject to their extensive liabilities for the public welfare?

**RESPONSE NO. E46-4**

Your comment relating to the South East Los Angeles Community Plan and your request for additional time to review the South East Los Angeles Community Plan has been noted. The Southeast Los Angeles Community Plan was adopted by the City Council on August 1, 2001, Ordinance No. 174172. The Southeast Los Angeles Community Plan can be found online at: <http://planning.lacity.org/complan/central/selpage.htm>. The proposed project is consistent with the Southeast Los Angeles Community Plan. The 45 day review period for the Draft EIR provides agencies and the public with an opportunity to comment on any concerns they may have on the proposed project. The Final EIR is required to address any concerns raised by agencies and the public. Responses to agencies that submitted comments can be found in Response to Comment Nos. B1 through D2 in this Section III, *Responses to Comments*. The letter dated March 9, 2015 from the State Office of Planning and Research (Letter No. B5) acknowledges that the project has fulfilled CEQA requirements relative to the distribution of the Draft EIR to state agencies for review. According to Section 15105 of the State CEQA Guidelines, the public review period for a draft EIR shall not be less than 45 days. The Notice of Completion for the Draft EIR was filed on January 22, 2015, and the public review period ended on March 9, 2015, for a period of 46 days. Your comments will be taken into consideration by the decision makers prior to taking action on the proposed project.

**COMMENT NO. E46-5**

Developer's Requests for Concessions

In the Draft Environmental Impact Report, III Project Description, Page III-6 (page 40, top in pdf), the developer is requesting a laundry list of concessions from a panoply of governmental agencies.

"Other permits, ministerial or discretionary, may be necessary in order to execute and implement the proposed project. Such approvals may include, but are not limited to: landscaping approvals, exterior approvals, permits for driveway curb cuts, storm water discharge permits, grading permits, installation and hookup approvals for public utilities and related permits."

Thus the developer admits the proposed Draft EIR insufficiently accounts for a huge portion of the actual execution of the project and is requesting a blank check to build on that certain real estate which is the subject of the City Planning file.

Currently the City Planning file contains developer requests for concessions from City Planning, City agencies and bureaus and from the City's sister governmental agencies like the Port of Los Angeles, the Alameda Corridor Special Authority, the Southern California Air Quality Management District, Cal-EPA/Department of Toxic Substance Control, California Department of Resources, the Metropolitan Transit Authority, and others. These concessions, in the words of the proposed Draft EIR include:

- 12' street widening on Long Beach Avenue
- 5' street widening on Martin Luther King, Jr. Blvd.
- 24.5' street widening on South Alameda Street
- 22' street widening on 41st Street

#### I. Introduction/Summary, Page I-5

The approximate area of these street concessions totals an unknown amount of land, land which now controlled by the City, the Department of Transportation, the MTA, rail agencies. Is the developer going to be accountable for events on these streets to the extent the as the City or will the people of Los Angeles suffer from decreased accountability as a result of the City granting the developer these street concessions?

#### **RESPONSE NO. E46-5**

Your comment reciting information from the Draft EIR that other permits, ministerial or discretionary, that may be necessary in order to execute and implement the proposed project has been noted. The various departments of the City of Los Angeles (e.g., Department of City Planning, Department of Transportation, Bureau of Engineering, etc.) have jurisdictional authority over the project and project approval will be completed with coordination between all these departments. The project is within the City's Southeast Los Angeles Community Plan area and, therefore, all the street standards (e.g., roadway width, sidewalk, right-of-way, street and highway dedications, etc.) will apply to this project.

The City Bureau of Engineering process for street dedication allows the City to obtain necessary public street right-of-way from private property owners to meet City standards. Every street in the City of Los Angeles is classified according to its prescribed transportation use. The categories include Major and Secondary Highways, Collector Streets, and various classifications of local and hillside streets. Each type of street has a required right-of-way width, roadway width, and sidewalk width. In order to enforce these requirements, the Bureau of Engineering has the authority to obtain the necessary right-of-way from private property owners when the properties are developed. One of two methods of obtaining the necessary right-of-way occurs through a Highway Dedication clearance on a Department of Building and Safety Building Permit Application (B&S Application).

The following table shows the ROW dedications for the streets surrounding the project site:

Street Name	Existing SELACP			SELACP Update			Mobility Plan 2035		
	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)	Class.	ROW ½ Width (feet)	Roadway ½ Width (feet)
41st Street	Major Hwy Class II	52	40	Collector	32	22	Collector	33	20
Alameda Street	Major Hwy Class II	52	40	Major Street	---	---	Avenue III	36	23
Martin Luther King Blvd.	Local (standard)	30	18	Local (standard)	30	18	Local (standard)	30	18
Long Beach Ave. <sup>49</sup>	Major Hwy Class II	52	40	Collector	32	22	Boulevard I	38	25

The project has been reviewed under the existing standards described in the DOT letter dated October 4, 2013. However, the required dedications under the Mobility Plan 2035 would be as in the table above. The project will comply with applicable street dedications to the satisfaction of the pertinent City agencies including Planning, DOT, and BOE.

In addition to the right-of-way dedication, the private property owner may be required to make necessary improvements such as roadway widening and installation of curb, gutter, curb ramps, and sidewalk. If the existing public right-of-way is already fully improved, the private property owner is requested to construct additional sidewalk over the newly dedicated property, repair or replace broken and off grade sidewalk, and close unused driveways.

#### **COMMENT NO. E46-6**

The developer is also requesting concessions in the proposed Draft EIR,III Project Description, Page III-5 on page 39.

"D. DISCRETIONARY ACTIONS In order to allow development of the proposed project, the following discretionary approvals are required:

Approval of Parcel Map No. AA-2012-919-PMLA to permit the subdivision of one 546,921 net square-foot parcel into four lots.

Site Plan Review to develop more than 50,000 square feet of non-residential floor area. Merger of the right-of-way of 40th Place and the two alleys north and south of 40th Place"

If approved by City Planning, Approval of Parcel Map No. AA-2012-919-PMLA, is a concession to the developer which the developer must offset by mitigation or else the public purse is at a loss for the net tax revenues which the current lot line configuration is assessed for.

<sup>49</sup> Long Beach Avenue is designated as a Major Highway II in the existing SELACP and proposed update to the SELACP which requires a dedicated right-of-way width of 104 feet and a roadway width of 80 feet The current dedicated right-of-way width of Long Beach Avenue is 140 feet which includes 60 feet of right-of-way for the Metro Blue Line light rail line. Long Beach Avenue is designated as a Boulevard I in Mobility Plan 2035 which requires a dedicated right-of-way width of 136 feet which includes the 60 feet of Blue Line right-of-way. The currently dedicated right-of-way width of 140 feet complies with the requirements of the existing and proposed SELACP and Mobility Plan 2035.

**RESPONSE NO. E46-6**

As mentioned in Response to Comment No. E46-5, the granting of additional permits, inclusive of parcel map approval, site plan review and merger of the right-of-way, will be subject to City regulations separate from the CEQA process.

**COMMENT NO. E46-7**

A Site Plan Review to develop new construction for this proposed project is much more than 50,000 square feet, it's almost 10 times that amount, according to the proposed Draft EIR, the Site Plan Review must cover approximately 464,000 square feet. Approval of a single site plan by City Planning must provide accountability by the developer which is presently under the jurisdiction of the City and various sister governmental agencies, or the public interest will lose the oversight and control arising from those mandates and authority.

**RESPONSE NO. E46-7**

Your comment regarding the size of the proposed project has been noted. According to City regulations, Site Plan Review is required for non-residential projects over 50,000 square feet. Projects under 50,000 square feet would not be required to undergo Site Plan Review. As the proposed project is 480,120 square feet it is required to undergo Site Plan Review.

**COMMENT NO. E46-8**

Other agencies that may have jurisdiction over some aspects the proposed project include, but are not limited to:

California Department of Transportation  
Department of Toxic Substances Control  
Regional Water Quality Board  
South Coast Air Quality Management District

Does the concessions the developer is asking for from the City and various sister governmental entities overturn a consensus mandate to address airborne particle emissions along the entire Alameda Corridor? Does the record show that a succession of planning and regulatory entities generally regarded as relevant have stated greenbelts, water features, pedestrian-friendly amenities along the 5 designated California impacted port areas, which includes Alameda Corridor, along a section wherein lies that certain real estate which is the subject of City Planning's file? This information is needed to complete my public comments on the subject.

**RESPONSE NO. E46-8**

Your comment regarding agency review of the Draft EIR has been noted. The Notice of Completion of the Draft EIR was distributed to 3 federal agencies, 12 State agencies, 7 regional and local agencies, 8 County agencies, and 55 City agencies. The 45 day review period for the Draft EIR provides these agencies with an opportunity to comment on any concerns they may have on the proposed project. The Final EIR is required to address any concerns raised by these agencies. However, the concerns raised regarding California impacted Port areas within the Alameda Corridor is not a project specific issue to the proposed project, and would be addressed separately in an environmental report prepared for the Alameda Corridor Transportation Authority. Responses to agencies that submitted comments related to this proposed project can be found in Response to Comment Nos. B1 through D2 in this Section III,

*Responses to Comments.* The letter dated March 9, 2015 from the State Office of Planning and Research (Letter No. B5) acknowledges that the project has fulfilled CEQA requirements relative to the distribution of the Draft EIR to state agencies for review. According to Section 15105 of the State CEQA Guidelines, the public review period for a draft EIR shall not be less than 45 days. The Notice of Completion for the Draft EIR was filed on January 22, 2015, and the public review period ended on March 9, 2015, for a period of 46 days.

#### **COMMENT NO. E46-9**

Developer is stating he will build 368 parking spaces, but I did not find anything in the proposed Draft EIR which shows necessary accommodations for at least 368 employees. In facilities the size developer is proposing, developer would have to provide eating facilities for at least 100 people who work there. I found no mention that these or any other such accommodations were planned to be provided, as required the law.

#### **RESPONSE NO. E46-9**

Your comment regarding the adequacy of parking for the proposed project has been noted. The buildings will have 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space. Required parking for warehouse use is one space per 500 square feet of floor area for the first 10,000 square feet and one space per 5,000 square feet of floor area thereafter. Required parking for office and manufacturing use is one space per 500 square feet of floor area.<sup>50</sup> The number of parking spaces required for the proposed development is therefore 403. The proposed project will provide 404 on-site parking spaces, which exceeds applicable requirements by 1 parking space. The proposed project is also providing a total of 49 short term and 60 long term bicycle parking spaces, which can be used to replace up to 64 required automobile parking spaces at a ratio of one automobile parking space for every four bicycle parking spaces.<sup>51</sup> It is further anticipated that the location of the proposed project in proximity to the Metro Blue Line light rail line would enable employees to use alternate means of transportation, thus further reducing the need for on-site parking. Street parking will also continue to be available on East 41<sup>st</sup> Street and the south side of Martin Luther King, Jr. Boulevard. The applicant is required to comply with all City, State, and Federal regulations regarding health, safety, and worker well-being. A discussion of these regulations and how the applicant will comply with them is outside of the scope of the Draft EIR.

#### **COMMENT NO. E46-10**

#### **CALIFORNIA DEPARTMENT OF TRANSPORTATION**

According to the July 14, 2014 letter from Dianna Watson, IGR/CEQA Branch Chief, Cal- DOT, District 7, Transportation Planning, found on page 11 of 543, Volume II, Appendix II of the proposed Draft EIR, "The project will create a net total of approximately 2,052 new two-way passenger car equivalent trips per day...However, trip generation needs to include employee trips...Based on the traffic data received, when the related projects are built, there may be significant cumulative traffic impact to the State facilities" (i.e., the 10 freeway). Thus, the developer is requesting a concession from another sister agency to the City that the public purse bear more than 4,104 additional car trips will be made each day as a result of the new construction in proposed Draft EIR. If the developer actually builds this project, additional

<sup>50</sup> City of Los Angeles Municipal Code § 12.21.A.4(c). Accessed 3-18-15. Available online at: <https://law.resource.org/pub/us/code/city/ca/LosAngeles/Municipal/chapter01.pdf>

<sup>51</sup> City of Los Angeles Municipal Code § 12.21.A.4. Accessed 3-18-15. Available online at: <https://law.resource.org/pub/us/code/city/ca/LosAngeles/Municipal/chapter01.pdf>

mitigation must be included for significant traffic impacts which affect the daily lives of people. I propose using block grants to fund greenbelts, additional landscaping and pedestrian-friendly amenities be added to the project as part of the cost of adding to the traffic woes already existing.

#### **RESPONSE NO. E46-10**

Your comment regarding Caltrans comments on potential traffic impacts from the proposed project and the use of block grants for funding amenities have been noted. Responses to Caltrans' comments were incorporated into Section IV.G, *Transportation/Traffic*, and Appendix IX, *Addendum to Traffic Impact Analysis*, in the Draft EIR. Cumulative traffic impacts are estimated with future traffic volumes consisting of traffic from the proposed project as well as all other known related projects in the immediate 2-mile radius of his project. Per LADOT's October 2013 agreement with Caltrans, freeway impact analysis is conducted by comparing estimated project traffic to be added to the freeway mainline segments and ramps to 1% of existing freeway volumes for facilities operating at LOS E or F. Cumulative impact analysis shows no significant traffic impacts attributable to this project except at Alameda Street and East Washington Boulevard during the PM peak hour, and project's traffic volume to be added to freeway segments and ramps would not exceed the screening criteria of 1% of existing freeway volumes. A discussion of the use of block grant funding for amenities is beyond the scope of this document.

#### **COMMENT NO. E46-11**

##### California Public Utilities Commission

Chi Cheung To, P.E., Utilities Engineer, Rail Crossings Engineering Section ("RCES"), of the PUBLIC UTILITIES COMMISSION, reviewed the Notice of Preparation of Draft EIR ("NOP") regarding City Planning's file. In his June 19, 2014 to Ms. Hewawitharana of City Planning, Mr. To states California Public Utilities Commission (Commission) has jurisdiction over the safety of highway rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings. According to Mr. To, the project includes construction of four (4) industrial buildings.

"The 41st Street at-grade crossing (ID: CPUC No. 001BBH-486.13, DOT No. 747835D) and the 38th place crossing (ID: CPUC No. 001BG-486.00, DOT No. 747607R) are located immediately on the west and east sides of the project site respectively. Currently, there are over 100 combined light-rail and freight train movements per day at the 41st Street crossing, with a maximum speed of 30 miles per hour. Any development adjacent to or near the railroad right-of-way (ROW) should be planned with the safety of the rail corridor in mind."

The proposed Draft EIR offers a commitment to a local hire agreement and a cash pledge to local recreation facilities, but the developer makes no offer, and has no means to indemnify the public regarding Mr. To's concerns stated on page 13 of 543 of Volume II, Appendix II of the proposed Draft EIR, the safe operation of the adjacent railway lines.

Mr. To correctly points out that new developments will increase traffic volumes not only on streets and at intersections, but also at any adjacent at-grade rail crossing. "Any traffic impact studies undertaken should address rail crossing safety analysis and **associated proposed mitigation measures** [emphasis added]. Safety analysis should include queuing on tracks, pedestrian movements, turning movements and sightlines. Safety improvement measures may include the planning for grade separations for major thoroughfares [of which there are several], improvements to existing at-grade rail crossings due to



increase in traffic volumes (e.g., addition or upgrade of crossing warning devices, active and passive signs, tactile surfaces and edge lines on sidewalks, and channelization fencing)."

The proposed Draft EIR contains none of the elements called for by Mr. To, and developer will avoid accountability for the PUC's responsibilities if City Planning approves the project without providing answers to all of Mr. To's concerns.

Mr. To further notes, "any modification to an existing public rail crossing requires authorization from the Commission. RCES representatives are available for consultation on any potential safety impacts or concerns at crossings. Please continue to keep RCES informed of the project's development.

My question is whether City Planning or the developer have the resources or political will necessary to keep RCES involved in railway crossing safety mitigation throughout City Planning's process. Indications within the proposed Draft EIR is that no resources exist to support railway crossing safety mitigation measures as RCES is not even included in Section VII, Acronyms and Abbreviations despite representing critical public safety accountability adjacent to that certain real estate which is the subject of City Planning's file in this matter.

#### **RESPONSE NO. E46-11**

Your comment regarding comments from the California Public Utilities Commission regarding the safety of highway rail crossings has been noted. The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project. Further and ongoing coordination with CPUC will continue as necessary to adequately address these concerns.

#### **COMMENT NO. E46-12**

Wastewater Engineering Services, Bureau of Sanitation, City of Los Angeles

According to Ali Poosti, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation, City of Los Angeles, in his June 14, 2014 memo to Ms. Hewawitharana of City Planning (pages 14-16 of 543, Volume II, Appendix II of the proposed Draft EIR):

"The estimated flow that would be generated from your proposed project exceeds 20,000 GPD [gallons per day]and therefore may have a **significant impact** on the sewer system capacity [emphasis added]. Thus, detailed gauging is necessary to determine whether the sewer system is capable of safely accommodating the total flow for your proposed project. We have initiated a work order to gauge the designated critical locations in the project area. This process usually takes approximately three (3) to four (4) weeks. A detailed evaluation and response will be provided to you within one (1) to two (2) weeks upon receipt of gauging data."

Mr. Poosti provided the following data to support his understanding:

"Projected Wastewater Discharges for the Proposed Project:

Type Description	Average Daily Flow per Type Description (GPO/UNIT)	Proposed No. Units	Average Daily Flow (GPD)
<i>Proposed</i>			
Warehouse	30 GPD/1000 SQ.FT	365,945 SQ.FT	10,978
Office Space	170 GPD/1000 SQ.FT	85,181 SQ.FT	14,481
Manufacturing	50 GPD/1000 SQ.FT	29,896 SQ.FT	1,495
<b>Total</b>			<b>26,954</b>

#### “SEWER AVAILABILITY

The current approximate flow level (diD) and the design capacities at *diD* of 50% in the sewer system are as follows:

Sewer Diameter (in)	Pipe Location	Current Gauging (%)	d/D	50% Design Capacity
8	Martin Luther King Jr. Blvd.	25		198,599 GPD
10	Martin Luther King Jr. Blvd.	*		360,084 GPD
8	40th Pl.	*		229,323 GPD
8	41st St.	*		229,323 GPD
10	Long Beach Ave. East	*		394,453 GPD
45	41'1 Pl.	30		294,000 GPD
45	41st Pl.	41		427,000 GPD

\* No gauging available

"City of Los Angeles Bureau of Engineering has requested additional gauging to support the sizing and location of sewer connections, as a means of avoiding impacts to the public sewer system." As a result, all of the Alternatives proposed by City Planning would require the implementation of mitigation measure Utilities and Service Systems-1.

Mr. Poosti also demands stormwater mitigation is required of the proposed Draft EIR with the preferred uses being infiltration, capture/use, and biofiltration as the preferred stormwater control measures. Review of the proposed Draft EIR contains nothing to address Mr. Poosti's mandate for accountability of the developer for meeting water use policy standards.

Mr. Poosti's stormwater analysis reads:

"The Bureau of Sanitation, Watershed Protection Division (WPD) is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project."

#### "POST -CONSTRUCTION MITIGATION REQUIREMENTS

The project requires implementation of stormwater mitigation measures. These requirements are based on the Standard Urban Stormwater Mitigation Plan (SUSMP) and the recently adopted Low Impact Development (LID) requirements. The projects that are subject to SUSMP/LID are required to incorporate measures to mitigate the impact of stormwater runoff. The requirements are outlined in the guidance manual titled "Development Best Management Practices Handbook -Part B: Planning Activities". Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: [www.lastormwater.org](http://www.lastormwater.org). **It is**

**advised that input regarding SUSMP requirements be received in the early phases of the project from WPD's plan-checking staff."** [emphasis added].

Has the developer been in touch with WPD regarding the SUSMP requirements? Will Mr. Poosti be kept in the loop with this project going forward? Has the developer made any commitments or cash pledges to protect and carefully utilize the public's water in the new construction? It think not because the WPD is not even included in Section VII, Acronyms and Abbreviations despite representing critical public resource (water) accountability within and adjacent to that certain real estate which is the subject of City Planning's file in this matter.

Mr. Poosti also informed the developer about the City's construction standards:

"The project is required to implement stormwater control measures during its construction phase. All projects are subject to a set of minimum control measures to lessen the impact of stormwater pollution. In addition for projects that involve construction during the rainy season that is between October 1 and April 15, a Wet Weather Erosion Control Plan is required to be prepared."

"Also projects that disturb more than one-acre of land [this is an over 13-acre proposed Project] are subject to the California General Construction Stormwater Permit. As part of this requirement a Notice of Intent (NOI) needs to be filed with the State of California and a Storm Water Pollution Prevention Plan (SWPPP) needs to be prepared. The SWPPP must be maintained on-site during the duration of construction."

Has the developer made any commitment or cash pledge to be accountable for stormwater control measures during construction? Why don't any of the developer's project drawings or maps indicate any stormwater control measures?

Mr. Poosti provided photographs of the acceptable stormwater control measures necessary to mitigate water on the land (pages 24-29 of 543, Volume II, Appendix II of the proposed Draft EIR):

**Bioswale** A bioswale is a broad, shallow channel with a dense stand of vegetation covering the side slopes and bottom. Bioswales are designed to treat stormwater primarily through filtration, and plant uptake before conveying the flow to a downstream discharge location. The vegetation helps in reducing flow velocity to prevent erosion. Can be planted with either grass or native vegetation, bioswales are best served in residential, industrial, and commercial landuse with smaller tributary drainage areas. Storm Water Solutions | Storm Water & Erosion Control

**Planter Boxes** Planter boxes provide stormwater treatment through filtration and adsorption. Stormwater is captured and treated via filtration through the soil media and root zone and evapotranspiration through the planted vegetation before discharging back to storm drain system.

**Infiltration Trench** An infiltration trench is a long, narrow, rock-filled trench bordered on each side by a grass or vegetated buffer. Runoff is stored in the void space between the stones and infiltrates through the bottom into the soil matrix. The buffer strips provide pretreatment to limit the amounts of coarse sediments entering the trench which can cause clogging.

**Bioretention/Infiltration Curb Inlets** They provide stormwater treatment as well as peak flow attenuation through storage and filtration/infiltration, and adsorption. Stormwater is captured and treated via filtration/infiltration through the soil media and evapotranspiration through the planted vegetation.

**Biotreatment Curb Inlet** Biotreatment curb inlets are well suited for the urban environment. They add green space while providing stormwater runoff treatment. Unlike end-of-line treatment systems, it treats smaller drainage areas closer to the source of pollutants. This BMP can be used in retrofit project using existing catch basins and provides a natural approach to address high levels of fecal coliform and enterococcus bacteria, as well as other pollutants found in stormwater.

**Curb Extension** Curb extensions have historically been used to slow traffic and improve pedestrian safety. A landscaped curb extension version are now being increasingly used to treat stormwater runoff and provide green space. Essentially similar to rain gardens, they treat stormwater through filtration, infiltration, and evapotranspiration.

**Pervious Concrete Pavement** Pervious concrete is an open void material designed to allow rainwater to filter through the paved surface into the ground or a storage container rather than settling on the surface. It's two main objectives are runoff peak flow attenuation while provide stormwater treatment. Site specific design of the retention/recharge area include an initial soils site survey, and site specific storm water calculations for volume and duration.

**Porous Concrete Pavers** Similar to the porous concrete pavement, unit pavers provide a hardscape alternative to stormwater treatment BMPs. Unit pavers, or paving stones, are impermeable blocks made of brick, stone, or concrete, set on a prepared sand base. The joints between the blocks are filled with sand or stone dust to allow water to percolate downward.

**Grass Pavers** Similar in concept and function to the porous concrete pavements and unit pavers, the grass pavers are "landscaped" alternatives designed to allow infiltration of stormwater runoff to the underlying soil media. Grass pavers, or turf blocks, are a type of open-cell unit paver whereby the cells are filled with soil and planted with turf. The cell matrix are typically made of concrete or synthetic material.

**Recycled Rubber Sidewalk** Originally used as alternatives to cracked sidewalks from protruding tree roots, rubber sidewalks are considered as another form of porous pavers to infiltrate runoff. Typically made of recycled rubber from waste tires.

Because there is no mention of stormwater control designs anywhere in the proposed Draft EIR, it appears the developer has not been in touch with Mr. Poosti about integrating the public's right to accountability into the proposed Project. City Planning should not use the proposed Draft EIR as instrument to help the developer evade accountability for the public interest in stormwater control without overtaxing existing storm control infrastructure with this high-density, zero-design consideration project.

Finally, Mr. Poosti states the proposed Draft EIR must adhere to the City's solid waste policies. "The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onside recycling activities."

In a search of the 194-page proposed Draft EIR I found no use of the words "recycle" or "recycling". As such, the developer has no credibility with respect to plans to adhere to the City's solid waste policies, and City Planning should not this fact in it's file concerning that certain real estate which is the subject matter of the proposed Draft EIR.

Mr. Poosti, the Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation, City of Los Angeles, submits unchanged figures regarding planned water usage and sewage capacity in his

July 24, 2014 memo to Ms. Hewawitharana of City Planning (pages 20-21 of 543, Volume II, Appendix II of the proposed Draft EIR):

**RESPONSE NO. E46-12**

Your comment regarding the wastewater and storm water requirements has been noted. This response acknowledges the Gilbert Engineering Letter, dated Aug. 14, 2014, and the comments from the Wastewater Engineering Services at Bureau of Sanitation in the City of Los Angeles. Based on the June 20, 2013, and the January 14, 2016 letters, it is noted that further gauging may be required as part of a permit.

The City's Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project and estimated that the proposed project would generate 27,267 gallons per day of wastewater discharges.<sup>52</sup> Based on the estimated flows within the existing sewer system, the Bureau of Sanitation has determined that the sewer system may be adequate (Section IV.H, Page 8-9, Utilities). Additional analysis by the project applicant has indicated that the estimated discharge from the project will be 132,000 gallons per day (GPD) as shown in Appendix X of the Draft EIR. Given that the conservative estimate of the proposed project's discharge is expected to be 132,000 gallons per day, and the City's gauged capacity for the existing sewer system of 822,375 gallons per day, even with the project's discharge contribution there would still be 690,375 gallons per day of remaining capacity in the City's existing system. The City Bureau of Sanitation subsequently has reviewed the project applicant's calculations and revised their estimate of discharge for the project to be 132,000 GPD which is in accordance with the project applicant's calculations. This is reflected in their comment letter dated January 14, 2016,<sup>53</sup> located in Appendix P to the Final EIR. However, further gauging and evaluation may be required as part of the permit process and that final approval for sewer capacity and connection permit will be made at that time.

To further clarify the distinction between the estimated generation of wastewater discharges from the proposed project and the availability and flow rates of the existing sewer system, the language in Section IV.H-8 of the Draft EIR has been revised as follows (see pages IV-11 and IV-12 of Section IV, Corrections and Additions, in the Final EIR):

“The proposed project would not result in significant impacts to utilities and service systems in relation to the construction of new water or wastewater treatment facilities or expansion of facilities. The proposed project site would continue to be serviced by existing City water and wastewater utility lines. The City's Bureau of Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and storm water systems for the proposed project and estimated that the proposed project would generate 26,954 gallons per day of wastewater discharges.<sup>54</sup> Based on the estimated flows for the existing sewer system, the Bureau of Sanitation has determined that the sewer system may be adequate. However, additional analysis by the project applicant has indicated that the estimated discharge from the project will be 132,000 gallons per day. Given that the conservative estimate of the proposed project's discharge is expected to be 132,000 gallons per day, and the City's gauged capacity for the existing sewer system of 822,375 gallons per day, even with the project's discharge contribution there would still be 690,375

<sup>52</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. 24 July 2014. NOP Response Letter. Subject: 4051 South Alameda Street Project – Notice of Preparation EIR.

<sup>53</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. January 14, 2016. Subject: 4051 South Alameda Street Project – Notice of Completion and Availability of Draft EIR (REVISED).

<sup>54</sup> Poosti, Ali, City of Los Angeles, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation. 24 July 2014. NOP Response Letter. Subject: 4051 South Alameda Street Project – Notice of Preparation EIR.

gallons per day of remaining capacity in the City's existing system. However, further gauging and evaluation may be required as part of the permit process, and that final approval for sewer capacity and connection permit will be made at that time."

Although the impact to storm water and wastewater from the proposed project is expected to be less than significant, the following measures are provided to ensure all impacts are further reduced or minimized:

### ***Measure Utilities and Service Systems-1***

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

To address Mitigation Measure Utilities and Service Systems-1, the City Bureau of Engineering has requested additional gauging as part of the permit process to support the sizing and location of sewer connections. The Draft EIR has made a determination that the stormwater and sewer capacity would be adequate and therefore would not result in a significant impact.

Regarding stormwater controls during construction, per the Bureau of Sanitation letter, the Standard Urban Stormwater Mitigation Plan (SUSMP) and Low Impact Development (LID) requirements can be met by this project<sup>55</sup>. Additional infiltration may be needed during grading. Further detailed gauging and evaluation may be required as part of the permit as detailed in Mitigation Measure Utilities and Services Systems-1 above. The applicant shall also adhere to the source reduction and recycling policy adopted by the City, consistent with Assembly Bill 939, and the California Integrated Waste Management Act of 1989 pursuant to the same legislation. The applicant shall work with City of Los Angeles and Bureau of Sanitation and Bureau of Engineering to continue coordination in meeting storm water and wastewater policies, gauging, and permit requirements.

### **COMMENT NO. E46-13**

#### Los Angeles County Metropolitan Transportation Authority ("LACMTA")

Marie Sullivan, Development Review Coordinator, Countywide Planning for the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), wrote of the ATM's mandate to protect public transit infrastructure from developer's encroachments in her letter to Ms. Hewawitharana of City Planning of June 26, 2014. (pages 30-51 of 543, Volume II, Appendix II of the proposed Draft EIR, with the following enclosures: Guidelines for Congestion Management Analysis, Noise Easement Deed/Acknowledgment/Certificate of Acceptance, Adjacent Construction Design Manual):

Ms. Sullivan is under the impression the Project provides 75 parking spaces. This is incorrect, the NOP and throughout the City Planning file, developer is seeking 368 parking spaces for the entire proposed Project. Ms. Sullivan also acknowledges the developer is seeking "merger of the right-of-way at 4051 South Alameda Street in the City of Los Angeles."

LACMTA, through Ms. Sullivan, has communicated to City Planning their "recommendations from LACMTA concerning issues that are germane to our agency's responsibility in relation to our facilities and services that may be affected by the proposed Project"

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<sup>55</sup> Low Impact Development Manual. City of Los Angeles. Bureau of Sanitation Department of Public Works. June 2011. Available online at: [http://www.lastormwater.org/wp-content/files\\_mf/lidhandbookfinal62212.pdf](http://www.lastormwater.org/wp-content/files_mf/lidhandbookfinal62212.pdf)

LACMTA states "The development of this property may increase traffic values cross this at-grade crossing and could potentially impact the safety of the crossing. These traffic and safety impacts should be analyzed." Thus LACMTA joins California Department of Transportation and the PUC as sister governmental agencies acknowledging the detrimental traffic impacts of the proposed Project. Developer mitigation is necessary to offset these impacts and ensure these sister agencies are free to enforce accountability against the developer for safety and traffic hazards created by the proposed Project.

The developer has a duty under "Zoning Information No. 1117, **prior to the City issuing a building permit**, of the Metro Rail construction area, clearance shall be obtained from LACMTA. LACMTA will need to review engineering drawings and calculations." . . . "LACMTA requires an Engineering Review Fee for evaluation of any impacts based on adjacency and relationship of the proposed building to the Metro existing structures." [emphasis added].

Because the Long Beach Boulevard right-of-way is less than 100 feet from the edge of the sidewalk vacation sought by the developer, City Planning thus also has a duty under Zoning Information No. 1117, to withhold the developer's building permit up to and until the developer has obtained sufficient clearance from LACMTA. Further, City Planning should not grant any concession or fee waiver to offset developer's duty to pay the LACMTA Engineering Review Fee or LACMTA cost reimbursements as that would be irresponsible use of public funds and motivate developer to evade accountability with unsubstantiated Engineering projections and pointless delays.

Finally, Ms. Sullivan informs City Planning that developer has a large burden to conform the project to the Congestion Management Program statute, and enclosed the relevant statutory language. It appears that the proposed Draft EIR listed subject headings for traffic analysis, but which I cannot locate using the citations provided by City Planning:

Appendix IV: IV.B-10 Proposed Project Traffic Conditions for 2016 .....	IV.B-20
IV.G-2 2014 Existing Traffic Conditions .....	IV.G-7
IV.G-3 Freeway Segment Analysis.....	IV.G-8
IV.G-4 Freeway Off-Ramp Analysis .....	IV.G-8
IV.G-5 Level of Service Descriptions.....	IV.G-11
IV.G-6 Level of Service Criteria .....	IV.G-12
IV.G-7 Proposed Project Traffic Conditions for 2016 .....	IV.G-14

If these pages from the proposed Draft EIR were indexed but omitted from City Planning's file additional time must be granted to allow for production of these documents, their review and public comment. Anything less results in City Planning facilitating developer's evasion of accountability on a critical issue entitled to significant mitigation: The creation of new hazards to public safety caused by additional traffic flooding public transportation access nodes, schools, shops and recreation areas arising from the foreseeable ingress and egress from the proposed Project and the real property concessions sought by the developer.

It is known currently that block grants are available through City Planning which include monies for mitigation which satisfies the consensus mandate to address particle emissions. The measure of concessions to the developer should be weighed against the dollar value in block grants available to City Planning concerning that certain real estate in the City of Los Angeles which is the subject of City Planning's file at issue in these comments. This is a way which provides for further execution of the City's living wage ordinance to include new jobs along the Alameda Corridor. If the developer were open to utilization of the land for green-waste processing, greencollar, living wage jobs would be created processing green waste, the City would reduce trash hauling costs (for the last 15 years the single largest cost in the City's budget), existing airborne emissions would be offset by the carbon provided by the

green waste itself, and an opportunity for the community to re-introduce thriving vegetation onto the otherwise fully built environment in and around that certain real estate which is the subject of City Planning's file at issue in these comments. More time is necessary to develop an analysis which shows an offset, matching up the jobs described in the proposed Draft EIR requiring 368 parking spaces, with the creation of living-wage, green collar jobs which are uniquely possible within that certain real estate which is the subject of City Planning's file at issue in these comments.

### **RESPONSE NO. E46-13**

Your comment regarding comments from the Los Angeles County Metropolitan Transportation Authority (LACMTA) and the requirements of Zoning Information No. 1117 has been noted. Responses to these comments have been incorporated into Section IV.G, *Transportation/Traffic*, page IV.G-16, and Appendix IX, Addendum to Traffic Impact Analysis, in the Draft EIR. The Metro letter is included in Appendix II of the Draft EIR.

As indicated in the Addendum to Traffic Impact Analysis, the project traffic distribution indicates there will be a maximum of 22 trips (i.e., 15% of 140 inbound trips) will be on I-10 Freeway in the eastbound (west of Alameda Street) or westbound (east of Alameda Street) direction during the AM weekday peak hours. This project traffic volume of 22 trips is less than the 150 trip threshold of freeway monitoring location analysis requirement per Metropolitan Transportation Authority's Congestion Management Program (CMP) guidelines. As a result, no freeway monitoring location needed to be analyzed in the Traffic Impact Analysis (TIA). The I-10 Freeway has a directional capacity of 10,000 vehicles per hour or vph (i. e, 5 lanes @ 2,000 vph). The 22 directional trips added by this project represent an increase of 0.22%, which is not considered significant. This information is discussed further in Appendix IX, Addendum to Traffic Impact Analysis on page 7, and Section IV.G Traffic, on pages IV.G-2 through IV.G-3.

As discussed in Response to Comment No. E46-11, per the traffic study, a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project. This information is included in Draft EIR Volume VI Appendix IX- Addendum to Traffic Study, page 9.

A discussed in Response to Comment No. E-46-1, the Traffic Study was appended to the Initial Study and hence is in Volume III of the Draft EIR, which is the initial study and its appendices. The tables mentioned in the comment regarding Existing Traffic Conditions, Freeway Segment Analysis, Freeway Off-Ramp Analysis, level of service descriptions and criteria, and Proposed Traffic Conditions for 2016 are in reference to the Addendum to the Traffic Impact Study, which is located in Volume VI, Appendix IX, to the Draft EIR.

A discussion of the use of block grant funding for amenities is beyond the scope of this document.

As noted in Metro's comment letter, the Metro Blue Line runs north-south along Long Beach Avenue just west of the project site. The nearest rail tracks are 50 feet from project site boundary, and therefore, project construction activities will occur within 100 feet of Metro rail structures. MTA will require submittal of construction drawing and calculations for review and approval prior to issuance of building permit.



Carbon offsets are typically purchased by businesses to comply with the California cap and trade program. The proposed project to construct a warehouse does not fit under the covered entities that must abide by the California cap and trade program (see Subarticle 3. § 95811 Covered Entities in the California Code of Regulations). The proposed project's construction and operational (including all mobile sources) emissions are well below the CARB recommended threshold of 25,000 metric tons of CO<sub>2e</sub> per year and is not a covered entity under the cap and trade program. (See Table IV.D-3, *Unmitigated CO<sub>2</sub> and CO<sub>2e</sub> Emissions*) The proposed project's GHG emissions are expected to be less than significant and thus not require mitigation measures. As a result, green-waste processing to offset carbon impacts is not required for the proposed project.

**COMMENT NO. E46-14**

I am of those who say that certain real estate which is the subject of City Planning's file is an opportunity for the City to address social, political and environmental impacts in District 9, and improve the livability in an area which has been a targeted sacrifice zone which has existed since 1994.

**RESPONSE NO. E46-14**

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>56</sup> Existing conditions are covered in each corresponding impact category in order to adequately analyze project impacts in comparison to the no-project baseline conditions.

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<sup>56</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

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**LETTER NO. E47**

*Jack Neff Letter No. 2  
P.O. Box 491272  
Los Angeles, CA 90049*

**COMMENT NO. E47-1**

Ms. Hewawitharana -This message is to request you to please graciously grant additional time for submission of public comments for the above-referenced Draft EIR, because the City's January 22, 2015 Notice only provided for a 43-day public comment period from Jan. 20-March 9, 2015, with an additional 5 days for mailing of the City's Notice. I do not know whether that could be judged a legally sufficient amount of time for public comments, and even if it is, it is an impractical amount of time because of the scope, size, volume and cost of the proposed project known as 4051 South Alameda Project, ENV-2012-920-EIR.

**RESPONSE NO. E47-1**

Your comment regarding the review period for the Draft EIR has been noted. The 45 day review period for the Draft EIR provides agencies and the public with an opportunity to comment on any concerns they may have on the proposed project. The Final EIR is required to address any concerns raised by the public or agencies. The letter dated March 9, 2015 from the State Office of Planning and Research acknowledges that the project has fulfilled CEQA requirements relative to the distribution of the Draft EIR to state agencies for review. According to Section 15105 of the State CEQA Guidelines, the public review period for a draft EIR shall not be less than 45 days. The Notice of Completion for the Draft EIR was filed on January 22, 2015, and the public review period ended on March 9, 2015, for a period of 46 days.

**COMMENT NO. E47-2**

The Draft EIR includes a 12-page Summary of Draft EIR, a 194-page Draft EIR and an appendix of over 2,400 pages, purporting to cover a proposed project of over 13 acres, with approximately a half-million square feet of new construction in a mixed-use, residential/industrial neighborhood. There is not enough time to address the large number of issues which may or may not be adequately addressed therein, including the developer's requests for variances, set-asides, set-backs, building design, traffic, parking, flow-through, water, remediation, seismic concerns, archeological elements, easements, vacations, fast-track permitting between overlapping jurisdictions, airborne emissions, existing environmental conditions, sensitive receptors among residents, current impacts, insurance, working conditions, pay rates and project authority. Even with all this paperwork, a cursory review of the Draft EIR and Appendices show there are huge gaps in the developer's Draft EIR and the readily apparent issues affecting this proposed project, and more time is necessary to adequately ask the questions necessary to establish a chain of responsibility for the proposed project.

**RESPONSE NO. E47-2**

As discussed in Response to Comment No. E47-1 above, the 45 day review period for the Draft EIR provides agencies and the public with an opportunity to comment on any concerns they may have on the proposed project. The Final EIR is required to address any concerns raised by the public or agencies. The letter dated March 9, 2015 from the State Office of Planning and Research acknowledges that the project has fulfilled CEQA requirements relative to the distribution of the Draft EIR to state agencies for review. According to Section 15105 of the State CEQA Guidelines, the public review period for a draft EIR shall

not be less than 45 days. The Notice of Completion for the Draft EIR was filed on January 22, 2015, and the public review period ended on March 9, 2015, for a period of 46 days.

**COMMENT NO. E47-3**

Please respond at your first opportunity because the putative deadline for public comments is this Monday, March 9, 2015. I will nevertheless be necessarily submitting truncated comments prior to that time, with plans to submit additional, supplemental comments if and when you acknowledge the need for additional time for submission public comments on this enormous project and its largely-unknown Draft EIR.

**RESPONSE NO. E47-3**

Your comment has been noted by the City. Your name and contact information has been included on the project distribution list and you will be informed of future opportunities for comment.

**LETTER NO. E48**

**Ernesto Nevarez**  
**52041 Panorama Dr.**  
**Morongo Valley, CA 92256**

**COMMENT NO. E48-1**

(Note: Please be sure to include my public comment for the record. My previous comment submitted could not be found in the records and I would hate to suspect that it was done intentionally.)

**RESPONSE NO. E48-1**

Your comment regarding your previous comment submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. Your letter has been added to Appendix II as part of Section IV, *Corrections and Additions to the Draft EIR* of the Final EIR.

**COMMENT NO. E48-2****Trucks**

The term "trucks" are referred to in a very ambiguous manner and are not defined as to their character. The only information supplied is that 31 of the 342 trucks would be diesel. All trucks used for commercial transportation are diesel trucks with the exception of those fueled by LNG which account for as little as 2% of those used in the harbor. What will the other 311 trucks use as fuel? Again, heavy duty commercial trucks do not use gasoline! ! ! The *ITE Manual* estimates that this size warehouse will generate 342 daily truck trips and it didn't mean Ford Rangers or Toyota Tundras but class 8 tractors with gvwr of 80,000 pounds. Claiming that it will operate using 10% of the big rig traffic as used by competitors of similar size is ridiculous.

The study states that "The empirical data for the applicant's existing operations demonstrates that this is feasible, as the applicant is currently operating at less than 50 truck trips per day." Being "feasible" in the past by the applicant is not the same as being the practice in the future. Is it the intent of the applicant to develop the project and then operate the facility or will it rent it out or have a third party logistics firm (3PL) manage the operation? Will it use its' own fleet of trucks or will it utilize a motor carrier?

The Draft EIR provides for an alternative allowing for only 75 trucks a day, *Alternative C*. This option is unrealistic due to the competitive nature of the industry and as asserted in the *ITE Manual*. Below are numbers that I have calculated and which support the *ITE* estimate of 342 truck trips.

4 warehouse structures each approximately 100,000 square feet with high ceilings.

Less than 20 truck trips for each structure daily.

An intermodal container is 8 ft wide and 40 ft long, 320 square feet

This amounts to 6400 square feet of deliveries daily.

Warehouses stack cargo twice as high as that carried in containers creating the equivalent of 200,000 sq ft.

Based on these numbers cargo will sit at the warehouse for approximately 40 days!! !!

The 75 trucks per day is unrealistic due to the *Just-in-Time* (JIT) competitive nature of the industry and as asserted in the *ITE Manual*.

The 342 daily trips estimated using the *ITE Manual* is a lot more realistic! The competitive nature of the industry will not allow for a warehouse to survive by operation at 20% of capacity using the 75 trucks.

### **RESPONSE NO. E48-2**

Your comment regarding the types of trucks proposed to be used for the proposed project, proposed project trip generation, and the type of fuel used by the trucks has been noted. The project applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site. The addendum to the traffic study (October 2014, Appendix IX of the Draft EIR) shows that at 351 truck trips per day, per the ITE-recommended rate, the level of service at the surrounding intersections is not expected to be significantly impacted with the exception of the intersection of Alameda Street and East Washington Boulevard. Impacts at this intersection are expected to be at Level of Service (LOS) E.

Section VI *Alternatives* in the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day) which is based on surveys conducted nationally at typical warehouse facilities. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C of the Draft EIR. This assumption stems from the existing operations at the various facilities that would be consolidated in the proposed project. An analysis with this reduced number of truck trips shows that Alternative C will not have a significant impact at any of the study intersections. However, significant impacts will still remain at the intersection of Alameda Street and East Washington Boulevard using full ITE trip rates. Currently, there is a maximum of 33 trips/day total for the various existing facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the conservative and economically viable assumption in Alternative C of the Draft EIR.

Per the approved EMFAC 2011 emissions model, the size vehicles anticipated could be either diesel or gasoline powered. EMFAC distributions specific to Los Angeles County show that 9 percent of these vehicles on average (i.e., 31 trucks per day) are expected to be diesel powered.

### **COMMENT NO. E48-3**

#### **Parking, Staging, and Queuing**

*The project will provide a total of 349 spaces on-site of which 245 spaces will be standard stalls (8'-4" x 18'), 96 spaces will be compact stalls ((7'-6" x 15') and 8 spaces will be accessible stalls for vans (17' x 19).*

Where will the tractor/trailers park? A combined 70 feet long when adding 15 ft for the power unit.. Where will the 40 foot containers and 53 foot trailers be parked/stored? How much maneuvering space will be provided for backing up a trailer? The driver has to target a goal post not at the dock but at the front of the two adjoining units that he is trying to park between. This requires at minimum a distance of the adjoining 53 foot trailer parked at a dock plus an additional 70 feet for the tractor and trailer that is attempting to back up to the dock. (The tractor adds an additional 15 feet to the length) A total of 120 feet of unobstructed space is needed.

If these are "live" unloads or transloads the truck will always be connected to the trailer or container. If it is not a "live" unload then it will be drop. In such cases as soon as the container or trailer is unloaded then

it is moved immediately by a yard goat (utr) to a holding area to free up the dock for the next load. Where will these units be stored???

The project does not provide for a queuing lane. Trucks must report to an entry clerk and when multiple trucks arrive at once or one has problems with the paperwork a line develops. If there is no queuing lane provided by the facility the line will use the public street. Based on the figure of 342 truck trips a day in a 10 hour work day it means about 30 trucks an hour or one every two minutes. As explained earlier there will be only one entry gate for trucks due to the cost of entry clerks and bonded cargo rules. A paperwork delay at the gate of 10 minutes will mean a backup in the street of 5 units which means 350 feet of standing trucks!

Due to the lack of a staging area and queuing lane the company will not be able to enforce a 5 minute idling rule to cut down on emissions. The trucks will be off company property.

### **RESPONSE NO. E48-3**

Your comments regarding parking, staging, and queuing have been noted. The project's traffic impacts are measured in terms of roadway lane configuration, geometric design characteristics and traffic volume capacity to handle the estimated volume of traffic during peak hours as well as daily traffic volumes. The roadway lane configuration and geometric characteristics are designed for all types of vehicles including trucks. It is the traffic capacity that is usually determined when development projects are proposed. It is a standard industry procedure to use a passenger car equivalent factor (recommended by Highway Capacity Manual published by Federal Highway Administration) to convert all types of vehicles into equivalent number of passenger cars in traffic capacity analysis. The turning radius requirement and load carrying capacity of trucks, including 70-foot long trucks weighing 80,000 lbs, are roadway design elements that are appropriately applied in the design of all City streets that allow truck traffic. It is the volume (i.e., hourly number of vehicles, including trucks, converted into passenger car equivalents using recommended conversion factors) that is used to determine traffic carrying capacity at the intersections and roadways. All development projects, such as the current project, are subject to this determination by the City Department of Transportation to review any potential project traffic impacts to the circulation system (Appendix XI of Draft EIR). Additionally, the queuing lane and staging area design are part of the project's site design requirement based on project specific traffic (including trucks) needs. The design must be reviewed and approved by the City Department of Transportation to insure adequacy of facilities. The proposed project provides adequate loading spaces in compliance with Los Angeles Municipal Code 12.21 A-4(g), 12.21 A-5(e), 12.21 A-5(i), 12.21 A-5(j), and 12.21 C-6. The loading bays are 55 feet deep, and the distance from the loading dock to the planter curb inside the project site is 120 feet, which is adequate to accommodate the maneuvering of 65-foot long tractor trailers to the loading areas on site. Queueing of trucks on the street will therefore not be required. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

### **COMMENT NO. E48-4**

#### **Traffic**

#### **The City of Los Angeles is prohibited from setting routes in interstate commerce.**

The LOS and V/C ratios for the study intersections with related proposed project traffic and under proposed project conditions for 2016 are summarized in Table IV.G-7, *Proposed Project Traffic Conditions for 2016*. The results indicate that all the study intersections will continue to operate at a LOS D or better (i.e., within the range of acceptable thresholds of LOS A through D) during a.m. and p.m.

peak hours. It should be noted that with the assumption of 351 daily truck trips for the project, the study intersections, except the intersection of Alameda Street and Washington Boulevard, will show no significant impacts due to project traffic. However, in order to avoid significant impacts at the intersection of Alameda Street and Washington Boulevard, mitigation measures are required.

The study did not take into consideration the impact of 351 commercial heavy duty trucks but in their place took into consideration the impact of 702 passenger cars (based on the 2 cars for each truck factor). There is no comparison. The turning radius of a 70 foot-long big rig combo weighing 80,000 pounds cannot be compared to a two compact cars.

Warehouses are very secured especially if they are bonded warehouses. All warehouses have a clerk at an in-gate checking the delivery order/pick up order and exit paperwork. This is a requirement for bonded facilities and more than likely this will be a bonded facility. Which of the eight entrances will be the one for trucks with an in-gate clerk? It is very doubtful that it will have 8 entrances with 8 clerks! The lack of a queuing lane or staging area is a nightmare in the making.

#### **RESPONSE NO. E48-4**

See Response to Comment Nos. E48-2 and E48-3.

The Highway Capacity Manual (HCM) provides passenger car equivalence (PCE) factors to convert the number of trucks with varying number of axles into the number of 2-axle passenger cars in order to estimate roadway and intersection capacity impacts from these vehicles. These factors range from 1.5 (for 3-axle trucks) to 3.0 (for 5- or more-axle trucks). Considering the type and number of trucks for this project, an average PCE factor of 2.0 was deemed appropriate for conversion of truck trips into 2-axle passenger car trips for capacity analysis purposes. The proposed project provides adequate loading spaces in compliance with Los Angeles Municipal Code §§ 12.21 A-4(g), 12.21 A-5(e), 12.21 A-5(i), 12.21 A-5(j), and 12.21 C-6. The loading bays are 55 feet deep, and the distance from the loading dock to the planter curb inside the project site is 120 feet, which is adequate to accommodate the maneuvering of 65-foot long tractor trailers to the loading areas on site. Queueing of trucks on the street will therefore not be required. Please see the revised Figure IV.G-1, *Access Driveways*, in Section IV, *Corrections and Additions to the Draft EIR*, for a diagram for maneuvering a 65-foot-long tractor trailer on-site.

#### **COMMENT NO. E48-5**

##### **Hazmat and HOS**

Commercial trucks run on either diesel or LNG. Will LNG be stored at the facility? Will hazardous materials be transported to or from the facility? State law prohibits the parking of trucks carrying hazmat on public streets. Where on the facilities will there be a secured monitored yard with a hazmat response?

The FMCSA regulates the Hours of Service of drivers and requires a rest period of 10 hours between driving shifts. This facility is destined to be a regional distribution center which means that it will have trucks arriving for a load after having driven all day from somewhere else and will be required to take a 10 hour break. There are NO truck stops in the area and the facility does not provide for a holding yard. Worst of all most of the streets in the immediate area do not allow parking. The trucks will be parked in the adjacent area where ever they can, some with hazmat cargo. This includes parking near schools, churches, and residences outside of the immediate area.



**RESPONSE NO. E48-5**

Your comment regarding the storage of LNG being stored at the facility, the transport of hazardous materials to and from the facility, and the location of a secured monitored yard with a hazmat response has been noted. The proposed project includes the construction of a new industrial park consisting of four buildings that will occupy approximately 353,375 square feet of warehouse space, 112,745 square feet of office space, and 14,000 square feet of manufacturing space with surface parking lots. The proposed project will utilize materials that are typically used in the manufacture of clothing. The routine use, storage, and transport of hazardous materials was evaluated in Section IV.E of the Draft EIR.

The City acknowledges your concern regarding the length of driving shifts and the availability of nearby truck stops. Truck traffic generated by the project will be required to adhere to regulations regarding the length of driving shifts and rest periods. Furthermore, as detailed in Response to Comment Nos. E48-3 and E48-4, the project site design will have adequate parking, including for truck parking, queuing and stacking within the project site. Trucks will not need on-street parking for various maneuvers.

As documented in the Initial Study (Appendix III of the Draft EIR), there are no impacts from the routine transport, use or disposal of hazardous materials, and from release of hazardous materials to the environment. The proposed project site is currently vacant and there is currently no transport, use or disposal of hazardous materials related to the property. The historic uses of the proposed project site that may have involved the transport, use or disposal of hazardous materials include furniture manufacturing, appliance sales, rug cleaning, automotive service station, foundry, tool and die works, and metal products manufacturing. Given the industrial nature of much of the surrounding area, the presence of hazardous materials is likely on some of the adjoining sites. However, no recognized environmental conditions regarding the proposed project site being exposed to contamination migrating from off-site sources have been observed. The routine use and storage of chemicals is regulated pursuant to 42 U.S. Code Section 11021 that requires the facility owner to prepare a list of available Material Safety Data Sheets (MSDS). The proposed project would be required to comply with all relevant federal, state, and local statutes and regulations, including Hazardous Materials Business Plan (HMBP) requirements which contains basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of by businesses operating in the state.

To comply with the HMBP requirements, the project will identify existing safety hazards that could cause or contribute to an accidental spill or release, and suggest preventive measures designed to minimize the risk of a spill or release of hazardous materials. Each business shall prepare an HMBP using the California Environmental Reporting System (CERS) if that business uses, handles, or stores a hazardous material (including hazardous waste) or an extremely hazardous material in quantities greater than or equal to the following:

- 500 pounds of a solid substance
- 55 gallons of a liquid
- 200 cubic feet of compressed gas
- A hazardous compressed gas in any amount (highly toxic gases with a Threshold Limit Value (TLV) of 10 parts per million or less)
- Extremely hazardous substances in threshold planning quantities as defined in 40CFR Part 355

**COMMENT NO. E48-6**

The information provided for the project is ambiguous, incomplete, and erroneous so please do not approve it.

**RESPONSE NO. E48-6**

Your comment has been noted by the City. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

**LETTER NO. E49**

*Ernesto Nevarez  
52041 Panorama Dr.  
Morongo Valley, CA 92256*

**LETTER NO. E49****COMMENT NO. E49-1**

Please make sure that this is included in the public record. Last time I sent something it doesn't show up. I did a control-F for my name and couldn't find my submission. I'm sending a "cc" of this transmission to the SCF for documentation that I did send it so please don't overlook including it. An unsigned PDF copy "submission" is also being included because the font resolution is better quality.

**RESPONSE NO. E49-1**

Your comment regarding your previous comments submitted for the Notice of Preparation has been noted. Your letter was inadvertently left out of Appendix II of the Draft EIR. However, your comments have been addressed in the body of the Draft EIR, consistent with the approach to all the comments from the scoping period. Your letter will be added to Appendix II as part of the Corrections and Additions section of the Final EIR. Your current letter is included above as Letter No. E48.

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**LETTER NO. E50**

*Senorina Nieva*

**COMMENT NO. E50-1**

Hello, my name is Senorina Nieva. I work for IMPACT. I have lived in California for 25 years and 5 years with the company. I am happy (content) working at the company. I am grateful for the work and thankful for the opportunity to work here. Thank you. We have an excellent boss.

**RESPONSE NO. E50-1**

Your comment to the proposed project has been noted. Your comment will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E51**

*Erika Perrez*

**COMMENT NO. E51-1**

I, Erika Perez, have worked with Mr. Tony for 3 years. In these few years, I haven't had any problems. He is honest with his employees and does what it takes to keep us employed. I don't have to say more about him other than he is good to us and I am very happy here. If you have any questions, please dial (323) 245-3050.

**RESPONSE NO. E51-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E52***Linda Piera-Avila***COMMENT NO. E52-1**

Please do not accept the Draft EIR in its current form. It goes against the Open Space element in the City's master plan by opting against preservation and restoration of green open space in favor of more industrial uses. The highest use of this parcel would be to return it to the community as an urban garden with recreational opportunities.

**RESPONSE NO. E52-1**

Your comments regarding the community value of gardens and the consistency of the project with the City's General Plan Open Space Element have been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative and Park and Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden or park. However, these alternatives were withdrawn from further analysis, because they do not meet the basic project objectives:

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

- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the

west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of Section IV, *Corrections and Additions to the Draft EIR* section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. As a result, the project is consistent with the Open Space Element. The Open Space Element consists primarily of general aspirational citywide policies and programs encouraging the provision of open space. The commenter has not specified in what way the project would be inconsistent with this General Plan Element. However, the project would be consistent with the South East Los Angeles Community Plan goals, objectives and land use designation as specified above in this Response to Comment No. E52-1, and further would contribute to open space amenities nearby, and, as such is considered substantially consistent with the general intent of the Open Space Element.

#### **COMMENT NO. E52-2**

Additionally, the cumulative impacts of more diesel truck trips required for the warehouse activity will only add to the area's already unacceptable level of air and noise pollution and decrease pedestrian and automobile safety by increasing traffic congestion adjacent to a residential area and the Metro Blue Line.

#### **RESPONSE NO. E52-2**

Your comment regarding air quality and noise impacts has been noted. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7, which are listed on pages IV.B-23 and IV.B-24 in the Draft EIR and listed here:

##### Air-1

During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).

##### Air-2

During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).

##### Air-3

During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Air-4

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

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- (4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
- (5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

#### Air-5

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

#### Air-6

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

#### Air-7

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

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, Summary of DPM Health Impact Results. As described in Section IV.B (pages IV.B-22) of the Draft EIR,

the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Thank you for your comment regarding cumulative air quality impacts. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7 in the Draft EIR.

With regard to cumulative noise impacts, the City's Noise Regulation states that the baseline ambient noise shall be the actual measured ambient noise level or the City's presumed ambient noise level, whichever is greater. As shown in Section 2.7 of the Noise Technical Report and in the Impact Analysis contained in Section 12 Noise of the Initial Study, the proposed project would not exceed the thresholds set forth in the City's CEQA Threshold Guide and thus would be in compliance with the City's noise regulation.

Your comment addressing traffic congestion and safety has been noted. From the Addendum to the Traffic Impact Study prepared for Sage Strategies in October of 2014 (Appendix IX in Volume VI of Draft EIR),<sup>57</sup> all study intersections would operate at an acceptable LOS (at LOS A through D) with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard during the PM peak hour. A project's traffic impact is determined to be significant if the increase in V/C is 0.04 or more at LOS C, or 0.02 or more at LOS D, or 0.01 or more at LOS E and F.

Significant impacts occur at the intersection of Alameda Street and East Washington Boulevard using 351 truck trips per day based on ITE trip generation rates. Section VI *Alternatives* in the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day) which is based on surveys conducted nationally at typical warehouse facilities. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C of the Draft EIR. However, significant impacts will still remain at the intersection of Alameda Street and East Washington Boulevard using full ITE trip rates. Currently, there is a maximum of 33 trips/day total for the various existing facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the assumption in Alternative C of the Draft EIR. An analysis with this reduced number of truck trips shows that Alternative C will not have a significant impact at any of the study intersections.

Regarding rail crossing and freeway safety, according to the Addendum to the Traffic Impact Study in October 2014 (Appendix IX in Volume VI of the Draft EIR, page 9).

*The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately*

<sup>57</sup> Sage Strategies, LLC. October 3, 2014. Appendix XI. Addendum to Traffic Impact Study. Prepared by Traffic Design, Inc.

*equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project...*

*...The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro's Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7's freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.*

### **COMMENT NO. E52-3**

The DEIR's conclusion that community gardens do not carry local community value and economic benefits is insensitive to communities of color. For the people of South LA, access to healthy food – broccoli, asparagus, tomatoes (as opposed to chips, sodas, and candy), as well as skills to produce this food -- are matters of life and death, of sight and blindness. In essence, the DEIR's conclusion negating community value of organic gardens sends a Marie Antoinette message – not let them eat cake, but let them feast on salt, sugar, and fat while other more fortunate areas of Los Angeles enjoy the privilege of eating healthy food and living robust lives.

### **RESPONSE NO. E52-3**

Your comment regarding sensitivity to communities of color, the local benefit and value of community gardens, and access to healthy food has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

As discussed in Response to Comment No. E52-1, above, the alternatives for a community garden or park/recreation use were withdrawn from further analysis as they would not meet the basic objectives of the project. The City entered into a cash pledge agreement with the prior owner to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for a cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>58</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

### **COMMENT NO. E52-4**

I was equally appalled to read that the DEIR fails to recognize the community value in using the land for recreational purposes. Are we to believe there is a positive net gain in setting aside the land for polluting industrial use, for possible release of carcinogens and other toxins, rather than giving the children of Los

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<sup>58</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

Angeles a place to play and run and get in shape? This is a shameful conclusion, truly embarrassing to read.

#### **RESPONSE NO. E52-4**

Your comment regarding the value in using the land for recreational purposes has been noted. The commenter's opinion on the conclusions of the Draft EIR has been noted and forwarded to the decision makers for their consideration prior to taking action on the proposed project. As detailed in Response to Comment Nos. E52-1 and E52-2, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, *Summary of DPM Health Impact Results*. As described in Section IV.B (pages IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, *Noise Technical Report*, for further information. Cumulative air quality impacts are further discussed on pages IV.B-22 and IV.B-23 of the Draft EIR.

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>59</sup>

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<sup>59</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.



**COMMENT NO. E52-5**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation.

**RESPONSE NO. E52-5**

Your comment has been noted. As detailed in Response to Comment Nos. E52-1 through E52-4, the alternatives analysis withdrew the community garden and recreation alternatives as being infeasible as they did not meet basic objectives of the project. The project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

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**LETTER NO. E53**

*Efrain Piñon*

**COMMENT NO. E53-1**

My name is Efrain. I have lived in Los Angeles for 25 years. My position is that of a machine operator. I have worked for different companies but I have been working for IMPACT for 4 years. I have no complaints since there is plenty of work and the owner of the company is very open and approachable to his employees. On my behalf, I am grateful with the company for generating employment.

**RESPONSE NO. E53-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E54***John Quigley***COMMENT NO. E54-1**

Please do not accept the Draft EIR in its current form. It goes against the Open Space element in the City's master plan by opting against preservation and restoration of green open space in favor of more industrial uses. The highest use of this parcel would be to return it to the community as an urban garden with recreational opportunities.

**RESPONSE NO. E54-1**

Your comment regarding the consistency of the project with the City's General Plan Open Space Element has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the

west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. The Open Space Element consists primarily of general aspirational citywide policies and programs encouraging the provision of open space. The commenter has not specified in what way the project would be inconsistent with this General Plan Element. However, the project would be consistent with the South East Los Angeles Community Plan goals, objectives and land use designation as specified above in this Response to Comment No. E54-1, and further would contribute to open space amenities nearby, and, as such is considered substantially consistent with the general intent of the Open Space Element.

#### **COMMENT NO. E54-2**

Additionally, the cumulative impacts of more diesel truck trips required for the warehouse activity will only add to the area's already unacceptable level of air and noise pollution and decrease pedestrian and automobile safety by increasing traffic congestion adjacent to a residential area and the Metro Blue Line.

#### **RESPONSE NO. E54-2**

Your comment regarding cumulative air quality impacts has been noted. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7 in the Draft EIR.

##### Air-1

During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM2.5 and PM10 emissions).

##### Air-2

During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM2.5 and PM10 emissions).

##### Air-3

During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

##### Air-4

The project applicant shall establish incentives for increased transit frequency- in compliance with the transportation demand management and trip reduction measures set forth in Section

12.26J of the Los Angeles Municipal Code, which include the following requirements for non-residential projects with more than 100,000 square feet of floor area.

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

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

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

- (1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;
- (2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;
- (3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;
- (4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;
- (5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;
- (6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;
- (7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.



**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

#### Air-5

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

#### Air-6

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

#### Air-7

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

Construction emissions are shown in Table IV.B-8, Unmitigated Estimated Daily Regional Construction Emissions, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, Summary of DPM Health Impact Results. As described in Section IV.B (pages IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Thank you for your comment regarding cumulative air quality impacts. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7 in the Draft EIR.

Your comment addressing traffic congestion and safety has been noted. From the Traffic Impact Study prepared for Sage Strategies in October of 2014 (Appendix IX in Volume VI of Draft EIR),<sup>60</sup> all study intersections would operate at an acceptable LOS (at LOS A through D) with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard during the PM peak hour. A project's traffic impact is determined to be significant if the increase in V/C is 0.04 or more at LOS C, or 0.02 or more at LOS D, or 0.01 or more at LOS E and F.

Significant impacts occur at the intersection Alameda Street and East Washington Boulevard using 351 truck trips per day based on ITE trip generation rates. Section VI *Alternatives* in the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day) which is based on surveys conducted nationally at typical warehouse facilities. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C of the Draft EIR. However, significant impacts will still remain at the intersection of Alameda Street and East Washington Boulevard using full ITE trip rates. Currently, there is a maximum of 33 trips/day total for the various existing facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the assumption in Alternative C of the Draft EIR. An analysis with this reduced number of truck trips shows that Alternative C will not have a significant impact at any of the study intersections.

Regarding rail crossing and freeway safety, according to the Addendum to the Traffic Impact Study in October 2014 (Appendix IX in Volume VI of the Draft EIR, page 9).

*The project's traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the project...*

*...The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro's Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7's freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used*

<sup>60</sup> Sage Strategies, LLC. October 3, 2014. Appendix XI. Addendum to Traffic Impact Study. Prepared by Traffic Design, Inc.

*by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.*

**COMMENT NO. E54-3**

The DEIR's conclusion that community gardens do not carry local community value and economic benefits is insensitive to communities of color. For the people of South LA, access to healthy food – broccoli, asparagus, tomatoes (as opposed to chips, sodas, and candy), as well as skills to produce this food -- are matters of life and death, of sight and blindness. In essence, the DEIR's conclusion negating community value of organic gardens sends a Marie Antoinette message – not let them eat cake, but let them feast on salt, sugar, and fat while other more fortunate areas of Los Angeles enjoy the privilege of eating healthy food and living robust lives.

**RESPONSE NO. E54-3**

Your comment regarding the value and economic benefits of community gardens, sensitivity to communities of color and in need has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project. For further information on the Alternatives Analysis and community garden alternative, please see Response to Comment No. E54-1.

**COMMENT NO. E54-4**

I was equally appalled to read that the DEIR fails to recognize the community value in using the land for recreational purposes. Are we to believe there is a positive net gain in setting aside the land for polluting industrial use, for possible release of carcinogens and other toxins, rather than giving the children of Los Angeles a place to play and run and get in shape? This is a shameful conclusion, truly embarrassing to read.

**RESPONSE NO. E54-4**

Your comment regarding the value in using the land for recreational purposes has been noted. The commenter's opinion on the conclusions of the Draft EIR has been noted and forwarded to the decision makers for their consideration prior to taking action on the proposed project. As detailed in Response to Comment Nos. E54-1, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with

the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, Summary of DPM Health Impact Results. As described in Section IV.B (pages IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Cumulative air quality impacts are further discussed on pages IV.B-22 and IV.B-23 of the Draft EIR.

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>61</sup>

**COMMENT NO. E54-5**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation.

**RESPONSE NO. E54-5**

Your comment has been noted. As detailed in Response to Comment Nos. E54-1 through E54-4, the alternatives analysis withdrew the community garden and recreation alternatives as being infeasible as they did not meet basic objectives of the project. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

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<sup>61</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

**LETTER NO. E55**

*William Ramirez*

**COMMENT NO. E55-1**

I live on Bixel Street of Los Angeles. I have lived in Los Angeles since 2001. I've been working at Poetry since May 2009. I am currently in the shipping department. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E55-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E56****R.S. Rense****COMMENT NO. E56-1**

I oppose development of 4051 Alameda for purposes of a so-called "industrial park." Better that it be a park, or used by urban farmers. L.A., especially south L.A., does not need this type of exploitation.

**RESPONSE NO. E56-1**

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity



of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

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**LETTER NO. E57**

*Anahi Reyes*

**COMMENT NO. E57-1**

I've been living in Broadway st Los Angeles for 3 years; I've worked for impact for 5 years I started off as a trimmer after a year patron (tony) gave me the opportunity to learn pre-production it was hard at the time but nothing is impossible. I learn so many things over the years. I appreciate my boss for helping me become something better in this life. This job has helped me a lot economic and so many other ways. I love my job we get to meet new people and work with big companies. I'm really happy to work with impact and experience new things. I feel really happy to see famous people wearing our products that we made here at impact. This job has helped me so much in helping my family in every way.

**RESPONSE NO. E57-1**

Your comment to the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E58**

*Anne Richardson, Esq.*  
*Public Counsel*  
*610 South Ardmore Avenue*  
*Los Angeles, CA 90005*

**COMMENT NO. E58-1**

I am writing on behalf of Public Counsel to submit these comments on the Draft EIR conducted by the City of Los Angeles Planning Department for the 41st and Alameda proposed industrial park (hereafter Proposed Industrial Park”) in Council District 9.

Public Counsel is the largest not-for-profit law firm of its kind in the nation. Established in 1970, Public Counsel is dedicated to advancing equal justice under law by delivering free legal and social services to indigent and underrepresented children, adults and families throughout Los Angeles County. Last year, Public Counsel assisted more than 30,000 people with direct legal services and assisted hundreds of thousands more through filing impact lawsuits, influencing policy, and sponsoring legislation.

Public Counsel is concerned about the project currently being proposed to be built on this parcel for several reasons.

**RESPONSE NO. E58-1**

This comment provides introductory transmittal information and information on the Public Counsel, and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E58-2**

First, the development that is proposed to be built would not have a positive effect long term on the Los Angeles workforce. Other than a few short term construction jobs, once the project is built, there are not anticipated to be many new positions. The work that would result long term would simply be a continuation of the current manufacturers Poetry, Impact, Miss Me, and Active. (See pp. 253-256 of the Initial Study). These are typically low wage garment worker jobs in an industry well-known for its wage and hour violations. See, for example, this November 2014 news release from the U.S. Department of Labor, entitled "Workers face millions in unpaid wages in Southern California garment industry," last accessed on March 5, 2015 at <http://www.dol.gov/opa/media/press/whd/WHD20142047.htm>

Indeed, according to the California Department of Labor Standards Enforcement, since 2003, there have been a total of 15 wage claims filed against the manufacturers that make up the PIMA group: 2 against Poetry, 1 against Impact, 7 against Miss Me, and 5 against Active USA, Inc. The individual claims range from \$4,500 to \$63,600, and the violations alleged include failure to pay minimum wage and overtime. The vast majority resulted in settlements. Moreover, the Bureau of Field Enforcement has issued one citation each against Poetry, Impact, and Miss Me.

**RESPONSE NO. E58-2**

Your comment concerning the long-term job creation potential of this project and past PIMA labor violations has been noted. The proposed project would employ 994 people, of whom 404 would be new

employees, which is consistent with the City of Los Angeles intent to provide industrial job opportunities for residents through the development of the new industrial park.

<b>Company</b>	<b>Transferred Jobs</b>	<b>New Jobs</b>	<b>Total</b>
Poetry	90	41	131
Impact	250	245	495
Miss Me	130	61	191
Active	120	57	177
<b>Total</b>	<b>590</b>	<b>404</b>	<b>994</b>

In addition, the project applicant has entered into a Construction Local Hire Agreement with Playa Vista Job Opportunities and Business Services (PVJOBS) for the proposed project. The Local Hire Agreement with PVJOBS has been added to the Final EIR as Appendix O. As a result of the local hire agreement, up to 20 percent of the construction jobs for project are proposed to be from the local community:

- The Applicant has agreed to make an assertive effort to achieve a performance goal whereby 20 percent of all hours worked in construction at the site will be performed by Local Residents (Local Hire Goal). Preference will be given to Local Residents in the following order: (i) those living within one mile of the proposed project site; (ii) those living within the three miles of the proposed project site; and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates. Contractor's core or pre-existing workers qualify toward the Local Hire Goal. Contractors may use their own methods to identify and hire workers who qualify for the Local Hire Goals.
- Applicant has agreed to make an assertive effort to achieve a performance goal whereby 10 percent of all hours worked in construction at the site will be performed by At-Risk Individuals (the At-Risk Hire Goal). Hours completed under the 10 percent At-Risk Hire Goal also count toward the 20 percent Local Hire Goal. All At-Risk hires shall be referred by PVJOBS.

Furthermore, the project applicant has entered into a local hire agreement with the Coalition for Responsible Community Development and the Los Angeles Job Corps for the operational phase of the project. The Local Hire Agreement with the Coalition for Responsible Community Development and the Los Angeles Job Corps has been added to the Final EIR as Appendix O. PIMA has agreed to use commercially reasonable efforts to hire at least 50 percent of the four companies' employees from high unemployment areas. Preference will be given to Local Residents in the following order: (i) those living within one mile of the proposed project site; (ii) those living within three miles of the proposed project site; and (iii) all other City of Los Angeles residents who reside in a census tract with high unemployment rates.

Poetry, Impact, MissMe, and Active currently employ a total of approximately 590 employees. As stated in section III.C of the draft EIR, the number of employees will increase to approximately 994, an increase of almost 175 percent. The information regarding unpaid wages in the garment industry and the statistics maintained by the Department of Labor Standards Enforcement do not raise any environmental issues. The comments are acknowledged and will be forwarded to the decision makers for consideration

### **COMMENT NO. E58-3**

We also echo the concerns of many other community groups that this development will not address the problem that the area in which this development is proposed is park poor. One UCLA study revealed that Council District 9 has the least park acreage per child of any district in Los Angeles.

See <http://www.environment.ucla.edu/reportcard/article1455.html>. As others have expressed, there has been insufficient attention paid to the urban garden alternative that has so much support from the community.

### **RESPONSE NO. E58-3**

Your comment regarding the deficit of park facilities in the area and lack of attention on the urban garden alternative in the Draft EIR is acknowledged. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site



background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

#### **COMMENT NO. E58-4**

Moreover, the pollution that would be generated by this project presents a major health hazard. This lot is only a few blocks away from Jefferson High School, and with residential housing on three sides, the pollution that would be generated from the diesel truck trips is a major public health concern. Los Angeles is rated first, third and fourth among the top 10 worst municipalities on air quality nationwide. See <http://www.stateoftheair.org/2014/city-rankings/most-polluted-cities.html>.

#### **RESPONSE NO. E58-4**

Your comment regarding the risk from diesel truck trips and exposure for residential housing on three sides of the project is acknowledged.

The proposed project site is surrounded on three sides by industrial uses. Residential uses are located to the west of the project site across Long Beach Boulevard and the Metro Blue Line light rail line. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short lived (3 months), and therefore do not require a Health Risk Assessment from the Office of Environmental Health Hazard Assessment (OEHHA). OEHHA looks at long term basis (70 year) cancer impacts so the impact of short term TACs from the construction of the proposed project is considered less than significant.

For operations of the proposed project, there will be an estimated 31 diesel fueled trucks/day out of a total 351 total truck trips/day under the most conservative scenario. Because the total number of truck trips is greater than 100 daily truck trips, a refined Health Risk Assessment (HRA) for operational impacts was conducted that identified sensitive receptors and individual cancer risk. According to the HRA, the maximum potential cancer risk is 0.3 in one million. This is only 3 percent of the cancer risk threshold of 10 in a million. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. The alternatives with clean fuel trucks and reduced truck operations would result in even fewer diesel emissions and a corresponding reduction in potential impacts on human health associated with those emissions.

There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors*. The sensitive receptors include multifamily residences located to the west, southwest, and south of the proposed project site. Schools and recreation centers are included in the CARB's definition of sensitive receptors, but the nearest school and recreation center, including Nevin Avenue School, Jefferson High School, Roberts Recreation Center, Ascot Avenue School, and Holland Avenue School, are located outside of the 500 foot radius of the proposed project site. In addition, an Air Quality Health Risk Assessment (Appendix V in Volume IV, pages 6–8 of the Draft EIR) was performed in relation to specific sensitive receptors, including those receptors mentioned above (see pages 6–8 of Appendix V of the Draft EIR). This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. The point of maximum impact (PMI) to any receptor, which is Receptor P2, is 0.00135 µg/m<sup>3</sup> for the modeled annual average diesel particulate

matter (DPM) concentration. (All receptors are shown in Figure IV.B-2.) While there are no chronically exposed persons at that receptor, there are off-site workers immediately adjacent to the project site so this PMI concentration was assumed to be the maximum off-site worker receptor. The PMI for residential receptors is Receptor NR3, which has an annual average DPM concentration of  $0.00020 \mu\text{g}/\text{m}^3$  and is the Maximum Exposed Individual Residence (MEIR). The PMI for sensitive receptors is Receptor SR1, the Animo Middle School, which has an annual average DPM concentration of  $0.00003 \mu\text{g}/\text{m}^3$ . The PMI for receptors of interest is Receptor OR-B, the Los Angeles Regional Food Bank, which has an annual average DPM concentration of  $0.00101 \mu\text{g}/\text{m}^3$ . Table IV.B-11 of the Draft EIR contains a summary of the health impact results from DPM on these key sensitive receptors. The potential health risk from diesel fueled trucks is very small, with a maximum non-cancer health impact (HI) of 0.0003, and a maximum potential cancer risk of  $2.6 \times 10^{-7}$  or 0.3 in a million. The traditional threshold used to evaluate potential non-cancer risk is a HI of 1.0, and the public notification threshold for cancer risk is  $10 \times 10^{-6}$  or 10 in a million as set by SCAQMD Rule 1401. The point of maximum impact (PMI) for any receptor is Receptor P2, UTM coordinates 385327.80 easting, 3763938.40 northing. There are no chronically exposed persons at that receptor as it falls on the fenceline of the proposed project site. The modeled annual average DPM concentration at the PMI is  $0.00135 \mu\text{g}/\text{m}^3$ . No persons are continuously exposed at the PMI. However, as is shown in Figure IV.B-2, *Receptor Grid and Sensitive Receptors*, there are off-site workers immediately adjacent to the proposed project site. Therefore, as a worst-case approximation, the PMI concentration was assumed to be the maximum off-site worker receptor.

The PMI for residential receptors is Receptor NR3, west of the facility. This receptor is the Maximum Exposed Individual Residence (MEIR). The modeled annual average DPM concentration at the MEIR is  $0.00020 \mu\text{g}/\text{m}^3$ .

The PMI for sensitive receptors is Receptor SR1, the Animo Middle School. The modeled annual average DPM concentration at this receptor is  $0.00003 \mu\text{g}/\text{m}^3$ .

The PMI for receptors of interest is Receptor OR-B, the Los Angeles Regional Food Bank. The modeled annual average DPM concentration at this receptor is  $0.00101 \mu\text{g}/\text{m}^3$ .

The other receptors of interest, sensitive receptors, residential receptors, and worker receptors all had DPM concentrations much less than the PMI values noted above and are not discussed further.

Risk was calculated from the DPM concentration results produced by AERMOD by hand using the methodology employed by HARP (Hotspots Analysis Reporting Program) and the equations described above for the 2012 TSD methodology. The results are shown in Table IV.B-11, *Summary of DPM Health Impact Results*, in Section IV.B Air Quality of the Draft EIR. As mentioned above, the proposed project warrants a refined HRA for substantial sources of DPM.

The maximum potential risks from this facility are less than 0.03 percent of the non-cancer threshold and less than 3 percent of the cancer threshold. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions.

There are a relatively small number of diesel-fueled trucks that will be using the proposed facility (up to 31 diesel-fueled trucks per day of the estimated 351 total trucks per day). Therefore, there are relatively very small emissions of diesel particulate from those trucks, and the potential health risk of those emissions are very small, with a maximum non-cancer HI of 0.0003, and a maximum potential cancer risk of  $2.6 \times 10^{-7}$  or 0.3 in a million. The traditional threshold used to evaluate potential non-cancer risk is a HI of 1.0, and the public notification threshold for cancer risk is  $10 \times 10^{-6}$  or 10 in a million. The maximum potential risks from this facility are less than 0.03 percent of the non-cancer threshold and less

than 3 percent of the cancer threshold. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions.

From the construction and operational emissions modeling and analysis of the proposed project, all criteria pollutants except PM<sub>10</sub> would be below SCAQMD significance thresholds. This information is summarized in Table IV.B-8 Unmitigated Estimated Daily Regional Construction Emissions and Table IV.B-9 Unmitigated Estimated Daily Operational Emissions in the Draft EIR. PM<sub>10</sub> emissions are expected to be below the level of significance with implementation of Mitigation Measures Air-1 through Air-3 listed on page IV.B-23 of the Draft EIR.

#### **COMMENT NO. E58-5**

We urge the City of Los Angeles not to pave over the Historic South Central Farm with more garment manufacturers. There is so much potential on this parcel for green space, healthy foods, urban gardens, environmental education, and parks and recreation instead. Thank you for your consideration.

#### **RESPONSE NO. E58-5**

As discussed in Response to Comment No. E58-3, the Community Garden Alternative was withdrawn from further consideration as it did not meet basic project objectives. The proposed use of the property as light manufacturing is consistent with land use planning objectives articulated in the Southeast Los Angeles Community Plan. The City of Los Angeles Southeast Los Angeles Community Plan has designated the project site as light industrial. The land use designation discourages nonindustrial uses and uses that compromise job-producing potential. Plan Goal 3 supports sufficient land for a variety of industrial uses with maximum employment opportunities, which are safe for the environment and the work force, and which have minimal adverse impacts on adjacent uses.

The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project site.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the

settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**LETTER NO. E59**

*Miriam Rodriguez*

**COMMENT NO. E59-1**

I live in South Central Los Angeles, I been working for Poetry Clothing for 6 years. I started working as a receptionist and now I'm a production coordinator, and plan to climb up to a designer. It's a very clean and safe environment. I'm really happy working for Poetry. The best part about this job is to see people wearing our merchandise.

**RESPONSE NO. E59-1**

Your comment to the proposed Project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E60**

*Abel Ruiz*

**COMMENT NO. E60-1**

I am Abel Ruiz, I've worked at IMPACT for many years. I have always had plenty of work here. Tony, the boss, is good to us. I have worked with him for 20 years. He is very amiable and humble. I am surrounded by people of good character. I am happy to have a job with Tony. I live in Los Angeles, close to my job and it's convenient when I work over time so I don't get home too late. I am very grateful to my boss.

**RESPONSE NO. E60-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E61**

*Samuel Ruiz*

**COMMENT NO. E61-1**

I have worked for Tony for over 25 years. I have nothing but good things to say about him. He has been a great boss, and has taken good care of his employees. I have worked for Tony for so long not because there wasn't any other jobs, but because he provided the best job for me. I am satisfied working for Tony.

**RESPONSE NO. E61-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E62*****Eugene Ruyle Letter No. 1*****COMMENT NO. E62-1**

I have reviewed the Draft EIR for the 4051 South Alameda Street Project and find it unacceptable. My understanding is that CEQA requires the EIR to be an objective analysis of the environmental impacts of the various alternatives to a proposed development. Instead, this is a highly biased document favoring the developer's pet project, with little consideration of the wishes and well being of the surrounding community.

**RESPONSE NO. E62-1**

Your comment to the 4051 Alameda Project has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible". In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

**COMMENT NO. E62-2**

The site is described as "an approximately 13-acre vacant lot with scattered weeds and grasses," "not designated as or suitable to be designated as" agricultural land, in spite of the fact that it was used for over a decade as an urban farm by largely immigrant families. Further, the Angeleno public has demonstrated its opposition to any other use. The two decades of community struggles to preserve the land for agricultural purposes are barely mentioned in this pro-development EIR.

**RESPONSE NO. E62-2**

Your comment related to the use of the project site for agricultural purposes has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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

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

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

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

With regard to the history of community struggles, the applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant land in an industrially zoned area. Section III, Project Description, subsection E, Background, on pages III-6 through III-7 of the Draft EIR discusses the project background and history of the property starting in 1986 when the City acquired the property through condemnation, with further background information provided in pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR.

### **COMMENT NO. E62-3**

The Draft EIR acknowledges that the "air quality in Southern California does not meet state and federal standards," and that the American Lung Association "consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air." It further acknowledges that the proposed project, consisting of four industrial buildings totaling nearly 500,000 square feet, would "have the potential to result in significant impacts related to global climate change," but it nowhere compares the proposed project with the agricultural alternative favored by the community. Indeed, the community

agricultural alternative proposed by public comment was rejected out of hand because it would not provide any industrial space!

### **RESPONSE NO. E62-3**

Your comment about poor air quality in the region as defined by the American Lung Association has been noted. The City of Los Angeles has addressed potential alternatives to reduce the air quality and greenhouse gas emissions impact from the proposed project in Section IV.B of the Draft EIR. The American Lung Association gives an “F” rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project’s consistency with state and regional air quality plans.

As discussed in Response to Comment Nos. E62-1 and E62-2, a community garden alternative was considered but withdrawn because it does not meet basic project objectives. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.

- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.
- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

Appendix XII and Section III.E of the EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>62</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

For the proposed project, GHG impacts were found to be less than significant, and air quality impacts were found to be less than significant after implementation of Mitigation Measures Air-1 through Air-7. These findings were discussed in detail in the Draft EIR in Section IV.B Air Quality and Section IV.D Greenhouse Gas Emissions.

**COMMENT NO. E62-4**

The California Environmental Quality Act (CEQA) was passed in 1970 to institute a statewide policy of environmental protection and makes environmental protection a mandatory part of every California state and local agency's decision making process. The City of Los Angeles not only has the discretionary power to reject this project, it must exercise this power to protect the environment.

**RESPONSE NO. E62-4**

The City of Los Angeles notes the comment on requirements pursuant of the California Environmental Quality Act (CEQA). The Draft EIR was prepared in accordance with Section 15151 of the State CEQA Guidelines, which defines the standards for adequacy of an EIR. Section 15151 states, "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

**COMMENT NO. E62-5**

If it approves this project, the City of Los Angeles will be telling the world that it does not care about global climate change or the environment, and that it does not care about immigrants or the concerns of Angelenos.

**RESPONSE NO. E62-5**

Your comments have been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project. The proposed project's global climate change impacts were

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<sup>62</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.



analyzed quantitatively considering the construction and operational scenario, size, and location of the proposed project. The quantitative impact analysis of greenhouse gas emissions in comparison to California Air Resources Board (CARB) recommended thresholds can be found on page IV. D-10 of the Draft EIR. Impacts from GHG emissions were found to be less than significant. In addition, the project would implement mandatory measures outlined in the Los Angeles Green Building Code. Please refer to Section IV.D Greenhouse Gas Emissions for a more thorough impact analysis as it relates to the federal, state, and regional regulations.

**COMMENT NO. E62-6**

Accordingly, I ask that the Draft EIR be re-written to give fair consideration to all alternatives and that the environmental impact of each alternative be fully and fairly assessed. I also ask that the City of Los Angeles listen to the voices of the people of Los Angeles and reject the proposed development, thereby preserving the land for agricultural purposes.

**RESPONSE NO. E62-6**

Your comment regarding the assessment of alternatives for the proposed project has been noted. Section VI Alternatives of the Draft EIR considers clean fuel trucks or reduced truck operations as Alternatives B and C to the proposed project. The reduced truck operations alternative is the environmentally superior alternative. The Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. However, this alternative was withdrawn from consideration as it does not meet the basic project objectives. As discussed in Response to Comment Nos. E62-1 and E62-2, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E62-7**

Please keep me informed of any further documents or public hearings on this issue.

**RESPONSE NO. E62-7**

Your name and contact information has been added to the project distribution list and you will be kept informed of future public hearings and documents.

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**LETTER NO. E63*****Eugene Ruyle Letter No. 2*****COMMENT NO. E63-1**

At its regularly scheduled meeting in Santa Cruz on March 8, 2015, the State Central Committee of the Peace and Freedom Party of California passed the following resolution in response to the Draft EIR for the 4015 South Alameda Street Project:

"We ask that the Draft EIR for the 4015 South Alameda Street Project be re-written to give fair consideration to all alternatives and that the City of Los Angeles listen to the voices of the people of Los Angeles and reject the proposed development, thereby preserving the land for agricultural purposes."

The Peace and Freedom Party is one of six ballot-qualified parties in the State of California, governed by the State Elections Code and its own Bylaws. Born from the civil rights and anti-war struggles of the 1960s, we are a working class party, committed to socialism, democracy, ecology, feminism, racial equality, and internationalism.

**RESPONSE NO. E63-1**

Your comment regarding the assessment of alternatives for the proposed project has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

- A community garden or park would not attain the objective of providing a minimum of 480,000 square feet of light industrial space, consistent with the existing land use designation and zoning.
- A community garden or park would not provide light manufacturing jobs within 3 miles of an existing garment manufacturing labor force in the Southeast Los Angeles Community Plan Area.
- A community garden or park would not allow for development of an industrial park that is along the Alameda Corridor to take advantage of distribution efficiency opportunities.

- A community garden or park would not facilitate the ability of existing garment labor force, located in close proximity to the project site to utilize existing public transit system and other multi-modal transportation opportunities in vicinity of proposed project.
- A community garden or park would not preserve and/or redevelop the industrial sector of the Southeast Los Angeles Community Plan Area to accommodate emerging technologies, thus providing an enhanced employment base for the Community Plan Area's population.
- A community garden or park would not benefit the Southeast Los Angeles Community Plan area population as economic stimulation through employment opportunities, attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E63-2**

We further ask that you keep our Party informed of future revisions of the Draft EIR and any public hearings on this issue.

**RESPONSE NO. E63-2**

Your name and contact information has been added to the project distribution list and you will be kept informed of future public hearings and documents.

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**LETTER NO. E64**

*Marilyn Sanchez*

**COMMENT NO. E64-1**

I live in South Central Los Angeles, I been working for Poetry Clothing for 8 years. I started working as a receptionist and now I'm a production manager. It's a very clean and safe environment. I'm really happy working for Poetry. The best part about this job is to see people wearing our merchandise. I love that they are flexible with my schedule due to my daughter.

**RESPONSE NO. E64-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision-makers prior to taking action on the proposed project.

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**LETTER NO. E65***Fernando Santay***COMMENT NO. E65-1**

I'm worked here at Impact factory for five months. I'm new in this factory. My position is cover stich operator. I do all kinds of work, style, and fashion. I also able to work with overlook, and single. As a cover stich operator, I have a lot of experience. I've worked on cover stich for about ten years. I like to work here, because the Impact factory is doing the better quality job that matches my experience. I plan to work here for a while, unless something comes up. I don't know everybody yet, but it seems I'm in the good spot. My wish for the boss and all the employees at the Impact factory to continue doing the best quality work on clothing fashion, and I'm looking forward to do my very best here are cover stich operator.

**RESPONSE NO. E65-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E66**

*Damien Serrano*

**COMMENT NO. E66-1**

My name is Damian Serrano. I have worked at this company for 4 years. The time I've been employed here, I've been treated very well. Thanks to this company, I've been able to support my family and hope that the company continues to grow so we can continue working for a long time. I hope to give my family the best. Thank you IMPACT.

**RESPONSE NO. E66-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E67**

**Ramya Sivasubramanian, Esq., and Spencer Eldred**  
**Natural Resources Defense Council (NRDC)**  
**1314 2<sup>nd</sup> Street**  
**Santa Monica, CA 90401**

**COMMENT NO. E67-1**

Please find attached comments on behalf of the Natural Resources Defense Council concerning the Draft Environmental Impact Report for the proposed industrial warehouse project at 4051 Alameda Street on the site of the former South Central Farm (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR). We appreciate your consideration of these comments and look forward to continued participation in the EIR process for this Project.

**RESPONSE NO. E67-1**

This comment provides introductory transmittal information, and does not directly address the contents of the Draft EIR. Comments on the project and Draft EIR follow with responses.

**COMMENT NO. E67-2**

On behalf of the Natural Resources Defense Council, we write to submit comments on the City Planning Department's Draft Environmental Impact Report ("DEIR") for the proposed industrial warehouse project at 4051 Alameda Street ("Industrial Project") on the site of the former South Central Farm (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR). We believe the DEIR's analysis contains multiple inadequacies that must be addressed to comport with California Environmental Quality Act ("CEQA") requirements. We address some of these shortcomings in this letter.

**RESPONSE NO. E67-2**

Your comment regarding the Draft EIR for the proposed project has been noted. The following responses address the issues that the NDRC has identified in its comments.

**COMMENT NO. E67-3**

The DEIR's alternatives analysis is inadequate. First, the DEIR improperly excludes the community garden alternative from full analysis. Although the DEIR states that this alternative is infeasible due to existing zoning and land-use limitations (DEIR, at p. VI-3), such limitations are not applicable. The Light Industrial Zone applicable to these parcels specifically allows for agricultural uses. *See* Los Angeles Municipal Code, Chapter 1, Article 2, Section 12.19 ("M2" LIGHT INDUSTRIAL ZONE), as amended by Ord. No. 146,030 (7/11/74) (M2 Zone allows "[a]ny open lot use permitted in an 'A' or 'R' Zone, which does not involve the use of buildings or structures other than accessory buildings incident to the use of the land."); *see also* DEIR, at p. I-5; DEIR, p. II-3 (figure II.A-5). Moreover, notwithstanding the DEIR's conclusory statement to the contrary, this alternative *does* carry local community value and economic benefits.<sup>1</sup> The full extent of such economic benefits would be identified and quantified *if* the DEIR performed a full analysis of this alternative, allowing for a more complete alternatives comparison and assessment.

<sup>2</sup> Failure to analyze fully this alternative could also undercut other City and State planning and policy goals, which include facilitating community gardening and urban agriculture in low-income communities,

such as Southeast Los Angeles.<sup>3</sup> A full alternative analysis would enable a more thorough assessment of this concern. For these reasons, we believe the DEIR improperly dismisses a full analysis of the community garden alternative, for which community groups have shown strong historic and current support.

### **RESPONSE NO. E67-3**

Your comment regarding the assessment of alternatives for the proposed project has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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

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

The City acknowledges the comment that agricultural uses are permissible in the M-2 zone, which incorporates open lot uses. The Southeast Los Angeles Community Plan's open space goals and objectives support the preservation of existing open space and the development of new open space, in balance with new development, to serve the recreational, environmental, health and safety needs of the community. The objectives further note that the "Plan Map designates lands for open spaces including parklands." As noted above, the project site is in an industrial corridor adjacent to the Alameda Corridor rail line, and it is not designated for open space on the plan map. The area surrounding the proposed project site is developed almost exclusively with light and heavy industrial uses, with limited small lot single family residential homes intermixed with light/industrial warehouse uses to the south and residential areas farther to the west. The Alameda Corridor rail line is located directly to the east and runs below grade in the project area, and also includes the Southern Pacific Railroad right-of-way across South Alameda Street. The Metro Blue Line light rail is located immediately to the west of the project site. The nearest designated open space is the Ross Snyder Recreation Center, located 0.2 mile west of the proposed project site.

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council

Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives.

**COMMENT NO. E67-4**

The DEIR also improperly omits the park or recreation alternative from full analysis. The Southeast Los Angeles Community Plan, within which these parcels are located, highlights the need for additional open space in the community and sets policies, goals, and objectives for preserving existing open space and developing or utilizing additional open space. *See, e.g.*, Southeast LA Community Plan at p. III-16:

The community is still deficient in the number and location of both community and neighborhood parks.... [Policy:] Encourage the cooperation between ... other public and private entities ... in order to develop and utilize other open space opportunities for the community.

and *id.* at p. III-17:

[v]ery little, important open space areas do exist separate from land under the control of the City... Open Space is important due to its role in both physical and environmental protection... Goal 5: A community with sufficient open space in balance with new development to serve the recreational, environmental, health and safety needs of the community and to protect environmental and aesthetic resources ... Objective 5-1: To preserve existing open space resources and where possible develop new open space. Polic[y] 5-1.1 Encourage the retention of passive and visual open space which provides a balance to the urban development of the Plan Area.

*See also* DEIR, at p. IV.A-11. Turning the current vacant lot and former community farm into an Industrial Project would not only undercut these planning goals, but would also exacerbate air quality, noise, and traffic burdens in this community. Particularly given the history of agricultural and open space use *at this site*, as well as the strong need and ongoing demand for community agriculture and open space uses here, omitting a full analysis of these alternatives to the Industrial Project is a significant failure. The DEIR also fails to analyze adequately other potential alternatives to the Industrial Project.

**RESPONSE NO. E67-4**

Your comment regarding assessment of alternatives for the proposed project has been noted. The project applicant recognizes the need for open space in the community and a cash pledge was made to support maintenance and improvement of local parks, such that there would be no potential for a net adverse effect on recreation facilities that serve the area in which the project is located.

Pursuant to the 2003 settlement agreement regarding the Lancer Property (proposed project site), Libaw-Horowitz pledged to dedicate approximately 2.6 acres of the property back to the City of Los Angeles Department of Recreation and Parks or to a nonprofit community organization that would use and maintain the property for recreation and park purposes. The sale of the Lancer Property included the pledged 2.6 acres. The amendment of the pledge agreement to substitute a cash pledge for the dedication



of the 2.6 acres allows for the proposed industrial park to be developed and provides the City with the funds to dedicate a park in a more appropriate location than the proposed project site, which is industrially zoned, isolated to the east and west by major rail lines.. The City Council accordingly authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site.

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

The project site is designated as Light Industrial according to the Southeast Los Angeles Community Plan Area of the City's General Plan and not Open Space. The designated purpose of the property and its proposed use as light manufacturing is consistent with land use planning objectives articulated in the adopted Southeast Los Angeles Community Plan. The Southeast Los Angeles Community Plan supports the redevelopment and retention of the industrial sector through Objective 3-1, Policy 3-1.1, and Objective 3-2, Policy 3-2.1:

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

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

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

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

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive,

but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible.” In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As discussed in Section VI, *Alternatives to the Proposed Project*, of the Draft EIR, and in Response to Comment No. E67-3 above, the community garden alternate land use alternative and park/recreation alternate land use were withdrawn from further analysis in the Draft EIR as they would not meet the basic objectives of the project as shown below:

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

For the proposed project, GHG impacts were found to be less than significant, and air quality impacts were found to be less than significant after implementation of Mitigation Measures Air-1 through Air-7. These findings were discussed in detail in the Draft EIR in Section IV.B Air Quality and Section IV.D Greenhouse Gas Emissions. The Draft EIR also concluded that noise from the proposed project would have a less than significant impact. Please refer to Appendix IS-1, Noise Technical Report, in Appendix III of the Draft EIR, for further information. To address the traffic burdens, implementation of Mitigation Measures Traffic-1 through Traffic-5 would reduce impacts to traffic and transportation facilities during construction and operation of the proposed project to below the level of significance with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. Please refer to Section IV.G Traffic of the Draft EIR. Traffic mitigation measures are listed on page IV.G-18.

#### **COMMENT NO. E67-5**

Finally, the DEIR fails to analyze adequately both the Industrial Project’s air quality and greenhouse gas (“GHG”) impacts and the possible and necessary mitigations for those impacts. As the DEIR admits, the

Industrial Project will result in high amounts of pollutants such as VOCs, NOx, and particulate matter. See DEIR, at pp. IV.B-1–IV.B-13. It will result in significant air quality impacts. DEIR, at p. IV.B-16. It will also result in thousands of tons of GHG emissions. DEIR, at p. IV.D-10. These impacts are especially troubling given the lack of adequate mitigation, and the proximity to sensitive receptors (who are as close as 153 feet from the site). More than just analysis of the project's impacts, CEQA also requires the consideration of its *cumulative* impacts. Based on existing air quality burdens in the area, any impacts from the Project should be fully mitigated. Yet, the DEIR specifies only minimal air quality mitigations and *no* mitigation for the GHG emissions from the Industrial Project.

### **RESPONSE NO. E67-5**

Your comment on the air quality and greenhouse gas aspects of the project implementation has been noted. As the Draft EIR noted, construction related air quality impacts are fully mitigatable.

#### *Air Quality Impact*

Based on the emissions modeling and results of the analysis highlighted in the *Air Quality Health Risk Assessment for the Proposed Alameda Industrial Park* dated September 17, 2014 (referred to here as the HRA), the proposed project anticipates 351 truck trips. Alternative C, Reduced Truck Operations, is the environmentally superior alternative and proposes limiting truck trips to 75 per day:

- a. The traffic study addendum (October 3, 2014, Appendix XI to the DEIR)<sup>63</sup> shows that even at 351 truck trips per day, the level of service at the surrounding intersections is not expected to be significantly impacted – service would remain at a Level of Service D with the exception of traffic impacts at the intersection of Alameda Street and East Washington Boulevard. The ITE rates of trip generation are based on nation-wide survey at similar existing facilities, and used to estimate a worst case scenario of traffic increases on the circulation system due to a new project. These rates are often subject to adjustments to account for more locally available information, project specific data, existing site conditions, consideration of specific nature of land uses and other relevant data. Alternative C was a result of such considerations for the project's trip generation, and deemed to be the most likely scenario of new traffic to be added onto the surrounding circulation system due to the development of this project.
- b. Thus, there will be no meaningful changes to emissions from idle time due to the addition of project truck traffic.
- c. The applicant has specified that truck traffic will consist of cargo vans and box trucks only; no large diesel semi-tractor trucks are included in the daily traffic to the site, thus further reducing potentially harmful emissions.
- d. The HRA conservatively assumed 351 trucks per day based on the proposed project and not Alternative C, Reduced Truck Operations.
- e. Per the approved EMFAC 2011 emissions model, the size vehicles anticipated could be either diesel or gasoline powered. EMFAC distributions specific to Los Angeles County show that 9 percent of these vehicles on average (i.e., 31 trucks per day) are expected to be diesel powered.
- f. Per the HRA and assuming 351 truck trips per day, the maximum cancer risk is estimated to be only 3 percent of the allowable threshold of 10 in one million.
- g. With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risks drop to 0.6 percent of the allowable threshold.

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<sup>63</sup> Sage Strategies, LLC. October 3, 2014. Appendix XI. Addendum to Traffic Impact Study. Prepared by Traffic Design, Inc.

Emissions of criteria pollutants generated during construction and operation of the proposed project are calculated to be well below acceptable thresholds except with respect to PM<sub>10</sub> emissions during construction, which can be fully mitigated through implementation of the following mitigation measures:

- Air-1: During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-2: During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM<sub>2.5</sub> and PM<sub>10</sub> emissions).
- Air-3: During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Emissions of Volatile Organic Compounds (VOCs) during construction will be further reduced below acceptable levels through implementation of the following mitigation measure:

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

Construction-related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment from the Office of Environmental Health Hazard Assessment (OEHHA). OEHHA looks at long-term (70-year) cancer impacts so the impact of short-term TACs from the construction of the proposed project is considered less than significant.

For operations of the proposed project, there will be an estimated 31 diesel fueled trucks/day out of a total 351 total truck trips/day under the most conservative scenario. Because this is greater than 100 daily truck trips, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. The maximum potential cancer risk is 0.3 in a million. This is only 3 percent of the cancer risk threshold of 10 in a million. Therefore, the proposed project would not result in the significant human health risks related to diesel emissions. The alternatives with clean fuel trucks and reduced truck operations would result in even fewer diesel emissions.

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

Air-4

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

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

- (1) Current routes and schedules for public transit serving the site;
- (2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;

- (3) Ridesharing promotion material supplied by commuter-oriented organizations;
- (4) Regional/local bicycle route and facility information;
- (5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.

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

(1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;

(2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;

(3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;

(4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining

appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

#### Air-5

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

#### Air-6

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

In addition to the above mitigation measures, emissions generated from mobile sources will be further reduced below acceptable levels as a result of the On-Road Heavy-Duty Diesel Vehicles Regulation Amendments approved by CARB in April 2014. The main objective of this regulation is to reduce emissions from heavy-duty diesel trucks and buses by installing new filters and upgrading engines. The regulation mandates that all new heavy-duty trucks and buses must have particulate matter filters that meet CARB requirements by January 1, 2012. Lighter and older heavy trucks must be replaced starting in January 1, 2015. All trucks and buses are required to have model year 2010 engines or equivalent by January 1, 2023. The scope of the regulation includes both public and private vehicles. This language has been added to Section IV, Corrections and Additions on Page IV-9.

For further information on the Air Quality impact analysis, please see pages IV.B-15 to IV.B-24 of the Draft EIR.

#### Greenhouse Gas Emissions

Based on emissions modeling, unmitigated construction emissions equal approximately 643.22 metric tons of CO<sub>2e</sub>. Operational emissions equal approximately 2,090.25 metric tons of CO<sub>2e</sub> per year. The operational GHG emissions can be attributed to mobile sources associated with the proposed project's approximate 353,375 square feet of warehouse space. In the absence of regional thresholds adopted for GHG emissions, the California Air Resources Board (CARB) suggested threshold of 25,000 metric tons of CO<sub>2e</sub> per year was utilized for the quantitative analysis of GHG emissions. Additionally, based on the suggested thresholds proposed by the California Air Pollution Control Officers Association (CAPCOA), the proposed project would be expected to have the potential to result in significant impacts related to global climate change if the proposed project emits more than 25,000 metric tons of CO<sub>2e</sub> per year. Because the proposed project's construction and operational emissions are not expected to exceed the CARB recommended threshold of 25,000 metric tons of CO<sub>2e</sub> per year or the SCAQMD's significance threshold of 10,000 MT CO<sub>2e</sub>/year for industrial projects, mitigation measures are not required.

Compliance with the following mandatory measures in the Los Angeles Green Building Code will further reduce the project's direct GHG emissions below acceptable levels:

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

For further information on the GHG impact analysis, please see pages IV.D-9 to IV.D-13 of the Draft EIR.

There are 64 identified sensitive receptors within a 500-foot radius of the proposed project site. See Section IV.B, *Air Quality*, specifically Figure IV.B-1, *Sensitive Receptors* and Figure IV.B-2, *Receptor Grid and Sensitive Receptors*. The 500 foot radius chosen to evaluate sensitive receptors by a distribution center is established by CARB's Air Quality and Land Use Handbook. The sensitive receptors include residences located to the west, southwest, and south of the proposed project site. Schools, recreation centers, and medical facilities are included in the CARB's definition of sensitive receptors, but they are all located outside of the 500 foot radius of the proposed project site. In addition, an Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) was performed in relation to specific sensitive receptors. This analysis identified the point of maximum impact to all receptors, residential receptors, sensitive receptors, and receptors of interest. Table IV.B-11 in the Draft EIR contains a summary of the health impact results from toxic air contaminants like diesel particulate matter on these key sensitive receptors.

There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of the Mitigation Measures, Air-1 to Air-7 in the Draft EIR Section IV.B Air Quality.

**COMMENT NO. E67-6**

The requirement for a full and thorough analysis of the environmental impacts, mitigations, and alternatives to a proposed project is at the heart of CEQA. Given the inadequacies with the DEIR discussed above (and by other commenters), we request the City redo its DEIR analyses to address the full and proper range of alternatives and mitigations. Only after this thorough analysis of the Industrial Project's impacts, alternatives, and all available mitigations, can the community and decision-makers fully understand and be in a position to assess the Industrial Project.

**RESPONSE NO. E67-6**

Your comment regarding the adequacy of the analysis of the proposed project's environmental impacts, mitigation, and alternatives has been noted. The project applicant has complied with all relevant requirements under CEQA for disclosure, scoping, and impact discussion. A range of alternatives was considered and those best able to meet project objectives were carried forward for additional discussion under the Draft EIR. For further information on the range of alternatives and mitigations, please see Response to Comment Nos. E67-3 and E67-4, above. We appreciate your consideration and participation in the EIR process for the project.

**COMMENT NO. 67-7**

We appreciate your consideration of these comments and look forward to continued participation in the EIR process for this Project.

**RESPONSE NO. E67-7**

Your name and contact information has been added to the project distribution list and you will be kept informed of future public hearings and documents.



**LETTER NO. E68***Nancy Smith***COMMENT NO. E68-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E68-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions,

of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>64</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E68-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E68-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>64</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E68-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E68-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E68-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E69**

*Jonathan Sosa*

**COMMENT NO. E69-1**

I live on Central Avenue of Los Angeles. I have lived in Los Angeles all my life. I've been working at Poetry since April 2008. I am currently in the sales department. I do multiple things for my job: sales, shipping company POs, invoices, and also packing merchandise. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E69-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E70**

*Laura Soto*

**COMMENT NO. E70-1**

Hello, my name is Laura Soto. I have lived in the Los Angeles area for nearly 13 years. I have worked almost 5 years at IMPACT, Inc. and I have enjoyed my time here. The boss is good to his employees. He is attentive and tries to be fair. He promotes hard work but also enjoys camaraderie with the employees. For this and many other reasons, I am grateful and hope this company continues to grow.

**RESPONSE NO. E70-1**

Your comment on the proposed Project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E71***Lisa Taylor***COMMENT NO. E71-1**

Please do not accept the Draft EIR in its current form. It goes against the Open Space element in the City's master plan by opting against preservation and restoration of green open space in favor of more industrial uses.

**RESPONSE NO. E71-1**

Your comment regarding the consistency of the project with the City's General Plan Open Space Element has been noted. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible". In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid significant environmental impacts.

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

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

attracting commercial and industrial tenants to the area, and providing tax revenue for the City would not occur.

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

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

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

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

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

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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and

authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. As a result, the project is consistent with the Open Space Element. The Open Space Element consists primarily of general aspirational citywide policies and programs encouraging the provision of open space. The commenter has not specified in what way the project would be inconsistent with this General Plan Element. However, the project would be consistent with the South East Los Angeles Community Plan goals, objectives and land use designation as specified above in this Response to Comment No. E71-1, and further would contribute to open space amenities nearby, and, as such is considered substantially consistent with the general intent of the Open Space Element.

#### **COMMENT NO. E71-2**

The best use would be to return it to the community as an urban garden with recreational opportunities. Additionally, more diesel truck trips required for the warehouse activity will only add to the area's already unacceptable level of air and noise pollution and decrease pedestrian and automobile safety by increasing traffic congestion adjacent to a residential area and the Metro Blue Line.

#### **RESPONSE NO. E71-2**

Your comment regarding the best use of the property, cumulative air quality impacts, and traffic and pedestrian safety has been noted.

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible". In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

As set forth in Section VI of the Draft EIR on pages VI-3 to VI-4, the Community Garden alternative, requested through public comments, considered development of the project for an alternate land use, specifically a community garden. However, this alternative was withdrawn from further analysis, because it does not meet basic project objectives. The City of Los Angeles Southeast Los Angeles Community Plan has designated the project site as light industrial. The land use designation discourages nonindustrial uses and uses that compromise job-producing potential. At full build out, the proposed project would consist of approximately 480,120 square feet encompassing 12.9 acres. The South East Los Angeles

Community Plan supports the redevelopment of the industrial sector through Objective 3-1, Policy 3-1.1, and Objective 3-2, Policy 3-2.1:

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

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

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

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

Development of the property as a community garden also does not meet the basic objectives of the project:

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

Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment of the cash pledge provided the City or a nonprofit organization

with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>65</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its community plan designation, goals and policies, and the project objectives. As a result, the project is consistent with the Open Space Element.

There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of the Mitigation Measures Air-1 to Air-7 which are listed on pages IV.B-23 and IV.B-24 in the Draft EIR and listed here:

Air-1

During the construction phase of the project, the project applicant shall apply soil stabilizers for all unpaved roads (80 percent reduction in PM2.5 and PM10 emissions).

Air-2

During the construction phase of the project, the project applicant shall water exposed areas three times a day (61 percent reduction in PM2.5 and PM10 emissions).

Air-3

During the construction phase of the project, the project applicant shall ensure that vehicular speeds are reduced to 15 miles per hour on unpaved roads.

Air-4

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

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

- (1) Current routes and schedules for public transit serving the site;
- (2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operations;
- (3) Ridesharing promotion material supplied by commuter-oriented organizations;

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<sup>65</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

(4) Regional/local bicycle route and facility information;

(5) A listing of on-site services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.

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

(1) A designated parking area for employee carpools and vanpools as close as practical to the main pedestrian entrance(s) of the building(s). This area shall include at least ten percent of the parking spaces required for the site. The spaces shall be signed and striped sufficient to meet the employee demand for such spaces. The carpool/vanpool parking area shall be identified on the driveway and circulation plan upon application for a building permit;

(2) One permanent, clearly identified (signed and striped) carpool/vanpool parking space for the first 50,000 to 100,000 square feet of gross floor area and one additional permanent, clearly identified (signed and striped) carpool/vanpool parking space for any development over 100,000 square feet of gross floor area;

(3) Parking spaces clearly identified (signed and striped) shall be provided in the designated carpool/vanpool parking area at any time during the building's occupancy sufficient to meet employee demand for such spaces. Absent such demand, parking spaces within the designated carpool/vanpool parking area may be used by other vehicles;

(4) No signed and striped parking spaces for carpool/vanpool parking shall displace any handicapped parking;

(5) A statement that preferential carpool/vanpool spaces are available on-site and a description of the method for obtaining permission to use such spaces shall be included on the required transportation information board;

(6) A minimum vertical clearance of 7 feet 2 inches shall be provided for all parking spaces and accessways used by vanpool vehicles when located within a parking structure;

(7) Bicycle parking shall be provided in conformance with Section 12.21A16 of this Code.

**(c) Development in excess of 100,000 square feet of gross floor area.** The owner shall comply with Paragraphs (a) and (b) above and shall provide:

(1) A safe and convenient area in which carpool/vanpool vehicles may load and unload passengers other than in their assigned parking area;

(2) Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

(3) If determined necessary by the City to mitigate the project impact, bus stop improvements shall be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances shall be designed to provide safe and efficient access to nearby transit stations/stops;

(4) Safe and convenient access from the external circulation system to bicycle parking facilities on-site.

Air-5

The project applicant shall improve the pedestrian network for the project site to internally link all uses and connect with existing or planned external streets and pedestrian facilities contiguous with the project site. The project applicant shall identify street trees and streetscape improvements to connect site access points to nearby transit and bicycle facilities.

Air-6

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

Air-7

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

Construction emissions are shown in Table IV.B-8, Unmitigated Estimated Daily Regional Construction Emissions, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions, and are not significant for any of the criteria air pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, Summary of DPM Health Impact Results. As described in Section IV.B (pages IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Thank you for your comment regarding cumulative air quality impacts. There are 11 projects expected to be implemented within a 2-mile radius of the proposed project during the construction period of the proposed project. Cumulative impacts to air quality are expected to be below the level of significance with the implementation of Mitigation Measures Air-1 to Air-7 in the Draft EIR.

Your comment addressing traffic congestion and safety has been noted. From the Traffic Impact Study, the study intersections for 2016, except Alameda St. and Washington Blvd during the PM peak hour, show no significant impacts due to traffic from the proposed project. All study intersections would operate at an acceptable level of service (LOS) (at LOS A through D). A project's traffic impact is determined to be significant if the increase in Volume to Capacity (V/C) is 0.04 or more at LOS C, or 0.02 or more at LOS D, or 0.01 or more at LOS E and F. With the implementation of the five Mitigation

Measures listed in the Draft EIR, Traffic-1 to Traffic-5, the total traffic impact would not be considered significant. If 75 truck trips are assumed, as dictated by the project applicant, no off-site mitigation measures are necessary.

According to the Addendum to the Traffic Impact Study in October 2014, “The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro’s Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7’s freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.”

Significant impacts occur at the intersection Alameda Street and East Washington Boulevard using 351 truck trips per day based on ITE trip generation rates. Section VI *Alternatives* in the Draft EIR examines the following alternatives: Alternative A, No Project Alternative; Alternative B, Use of Clean Fuel Trucks; and Alternative C, Reduced Truck Operations. These alternatives provide ways to reduce the environmental impact of the proposed project. Under Alternative C, the project would not generate traffic at the ITE-recommended rate (i.e., 351 truck trips per day) which is based on surveys conducted nationally at typical warehouse facilities. The project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C of the Draft EIR. However, significant impacts will still remain at the intersection of Alameda Street and East Washington Boulevard using full ITE trip rates. This assumption stems from the existing operations at the various facilities that would be consolidated in the proposed project. An analysis with this reduced number of truck trips shows that Alternative C will not have a significant impact at any of the study intersections. Currently, there is a maximum of 33 trips/day total for the various existing facilities. The proposed project build out is not expected to significantly increase this number of trips; hence the 75 daily truck trips was taken as the conservative and economically viable assumption in Alternative C of the Draft EIR.

Regarding rail crossing and freeway safety, according to the Addendum to the Traffic Impact Study in October 2014 (Appendix IX in Volume VI of the Draft EIR, page 9).

*The analysis also indicates that the project trips will not exceed the thresholds of requirements for Metro’s Congestion Management Program (CMP) analysis. Similarly, the thresholds of requirements for Caltrans District 7’s freeway segment and off-ramp analysis will not be exceeded. Therefore, the project will not have a significant impact on the CMP network and freeway segments or off-ramps. The two at-grade rail crossings near the project sites will be used by the project traffic; however, these rail crossing are currently adequately equipped with warning and safety devices.*

*The proposed project’s traffic distribution shows that a maximum of 28 vehicles will use the 41st Street at-grade crossing to travel outbound to the west during the PM peak hour, while a maximum of 7 vehicles will use 38th Place at-grade crossing to travel inbound from the east during the AM and PM peak hours. These crossings are currently used by existing traffic, and are adequately equipped with various warning and safety devices to alert and prevent traffic crossing during train movements across 41st Street and 38th Place, and allow safe crossings of traffic when there are no train movements. Therefore, no additional safety measures are deemed necessary at these at-grade rail crossings to accommodate traffic from the proposed project.*



**COMMENT NO. E71-3**

The DEIR fails to recognize the community value in using the land for recreational purposes. Please re-do this DEIR to take into consideration community values in using this land for gardening and recreation.

**RESPONSE NO. E71-3**

Your comment on using the project site for recreational uses has been noted. The alternatives analysis determined that the community garden and recreation alternatives were infeasible as they did not meet basic objectives of the project.

Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed “infeasible”. In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid significant environmental impacts.

The Park or Recreational Use alternative, requested through public comments, considered development of the project for an alternate land use, specifically a park. However, this alternative was withdrawn from further analysis, because it does not meet the basic objectives of the project:

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

Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit

organization with the funds to dedicate a park in an alternative site more suitable for the community's agricultural use and park/recreational development functions. In order to satisfy the City's requirement for recreational use for the community, the City adopted Ordinance No. 181949 on November 23, 2011,<sup>66</sup> whereby funds were contributed to park/recreational development at more suitable alternative sites.

As stated in the Draft EIR and summarized above in Response to Comment Nos. E71-1 through E71-3, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its community plan designation, goals and policies, and the project objectives.

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<sup>66</sup> Ordinance No. 181949, Report of the Chief Legislative Analyst for Council File No. 11-1524, and Motion, dated February 24, 2012.

**LETTER NO. E72*****Mr. Tezozomoc Letter No. 1*****COMMENT NO. E72-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E72-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions,

of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>67</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E72-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E72-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>67</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E72-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E72-3**

## Regional Air Quality

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E72-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E73**

*Mr. Tezozomoc Letter No. 2*

**COMMENT NO. E73-1**

When is there supposed to be a vote on this item...

**RESPONSE NO. E73-1**

Your name and contact information has been included in the project distribution list. As a result, you will be informed of future hearing dates and opportunities to comment and provide input on the project.

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**LETTER NO. E74**

*Mr. Tezozomoc Letter No. 3*

**COMMENT NO. E74-1**

please find the attached spreadsheet that has been collected with people opposition to the DEIR for the 4051 Alameda Project..

**RESPONSE NO. E74-1**

The City acknowledges your email of an MS Excel spreadsheet consisting of 87 names and email addresses that were sent to you in opposition of the project. Your concerns and the concerns of the 87 people that sent their names and email addresses will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E75**

*Sonia Torres*

**COMMENT NO. E75-1**

My name is Sonia Torres and I have lived on 24th Stand Central Ave for more than 20 years. For the last 10 years, I have been working for the company Impact in which Tony is the owner. I am happy to be working for this company because I like what I do and Tony has been a great boss. He has always paid on time and fairly. I have been fortunate enough to have friendly coworkers as well. Being happy at work has made me happy at home.

**RESPONSE NO. E75-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E76**

*Jose Urias*

**COMMENT NO. E76-1**

I live on Figueroa Street of Los Angeles. I have lived in Los Angeles since 1998. I've been working at Poetry since July 2011. I am currently in the sales department. I do multiple things for my job: sales, shipping company POs, and also packing merchandise. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great.-I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other,towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E76-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E77***Enrique Vasquez***COMMENT NO. E77-1**

I live on Figueroa Street of Los Angeles. I have lived in Los Angeles since 1998. I've been working at Poetry since September 2006. I am currently in the sales department. I do multiple things for my job: sales, shipping company POs, and also packing merchandise. With this job, I have been able to support my family. It has helped me become a better member of my family.

Working at Poetry has been a great experience. Poetry's working environment is professional and very great. I look forward to working with my co-workers every day. We get through the good times and bad times together, while always looking to help each other towards success. The product that our company sells brings happiness to many people around the world. By providing great merchandise, we give people opportunities for their business while providing people what they want. We help support, by giving jobs, not only here in Los Angeles, but also in China. I am happy to say Poetry is a great company.

**RESPONSE NO. E77-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E78**

*Teresa Ventura*

**COMMENT NO. E78-1**

My name is Teresa Ventura. I have worked for this company since February 2004 and for years I worked trimming and inspecting. In 2013 my boss gave me the opportunity to do the office cleaning, work that I've performed with pleasure and improve upon each day. Thanks to this job, I have been able to support my two children, having worked 11 years at IMPACT.

**RESPONSE NO. E78-1**

Your comment on the proposed project has been noted. Your concerns will be taken into consideration by the decision makers prior to taking action on the proposed project.

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**LETTER NO. E79***Ayanna Ware***COMMENT NO. E79-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, " to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E79-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions,

of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>68</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E79-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E79-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>68</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E79-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E79-3****Regional Air Quality**

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E79-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.

**LETTER NO. E80***Marcy Winograd***COMMENT NO. E80-1**

I am a former congressional candidate, now public high school teacher at LAUSD'S Venice HS in Los Angeles, where my students are fortunate to learn about organic gardening at the school's wonderful community garden. Previously, I taught at Manual Arts HS and Crenshaw HS, both located in South LA where youth Diabetes Type II has reached epic proportions, community gardens are lacking, and food deserts deny families access to healthy food.

The DEIR's conclusion that community gardens do not carry local community value and economic benefits is way off base, and, frankly, insensitive to communities of color. For my former students, for the people of South LA, access to healthy food – broccoli, asparagus, tomatoes (as opposed to chips, sodas, and candy), as well as skills to produce this food -- are matters of life and death, of sight and blindness. In essence, the DEIR's conclusion negating community value of organic gardens sends a Marie Antoinette message – not let them eat cake, but let them feast on salt, sugar, and fat while other more fortunate areas of Los Angeles enjoy the privilege of eating healthy food and living robust lives.

**RESPONSE NO. E80-1**

Your comment regarding the value of community gardens and access to healthy foods has been noted. The commenter's opinion on the conclusions of the Draft EIR has been noted and forwarded to the decision makers prior to taking action on the proposed project.

**COMMENT NO. E80-2**

I was equally appalled to read that the DEIR fails to recognize the community value in using the land for recreational purposes. Are we to believe there is a positive net gain in setting aside the land for polluting industrial use, for possible release of carcinogens and other toxins, rather than giving the children of Los Angeles a place to play and run and get in shape? This is a shameful conclusion, truly embarrassing to read.

**RESPONSE NO. E80-2**

The City of Los Angeles has noted the comment about industrial use and potential alternative land uses at the proposed project site. Section 15126.6 of the CEQA Guidelines requires an EIR to describe a range of reasonable alternatives to a project or to the location of a project that would feasibly attain most of the basic objectives of a project but would avoid or substantially lessen any of the significant effects of a project, and evaluate the comparative merits of the alternatives. The discussion of alternatives, however, need not be exhaustive, but rather the discussion must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives that are deemed "infeasible." In developing alternatives, the following factors are considered: (i) ability to meet most of the basic project objectives, (ii) feasibility, or (iii) ability to avoid or substantially lessen significant environmental impacts.

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

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

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

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

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

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

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



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

The applicant acknowledges the former interim use of the project site as a community garden that occurred under previous ownership. However, the use was discontinued in 2006, and the project site is currently vacant underutilized land in an industrially zoned area. Appendix XII and Section III.E of the Draft EIR provide details of a 2003 settlement agreement between the prior owner and the City of Los Angeles to dedicate 2.6 acres of the property for maintenance of a park for recreation and park purposes, and subsequent amendment of the agreement to allow the proposed project to be developed. This amendment for the cash pledge provided the City or a nonprofit organization with the funds to dedicate a park in a more appropriate location than the project site, which is industrially zoned and isolated to the west and east by major rail lines. The City Council accordingly determined that establishment of an active use park on the property is inappropriate due to the property's location in an industrial corridor, and authorized execution of a Cash Pledge Agreement whereby a payment in the amount of \$3,573,365 was made to improve and provide recreational and park facilities at more suitable alternate sites in the vicinity of the property (see Report of the Chief Legislative Analyst, Ordinance No. 181949, and City Council Motion included in Appendix XII of the Draft EIR). The value of the cash pledge was determined on the basis of the pro rata value of the 2.6 acres to be set aside for recreational purposes pursuant to the settlement agreement relative to the overall purchase price of the project site. For further information on the site background and cash pledge agreement for park and recreational uses, please see pages IV-3 and IV-4 of the Corrections and Additions section of this Final EIR, and pages III-6 and III-7 and Appendix XII of the Draft EIR.

As stated in the Draft EIR and summarized above, the project's cash pledge agreement will contribute to open space in the City in a more suitable location, while the project site would be developed consistent with its Community Plan designation, goals and policies, and the project objectives. As a result, the project is consistent with the Open Space Element.

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project is further detailed below, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

Construction emissions are shown in Table IV.B-8, *Unmitigated Estimated Daily Regional Construction Emissions*, and are only significant for PM<sub>10</sub>. Operational emissions are shown in Table IV.B-9, *Unmitigated Estimated Daily Operational Emissions*, and are not significant for any of the criteria air

pollutants. The PM<sub>10</sub> emissions from construction will be mitigated to below the level of significance with the implementation of the seven mitigation measures.

The primary sources of TAC emissions associated with the proposed project's operations would be limited to DPM from delivery trucks. The results of the TAC analysis are shown in Table IV.B-11, Summary of DPM Health Impact Results. As described in Section IV.B (pages IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by SCAQMD Rule 1401.

Diesel emissions are particularly examined in the Health Risk Assessment (HRA) found in Appendix V in Volume IV of the Draft EIR. The Draft EIR concluded that noise from the proposed project would have a less than significant impact. Please refer to the Initial Study in Appendix III of this Draft EIR, and to Appendix IS-1, Noise Technical Report, for further information. Cumulative air quality impacts are further discussed on pages IV.B-22 and IV.B-23 of the Draft EIR.

The Department of Toxic Substances Control (DTSC) has reviewed the site characterization and health risk assessment for the site and has concluded that the site is suitable for Industrial/Commercial use, and that future development or rezoning of the property for other than Industrial/Commercial use will require additional analysis and risk evaluation by DTSC to determine the suitability of the site for such use (included as Appendix N to the Final EIR).<sup>69</sup>

**COMMENT NO. E80-3**

Please re-do this DEIR to take into consideration the abundant community values in using this land for gardening and recreation.

**RESPONSE NO. E80-3**

Your comment on using the project site for gardening and recreational uses has been noted. As detailed in Response to Comment No. E80-2, the alternatives analysis withdrew the community garden and recreation alternatives from further consideration as they did not meet basic objectives of the project.

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<sup>69</sup> Department of Toxic Substances Control. 22 December 2015. Letter from Brownfields and Environmental Restoration Program—Chatsworth Office, Haissam Y. Salloum, Senior Engineer, to City of Los Angeles, Department of City Planning, William Lamborn.

**LETTER NO. E81***Carol Yost***COMMENT NO. E81-1**

South LA Sweatshops will have long term detrimental health impact to the residents of South Central Los Angeles

The City Planning Department has announced its intention to allow 4 warehouses to be built with a substandard Draft Environmental Impact Report (Case Number: ENV-2012-920-EIR, AA-2012-919-PMLA, DIR-2013-887-SPR), a move Farm representatives and the community say will have long term detrimental health impacts for local South LA residents. Plans call for 4 warehouse facilities that will draw some 75 diesel big rigs into the area every day, creating an intolerable concentration of diesel fumes and particulate matter in a neighborhood in a warehousing district already saturated with such exhaust, posing the danger of increased risks of cancer, emphysema, asthma, and increased hospitalizations to poor people of color who live in the district. South Central Farm representative Tezozomoc said, "This is an unmistakable and undeniable threat to the health and well being of the people who live here, and that the City Planning Department has accepted a substandard Draft Environmental Impact Report on behalf of PIMA is a clear cut example of environmental racism." I call on the city, "to unconditionally reject the DEIR and return the land to the community to anchor an environmental justice project to begin to clean up the community".

**RESPONSE NO. E81-1**

Your comment in regard to the health risks from the diesel truck trips generated by the proposed project has been noted. The construction phase air quality impact analysis can be found in the Impact Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Construction related toxic air contaminants (TACs) from diesel particulate emissions will be short-lived (3 months), and therefore do not require a Health Risk Assessment (HRA) from the Office of Environmental Health Hazard Assessment (OEHHA). Diesel particulate emissions only affect the population on a long-term (70-year) basis for cancer impacts, so the impact of short-term TACs from the construction of the proposed project is considered less than significant, as analyzed in Section IV.B (pages IV.B-15 through -18) of the Draft EIR. Construction emissions were analyzed for the six main criteria air pollutants as evident in Table IV.B-8. Emissions from VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, and PM<sub>2.5</sub> were calculated to be below the SCAQMD significance threshold. PM<sub>10</sub>, does have a significant impact during the construction phase, but it can be reduced to below the level of significance with mitigation measures.

For the operations of the proposed project, Section IV.G, *Transportation/Traffic* of the Draft EIR considered 351 truck trips/day based on Institute of Transportation Engineers guidelines. Of the 351, EMFAC 2011, an emissions factor model, estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel fueled trucks, as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR. Because the total daily truck trips are greater than 100, a refined Health Risk Assessment for operational impacts was conducted that identified sensitive receptors and individual cancer risk. Diesel particulate is the majority of health risk among the TACs emitted from both diesel- and gasoline-fueled vehicles, so only diesel particulate emissions are considered for the Health Risk Assessment. As described in Section IV.B (page IV.B-22) of the Draft EIR, the resulting maximum potential cancer risk is 0.3 in a million, which is only 3 percent of the cancer risk threshold of 10 in a million as set by the South Coast Air Quality Management District Rule 1401. In addition to the cancer risk, operational emissions associated with the proposed project for the six main criteria air pollutants are quantified in Table IV.B-9, Unmitigated Estimated Daily Operational Emissions,

of the Draft EIR, and were found to be below thresholds of significance established by SCAQMD. Therefore, the proposed project would not result in significant human health risks related to diesel emissions. Further details on the air quality impacts analysis in the operational phase can be found in pages IV.B18 –B22 of the Draft EIR.

With Alternative C, Reduced Truck Operations, truck trips would be limited to 75 truck trips per day. As a result, the maximum cancer risk drops to 0.6 percent of the allowable threshold. The alternatives with clean fuel trucks and reduced truck operations would result in fewer diesel emissions.

CEQA centers on whether a project may have a significant effect on the physical environment (CEQA Guidelines, 15064(d)). The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided (Pub. Res. Code, §21002.1 subd. (a)). Environmental justice is not considered an area of impact under CEQA, and CEQA does not ask that a project mitigate preexisting conditions. As noted in CEQA Guidelines Section 15064(b), the significance of an activity may vary with the environmental setting. Where there already is a high pollution burden on a community, the relevant question is whether an additional amount of pollution should be considered significant in light of the serious nature of the existing problem.<sup>70</sup>

The Existing Conditions section in Section IV.B *Air Quality* of the Draft EIR includes ambient air quality data gathered from the local air quality monitoring stations. The average concentrations and days above the standard for each criteria air pollutant are listed in Table IV.B-6 *Summary of 2010-2012 Ambient Air Quality Data in the Proposed Project Vicinity* on page IV.B-11 of the Draft EIR. The Air Quality impact analysis relative to the impacts of the proposed project has been further detailed above in this Response to Comment No. E81-1, and is located in Section IV.B *Air Quality* of the Draft EIR. In the Draft EIR, sensitive receptors are defined on page IV.B-11. There are two maps showing their locations: Figure IV.B-1 *Sensitive Receptors* and Figure IV. B-2 *Receptor Grid and Sensitive Receptors*.

### **COMMENT NO. E81-2**

It is clear that Los Angeles City has failed the residents of South LA by considering a substandard DEIR. In 2008 the City of Los Angeles reviewed a project submitted by Horowitz to do one warehouse that encompassed 437,196 sq. ft. (see Case No. ENV-2008-799-MND, VTT-61482, DIR-2008-841-SPR, aka 41st and Alameda Warehouse Project) and at that time there would be 264 truck trips per day. In the recent DEIR PIMA will be developing 481,022 sq. ft. of warehouse space; comprised of 4 buildings and over 2000 car trips per day. In PIMA's proposal they claim a mere 75 trip trucks a day. There is a difference of 189 truck trips per days for a warehouse space that is 10% larger. There is a difference of 70% in truck trips. What is problematic with this assumption is that all further analysis will be based on the underspecified 75 truck trips per day. While this under estimation of the truck trips may get the project approved by the City; the city under Jan Perry has supported this project, it will have long negative impact on the residents of South Los Angeles. In the realm of Air Quality Health Risk Assessment the truck trips are further down estimated to 31 diesel fueled trucks per day. The Kleinfelder's Health Risk Analysis is faulty because it also assumes a degraded amount of truck trips per day; 75 truck trips per day.

<sup>70</sup> Harris, Kamala D. 10 July 2012. *Environmental Justice at the Local and Regional Level: Legal Background*. Prepared by State of California Department of Justice. Available at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)

**RESPONSE NO. E81-2**

The City of Los Angeles has noted the concern about the discrepancy in the number of truck trips and the resulting health risks. A total of 351 truck trips is assumed in the Air Quality Health Risk Assessment (Appendix V in Volume IV of the Draft EIR) and Section IV.B, *Air Quality*, of the Draft EIR based on the Addendum to the Traffic Impact Study (Appendix IX in Volume VI of the Draft EIR). Of the 351 truck trips, EMFAC 2011 estimates that on average 9 percent of the total trucks are diesel fueled trucks for an estimate of 31 diesel-fueled trucks as mentioned in the Human Health Risk Analysis portion of Section IV.B *Air Quality* of the Draft EIR.

The Draft EIR states on page IV.G-13 that

*It is calculated that the proposed project will generate approximately 1,966 net passenger car equivalent (PCE) trips per average day. The average weekday net new peak hour PCE trips will be approximately 179 trips during the a.m. peak hour and 190 trips during the p.m. peak hours (Figure IV.G-6, Distribution of Project Traffic, and Figure IV.G-7, Existing [2014] plus Project Traffic Volumes). The traffic analysis also considered the distribution of trips during a.m. and p.m. peak hours in the vicinity of the proposed project (Figure IV.G- 8, Project Traffic at Driveways and Adjacent Intersections).*

*While these estimates were developed based on the ITE's Trip Generation Manual, the project applicant has indicated that truck trips associated with operation of the proposed project would not exceed 75 daily truck trips, which has therefore been analyzed as Alternative C in this Draft EIR (see Attachment E to the Initial Study, which is Appendix III of this Draft EIR).*

The 75 truck trips identified in Alternative C stem from the existing operations at various facilities, which will be consolidated in the proposed project. Currently, there is a maximum of 33 truck trips/day total for the various facilities. The proposed project build out is not expected to significantly increase this number of trips; hence, 75 daily truck trips were taken as the assumption in Alternative C of the Draft EIR.

**COMMENT NO. E81-3**

## Regional Air Quality

The air quality in Southern California does not meet the state and federal standards. The American Lung Association consistently gives Los Angeles County failing grades in the amount of ozone and particulate pollution in the air. Although smog levels are impacted by seasons and weather patterns, smog is visible in the air on most days.

**RESPONSE NO. E81-3**

The City of Los Angeles has noted the comment about poor air quality in the region as defined by the American Lung Association. The American Lung Association gives an "F" rating for ozone, particulate pollution (24-hour), and particulate pollution (annual) for Los Angeles County. In regard to the California Ambient Air Quality Standards, Los Angeles County has also been designated nonattainment for ozone, PM<sub>10</sub>, PM<sub>2.5</sub>, nitrogen dioxide, and lead. The Draft EIR evaluates the proposed project with respect to the State CEQA Guidelines. Construction and operations emissions were modeled and compared to the South Coast Air Quality Management District (SCAQMD) Significance Thresholds. Only the PM<sub>10</sub> construction emissions were found to exceed the SCAQMD significance threshold by 5.6 lbs/day. Mitigation measures are described in the Draft EIR on page IV.B-23 and IV.B-24, which reduce air quality impacts below the threshold of significance. All other criteria pollutants are expected to be below the SCAQMD significance

thresholds for both construction and operation phases. The proposed project is expected to be consistent with the regional 2012 Air Quality Management Plan. Please see pages IV.B-16, IV.B-17, and IV.B-19 of the Draft EIR for further information regarding the proposed project's consistency with state and regional air quality plans.