LOS ANGELES
DEPARTMENT OF CITY
PLANNING
221 North Figueroa St., Suite 1350
Los Angeles, CA 90012

# FINAL
# ENVIRONMENTAL IMPACT REPORT

## Southern California Flower Market Project

Environmental Case: ENV-2016-3991-EIR
State Clearinghouse No.: 2017051068

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**Project Location:** 709-765 S. Wall St., 306-326 E. 7th St., and 742, 750-752 S. Maple Ave., Los Angeles, California, 90014

**Community Plan Area:** Central City

**Council District:** 14—Huizar

**Project Description:** The Project Applicant proposes to expand and redevelop the existing Flower Market facility between Maple Avenue and Wall Street, south of 7th Street, while maintaining the existing wholesale market. The existing property consists of two buildings, the north building (206,517 square feet) and the south building (185,111 square feet). Both buildings include open roof-top parking. The Applicant proposes to maintain and renovate the north building and its roof-top parking and demolish the south building in preparation of a new building with one level of subterranean parking.

The Project would be a new mixed-use development consisting of wholesale trade, retail, restaurant, office, and residential uses. The new Flower Market building (in place of the existing south building) would be 15 stories (12-story residential tower, over three stories of office, retail, restaurant, wholesale flower market, and parking) and 205 feet in height. The development program would consist of: 323 residential units (the Applicant voluntarily providing 10% of the units [or approximately 32 units] for moderate income families), 64,363 square feet of office space, 4,385 square feet of retail space, 63,785 square feet of wholesale space and storage, 13,420 square feet of food and beverage space, and 10,226 square feet of event space. The Flower Market would continue to operate in the existing north building during and after the redevelopment.

**PREPARED FOR:**
The City of Los Angeles
Department of City Planning

**PREPARED BY:**
CAJA Environmental Services, LLC

**APPLICANT:**
Southern California Flower Growers, Inc.

**April 2019**

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**APPENDICES**

# 1. Introduction

## A. Purpose of the Final EIR

The City of Los Angeles (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared the Final Environmental Impact Report (Final EIR) for the proposed Southern California Flower Market Project (Project). This document, in conjunction with the Draft Environmental Impact Report (Draft EIR), comprises the Final EIR.

As described in Sections 15088, 15089, 15090 and 15132 of the State CEQA Guidelines, the Lead Agency must evaluate comments received on the Draft EIR and prepare written responses and consider the information contained in a Final EIR before approving a project. Pursuant to State CEQA Guidelines 15132, a Final EIR consists of: (a) the Draft EIR or a revision of the Draft; (b) comments and recommendations received on the Draft EIR either verbatim or in summary; (c) a list of persons, organizations, and public agencies commenting on the Draft EIR; (d) the responses of the Lead Agency to significant environmental points raised in the review and consultation process; and, (e) any other information added by the Lead Agency.

Accordingly, the Final EIR for the Project consists of two parts as follows:

- Part 1: Draft EIR and Technical Appendices
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- Part II: Final Environmental Impact Report (Sections I through 4) and Appendices A through D:

- **Section 1. Introduction:** This section provides an introduction to the Final EIR and the list of persons and agencies that submitted comments on the Draft EIR.
- **Section 2. Responses to Comments:** This section includes responses to each of the significant environmental points raised in the comments submitted.
- **Section 3. Revisions, Clarifications, and Corrections:** This section provides corrections and additions to the Draft EIR, based on and in response to comments received.
- **Section 4. Mitigation Monitoring Program:** This section includes all of the Mitigation Measures and Project Design Features that have been identified to reduce or avoid the Project's environmental impacts. This section also notes the monitoring phase, the enforcement phase, and the applicable department or agency responsible for ensuring that each mitigation measure is implemented.
- **Appendices:** The appendices to this document include copies of all the comments received on the Draft EIR and additional information cited to support the responses to comments.
  - A: Comment Letters Received in Response to Draft EIR
  - B: Air Quality Technical Memo
  - C: Noise Technical Memo
  - D: Traffic Technical Memo

## B. Project Summary

The Project Applicant proposes to expand and redevelop the existing Flower Market facility between Maple Avenue and Wall Street, south of 7th Street, while maintaining the existing wholesale market. The existing property consists of two buildings, the north building (206,517 square feet) and the south building (185,111 square feet). Both buildings include open roof-top parking. The Applicant proposes to maintain and renovate the north building and its roof-top parking and demolish the south building in preparation of a new building with one level of subterranean parking.

The Project would be a new mixed-use development consisting of wholesale trade, retail, restaurant, office, and residential uses. The new Flower Market building (in place of the existing south building) would be 15 stories (12-story residential tower, over three stories of office, retail, restaurant, wholesale flower market, and parking) and 205 feet in height. The development program would consist of: 323 residential units (the Applicant providing 10% of the units [or approximately 32 units] for moderate income families), 64,363 square feet of office space, 4,385 square feet of retail space, 63,785 square feet of wholesale space and storage, 13,420 square feet of food and beverage space, and 10,226 square feet of event space. The ground floor of the new south building would include restaurants for general public use, a public paseo, retail uses, wholesale flower space, and bike storage. The existing north building would continue operating as the Flower Market with offices on the second floor and an event space with terrace on the fourth floor. The Flower Market would continue to operate in the existing north building during and after the redevelopment, with construction carefully phased to avoid disruption of

existing business operations. Consistent with the parking demand study, the Project proposes to provide approximately 681 vehicle parking spaces.

## C. Overview of the CEQA Public Review Process for the Draft EIR

In compliance with the State CEQA Guidelines, the City, as Lead Agency for the Project, has provided opportunities for the public to participate in the environmental review process. As described below, throughout the environmental review process, an effort was made to inform, contact, and solicit input from the public and various Federal, State, regional, and local government agencies and other interested parties on the Project.

(1) Initial Study/Notice of Preparation/Scoping Meeting

At the onset of the environmental review process and pursuant to the provisions of 15082 of the State CEQA Guidelines, the City circulated a Notice of Preparation (NOP) on May 22, 2017, for a 30-day review period, ending on June 22, 2017. The purpose of the NOP was to formally convey that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR. The Initial Study and NOP are included as Appendix A and Appendix B, respectively, to the Draft EIR.

Written comment letters responding to the NOP were provided by the following public agencies and organizations: (1) Caltrans; (2) Los Angeles County Clerk; (3) City of Los Angeles, Bureau of Sanitation; (4) City of Los Angeles, Fire Department; (5) Metro (Los Angeles County Metropolitan Transportation Authority); (6) Native American Heritage Commission; (7) South Coast Air Quality Management District (SCAQMD); (8) Greenberg Glusker Fields Claman & Machtinger LLP (on behalf of American Florists Exchange); and (9) Lozeau Drury LLP (on behalf of Laborers International Union of North America, Local Union 300).

A public scoping meeting was held on June 8, 2017, at the Southern California Flower Market, 742 Maple Avenue, Los Angeles, CA 90014 from 5:00 PM to 7:00 PM, to obtain the public's input about environmental issues that should be evaluated in this Draft EIR.

Public comments received during the NOP circulation period and at the scoping meeting are provided in Appendix C, NOP Comments, to the Draft EIR.

(2) Draft Environmental Impact Report

In accordance with the provisions of Sections 15085(a) and 15087(a)(1) of the State CEQA Guidelines, the City, serving as Lead Agency: (1) published a Notice of Completion and Availability (NOA) of the Draft EIR in the Los Angeles Times and posted the notice with the Los Angeles City Clerk, indicating that the Draft EIR was available for review at the City's Department of City Planning (221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90012); (2) provided copies of the NOA and Draft EIR to the Central Library, Little Tokyo Branch Library, and Benjamin Franklin Branch Library; (3) posted the NOA and Draft EIR on the Department of City Planning's website (http://planning.lacity.org); (4) prepared and transmitted a Notice of Completion (NOC) as well as CD copies of the Draft EIR to the State Clearinghouse, Governor's

office of Planning and Research for distribution to State Agencies; (5) sent a NOA to all property owners and occupants within 500 feet of the Project Site; and (6) sent a NOA to the last known names and addresses of all organizations and individuals who previously requested such notice in writing or attended public meetings about the Project. The public review period for the Draft EIR commenced on September 20, 2018, and ended on November 5, 2018.

During the Draft EIR public review period, the Department of City Planning received 15 comment letters on the Draft EIR from agencies, organizations, and individuals through written correspondence and emails. Comments received during and after the public review period are presented and responded to in Section 2, Responses to Comments, of the Final EIR. The Draft EIR and this Final EIR will be submitted to the City decision makers for certification in connection with action on the Project.

## D. Review and Certification of the Final EIR

Consistent with State law (Public Resources Code 21092.5), responses to agency comments are being provided to each commenting agency more than 10 days prior to certification of the EIR.

The Final EIR is available for public review at the following locations:

Adam Villani
City of Los Angeles, Department of City Planning
221 N. Figueroa Street, Suite 1350, Los Angeles, CA 90012
E-Mail: adam.villani@lacity.org

Los Angeles Central Library
630 W. 5th Street, Los Angeles, CA 90071

Little Tokyo Branch Library
203 S. Los Angeles Street, Los Angeles, CA 90012

Benjamin Franklin Branch Library
2200 E. 1st Street, Los Angeles, CA 90033

The Final EIR is also available online at the Los Angeles Department of City Planning's website [http://planning.lacity.org/ (click on "Environmental Review" and then "Final EIR")]. The Final EIR can be purchased on CD-ROM for $5.00 per copy. Contact Adam Villani of the City of Los Angeles at adam.villani@lacity.org to purchase the CD-ROM.

## E. List of Commenters

The Los Angeles Department of City Planning received 15 comment letters on the Draft EIR. Each comment letter from an agency has been assigned a number preceded by the letter "A," and each distinct comment within each agency comment letter is numbered. For example, the comments in agency comment letter "A1" are numbered "Comment A1-1", "Comment A1-2",

"Comment A1-3", etc. Each comment letter from an individual has been assigned a number preceded by the letter "B," and each distinct comment within each comment letter is numbered. For example, the comments in comment letter "B1" are numbered "Comment B1-1", "Comment B1-2", "Comment B1-3", etc.

Copies of the original comment letters are included in Appendix A to this document.

A1. Pete Cooke, Department of Toxic Substances Control

A2. Ali Poosti, Los Angeles Department of Sanitation

A3. Miya Edmonson, California Department of Transportation

A4. Scott Morgan, State Clearinghouse

B1. Alexandra Hack

B2. Ian O'Neill

B3. Yu-Chun Wang, Blue Oak Law

B4. Mark Chatoff, California Flower Mall

B5. David Lee, Lee Properties Ltd.

B6. Danielle Gary, Floral Crush Studio

B7. Daren Rikio Mooko, Japanese American Cultural & Community Center

B8. Patrick Dahlson, Mayesh

B9. Diana Yin, Poppy + Rose

B10. Richard Drury, Lozeau Drury LLP

B11. Elizabeth Watson, Greenberg Glusker

# 2. Responses to Comments

## A. Introduction

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. Section 15088(a) of the California Environmental Quality Act (CEQA) Guidelines states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments that were received during the noticed comment period and any extensions and may respond to late comments." In accordance with these requirements, this Chapter of this Final Environmental Impact Report (EIR) provides responses to each of the written comments on the Draft EIR received during the public comment period. Table 2-1, Comments Received in Response to the Draft EIR, provides a list of the comment letters received. Copies of the original comment letters are provided in Appendix A, Original Comment Letters, of this Final EIR.

Section 2, Responses to Comments, presents comments submitted during the public comment period for the Draft EIR from State, Regional, County, and City agencies, as well as from individuals and organizations listed on Table 2-1. The letters have been organized based on the affiliation, if any, of the commenter, and arranged as indicated in Table 2-1. Each comment that requires a response within the letters is also assigned a number. For example, the first Agency (Letter A1) to provide comments was the Department of Toxic Substances Control (DTSC) and is therefore assigned as Letter Number A1. The first comment received from the DTSC is therefore labeled Comment A1-1 and the responses to each comment are correspondingly numbered (i.e., Response A1-1). Likewise, the first comment letter from an individual is labeled as Letter Number B1, and the responses to each comment are correspondingly numbered (i.e., Response B1-1).

As required by the CEQA Guidelines, Section 15088(c), the focus of the responses to comments is on the "disposition of significant environmental issues raised." Therefore, detailed responses are not provided to comments that do not relate to environmental issues.

Note that there may be spelling and/or grammar errors in the Comment Letters. These are replicated here as they were delivered to the City, without an attempt to edit spelling or grammar.

**Table 2-1**
**List of Commenters**

| Letter No. | Commenter Name | Aesthetics | Air Quality | Cultural Resources | Geology and Soils | Greenhouse Gas Emissions | Hazards and Hazardous Material | Hydrology and Water Quality | Land Use and Planning | Noise | Population and Housing | Public Services | Traffic | Tribal Cultural Resources | Utilities and Service Systems | Support | Opposition |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **A1** | Pete Cooke, CA Department of Toxic Substances Control | | | | | | X | | | | | | | | | | |
| **A2** | Ali Poosti, LA Department of Sanitation | | | | | | | X | | | | | | | X | | |
| **A3** | Miya Edmonson, CA Department of Transportation | | | | | | | X | | | | | X | | | | |
| **A4** | Scott Morgan, CA State Clearinghouse | | | | | | X | | | | | | X | | | | |
| **B1** | Andrea Hack | | | | | | | | | | | | | | | X | |
| **B2** | Ian O'Neill | | | | | | | | | | | | | | | X | |
| **B3** | Yu-Chun Wang | | | | | | | | | | | | X | | | | |
| **B4** | Mark Chatoff | | | | | | | | | | | | | | | X | |
| **B5** | David Lee | | | | | | | | | | | | | | | X | |
| **B6** | Danielle Gary | | | | | | | | | | | | | | | X | |
| **B7** | Daren Rikio Mooko | | | | | | | | | | | | | | | X | |
| **B8** | Patrick Dahlson | | | | | | | | | | | | | | | X | |
| **B9** | Diana Yin | | | | | | | | | | | | | | | X | |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **B10** | Richard Drury | | | | | | | | | | | | | | | | | |
| **B11** | Elizabeth Watson | | X | | | X | | | X | X | | | X | | | | | |

# 2. Responses to Comments

## B. Comments Received in Response to the Draft EIR

### RESPONSES TO PUBLIC AGENCY COMMENTS

**LETTER NO. A1**

Pete Cooke
Department of Toxic Substances Control
Site Mitigation and Restoration Program, Chatsworth Office
9211 Oakdale Avenue
Chatsworth, CA 91311

**Comment No. A1-1**

The Department of Toxic Substances Control (DTSC) has received your Notice of Availability of a Draft Environmental Impact Report (EIR) for the above-mentioned project.

Based on the review of the document, the DTSC comments are as follows:

1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.

**Response to Comment No. A1-1**

The historical uses on the Project Site are discussed on pages 4.G-6 and 4.G-7 of the Draft EIR (in Section 4.G, Hazards and Hazardous Materials), based on the analysis contained in the Phase I report (included as Appendix H of the Draft EIR). As discussed on page 4.G-7 of the Draft EIR, the historic records search indicates that the Project Site has had tenants involved in the storage, usage, and generation of hazardous materials. However, no evidence of willful industrial abuse, legal/illegal dumping, mining, or oil and gas exploration/production was found to have occurred on the property. The Phase I report concluded no significant environmental impacts from historic uses at the Project Site.

The current uses on the Project Site are discussed on pages 4.G-7 through 4.G-9 of the Draft EIR, based on the analysis contained in the Phase I report (included as Appendix H of the Draft EIR). As part of the Phase I report, a visual inspection of the Project Site occurred on November 7, 2016. During this inspection, a hazardous materials audit was conducted to determine: what hazardous materials are/were/will be stored, utilized, and generated; permit compliance and violation history; hazardous materials housekeeping; and emergency response protocols. A visual inspection of the storage and usage areas, with emphasis on illegal releases and compliance, was conducted. The audit researched the presence of storage tanks/clarifiers, pools of liquid, drums/substance containers, polychlorinated biphenyls (PCBs), stained pavement, stressed vegetation, and wastewater/sewage disposal systems. According to the Phase I report, no hazardous materials were observed during the site reconnaissance and it was concluded that the current occupants of the Project Site do not use hazardous materials.

Further, as part of the Phase I report, a computer search was performed by Geosearch, which maintains a continually updated database of hazardous materials sites. According to the Phase I report, the Project Site is not listed as a hazardous site, but is listed as a generator of hazardous waste in two listings (see page 4.G-9 of the Draft EIR). The first listing is a routine listing for elevator maintenance and documents off-site disposal and compliance with regulations. The second listing is for the recycling of an old oil cooled transformer in 1998. This listing simply shows compliance with government regulations. Therefore, according to the Phase I report, neither listing poses any threat to the subject property.

**Comment No. A1-2**

2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.

**Response to Comment No. A1-2**

As stated in Response to Comment No. A1-1, there is no known contamination at the Project Site. Further, as stated in Response to Comment No. A1-1, the Phase I report included a computer search performed by Geosearch. The results of this search identified four sites within the Project vicinity that are known to have caused environmental degradation. However, according to the Phase I report, none of these sites are located close enough to the Project Site to have any adverse impact on the soil, soil vapor, or ground water under the Project Site.

**Comment No. A1-3**

3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.

**Response to Comment No. A1-3**

As discussed in Draft EIR Section 4.G (Hazards and Hazardous Materials), based on the analysis contained in the Phase I report (included as Appendix H to the Draft EIR), and as discussed in Responses to Comment Nos. A1-1 and A1-2, the development of the Project would not cause or exacerbate a significant hazard to the public or the environment. Therefore, impacts would be less than significant and no mitigation or remediation is required.

**Comment No. A1-4**

4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.

**Response to Comment No. A1-4**

As discussed in Draft EIR Section 4.G (Hazards and Hazardous Materials), based on the analysis contained in the Phase I report (included as Appendix H to the Draft EIR), and as discussed in Responses to Comment Nos. A1-1 and A1-2, the development of the Project would not cause or exacerbate a significant hazard to the public or the environment, nor is it expected that any contaminated soil would be encountered during Project construction. Therefore, impacts would be less than significant and no mitigation or remediation is required. Finally, the Project would follow all applicable laws and regulations related to hazardous materials.

**Comment No. A1-5**

DTSC provides guidance for Preliminary Endangerment Assessment (PEA) preparation and cleanup oversight through the Voluntary Cleanup Program (VCP). For additional information on the VCP, please visit DTSC's web site at www.dtsc.ca.gov. If you would like to meet and discuss this matter further, please contact me at (818) 717-6555 or Pete.Cooke@dtsc.ca.gov.

**Response to Comment No. A1-5**

The comment provides information about DTSC, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. A2**

Ali Poosti
Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment

**Comment No. A2-1**

This is in response to your September 20, 2018 letter requesting a review of the proposed mixed-use project located at 709-765 S. Wall St., 306-326 E. 7th St., and 750-752 S. Maple Ave., Los Angeles 90014. The project will consist of residential, retail, restaurant, and office use. LA Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

WASTEWATER REQUIREMENT

LA 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 improvement 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 (GPD/UNIT) | Proposed No. of Units | Average Daily Flow (GPD) |
|---|---|---|---|
| ***Existing*** | | | |
| N/A | N/A | N/A | N/A |
| ***Proposed*** | | | |
| Residential: APT- 1 BDRM | 110 GPD/ DU | 323 DU | 35,530 |
| Office Building | 120 GPD/ 1,000 SQ.FT | 64,363 SQ.FT | 7,724 |
| Retail Area | 25 GPD/ 1,000 SQ.FT | 4,385 SQ.FT | 110 |
| Storage: Building/Warehouse | 30 GPD/1,000 SQ.FT | 63,785 SQ.FT | 1,914 |
| Restaurant: Full Service Indoor Seat | 30 GPD/Seat | 895 Seats | 26,840 |
| Event Space | 300 GPD/1,000 SQ.FT | 10,226 SQ.FT | 3,068 |
| **Total** | | | **75,186** |

**Response to Comment No. A2-1**

The comment provides introductory information and also provides a table showing the projected wastewater discharges for the Project. This table largely matches Table 4.N.1-2 on page 4.N.1-12 of the Draft EIR, which was based on information provided by the Bureau of Sanitation in their letter dated June 23, 2017 (and included in Appendix L-1 of the Draft EIR). The analysis provided in the Draft EIR estimates that the Project would generate more wastewater than the estimate contained in this comment (79,487 gallons per day in the Draft EIR compared to 75,186 gallons per day than estimated in this comment). Therefore, the Draft EIR analysis is more conservative, and as stated on Draft EIR page 4.N.1-12, and in Comment No. A2-2 below, the Hyperion Water Reclamation Plant has adequate capacity to accommodate the Project.

**Comment No. A2-2**

SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line on Wall St. The sewage from the existing 8-inch line feeds into a 24-inch line on Maple Ave before discharging into a 45-inch sewer line on Washington Blvd. 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 cannot be determined at this time without additional gauging.

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

| Pipe Diameter (in) | Pipe Location | Current Gauging d/D (%) | 50% Design Capacity |
|---|---|---|---|
| 8 | Wall St. | * | 173,893 GPD |
| 24 | Maple Ave. | 35 | 4.13 MGD |
| 30 | Maple Ave. | 21 | 6.96 MGD |
| 30 | Maple Ave. | * | 9.85 MGD |
| 45 | Washington Blvd. | 30 | 15.40 MGD |

* 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 Water Reclamation Plant, which has sufficient capacity for the project.

If you have any questions, please call Christopher DeMonbrun at (323) 342-1567 or email at chris.demonbrun@lacity.org.

**Response to Comment No. A2-2**

The comment provides information regarding sewer infrastructure in the vicinity of the Project Site, and a table showing the sewer availability for the Project. This information largely matches the text regarding existing infrastructure contained at the top of Draft EIR page 4.N.1-10 and in Draft EIR Table 4.N.1-1. The information contained in the Draft EIR was provided by the Bureau of Sanitation in their letter dated June 23, 2017 (and included in Appendix L-1 of the Draft EIR). However, the text and table on Draft EIR page 4.N.1-10 have been revised to reflect the information provided in this comment (see Section 3, Revisions, Clarifications, and Corrections, of this Final EIR). This change does not add significant new information to the Draft EIR that would require recirculation of the Draft EIR.

The comment also states that additional gauging is necessary as part of the permit process to identify a specific sewer connection point and to determine the sewer capacity. This is consistent with the infrastructure analysis contained in the Draft EIR on page 4.N.1-13, which states: "As part of the building permit process the lead agency would confirm and ensure that there is sufficient capacity in the local and trunk lines to accommodate the Project's wastewater flows. The construction phase of the Project would need a sewer connection permit and Sewer Capacity Availability Review (SCAR) application. Further detailed gauging and evaluation would be needed as part of the permit process to identify the specific sewer connection points. If the local public sewer has insufficient capacity, then the developer would be required to build sewer lines to a point in the sewer system which has sufficient capacity."

**Comment No. A2-3**

STORMWATER REQUIREMENTS

LA Sanitation, Watershed Protection Program (WPP) 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

In accordance with the Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R4-2012-0175, NPDES No. CAS004001) and the City of Los Angeles Stormwater and Urban Runoff Pollution Control requirements (Chapter VI, Article 4.4, of the Los Angeles Municipal Code), the Project shall comply with all mandatory provisions to the Stormwater Pollution Control Measures for Development Planning (LID Ordinance) and as it may be subsequently amended or modified. Prior to issuance of grading or building permits, the Applicant shall submit a LID Plan to the City of Los Angeles, Bureau of Sanitation, Watershed Protection Division (WPD), for review and approval. The LID Plan shall be prepared consistent with the requirements of the Development Best Management Practices Handbook.

Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: www.lacitysan.org. It is

advised that input regarding LID requirements be received in the early phases of the project from 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 LID requirements. Green Street standard plans can be found at: www.eng2.lacity.org/techdocs/stdplans/

**Response to Comment No. A2-3**

The comment states that the Project requires stormwater pollution control measures based on the Low Impact Development (LID) requirements. All development and redevelopment projects that create, add, or replace 500 square feet or more of impervious area must comply with the LID Ordinance. The comment also states that the Green Streets elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be directed from streets and into parkways. These elements can be implemented in conjunction with the LID requirements. The information provided in the comment is acknowledged for the record, and as described on page 4.A-7 of the Draft EIR, the Project would comply with the City's LID Ordinance.

**Comment No. A2-4**

CONSTRUCTION REQUIREMENTS

All construction sites are required to implement a minimum set of BMPs for erosion control, sediment control, non-stormwater management, and waste management. In addition, construction sites with active grading permits are required to prepare and implement a Wet Weather Erosion Control Plan during the rainy season between October 1 and April 15. Additionally, construction sites that disturb more than one-acre of land are subject to the NPDES Construction General Permit issued by the State of California, and are required to prepare, submit, and implement the Storm Water Pollution Prevention Plan (SWPPP).

If there are questions regarding the stormwater requirements, please call WPP's plan-checking counter at (213) 482-7066. WPD's plan-checking counter can also be visited at 201 N. Figueroa, 3rd Fl, Station 18.

**Response to Comment No. A2-4**

The comment lists the construction requirements to implement stormwater control measures to lessen the impact of pollution. As discussed on page 4.A-7 of the Draft EIR, the Project would comply with the requirements of the mandated construction Stormwater Pollution Prevention Plan (SWPPP) under the NPDES Construction General Permit (Order No. 2012-0006-DWQ), City grading and building permit regulations, the City's Low Impact Development Ordinance, and/or Standard Urban Storm Water Mitigation Plan (SUSMP) requirements to reduce potential water quality impacts. The goals and objectives of the SUSMP are achieved through the use of Best Management Practices (BMPs) to help manage runoff water quality.

Construction projects that include grading activities during the rainy season must also develop a Wet Weather Erosion Control Plan (WWECP). The Project would comply with LAMC Chapter IX, Division 70, which addresses grading, excavations, and fills. Compliance with the LAMC would ensure that construction would not violate any water quality standards or discharge requirements, or otherwise substantially degrade water quality. Therefore, through compliance with NPDES requirements and City grading regulations, Project impacts related to water quality during construction would be less than significant.

**Comment No. A2-5**

GROUNDWATER DEWATERING REUSE OPTIONS

The Los Angeles Department of Water and Power (LADWP) is charged with the task of supplying water and power to the residents and businesses in the City of Los Angeles. One of the sources of water includes groundwater. The majority of groundwater in the City of Los Angeles is adjudicated, and the rights of which are owned and managed by various parties. Extraction of groundwater within the City from any depth by law requires metering and regular reporting to the appropriate Court-appointed Watermaster. LADWP facilitates this reporting process, and may assess and collect associated fees for the usage of the City's water rights. The party performing the dewatering should inform the property owners about the reporting requirement and associated usage fees.

On April 22, 2016 the City of Los Angeles Council passed Ordinance 184248 amending the City of Los Angeles Building Code, requiring developers to consider beneficial reuse of groundwater as a conservation measure and alternative to the common practice of discharging groundwater to the storm drain (SEC. 99.04.305.4). It reads as follows: "Where groundwater is being extracted and discharged, a system for onsite reuse of the groundwater, shall be developed and constructed. Alternatively, the groundwater may be discharged to the sewer."

Groundwater may be beneficially used as landscape irrigation, cooling tower make-up, and construction (dust control, concrete mixing, soil compaction, etc.). Different applications may require various levels of treatment ranging from chemical additives to filtration systems. When onsite reuse is not available the groundwater may be discharged to the sewer system. This allows the water to be potentially reused as recycled water once it has been treated at a water reclamation plant. If groundwater is discharged into the storm drain it offers no potential for

reuse. The onsite beneficial reuse of groundwater can reduce or eliminate costs associated with sewer and storm drain permitting and monitoring. Opting for onsite reuse or discharge to the sewer system are the preferred methods for disposing of groundwater.

To help offset costs of water conservation and reuse systems, LADWP offers the Technical Assistance Program (TAP), which provides engineering and technical assistance for qualified projects. Financial incentives are also available. Currently, LADWP provides an incentive of $1.75 for every 1,000 gallons of water saved during the first two years of a five-year conservation project. Conservation projects that last 10 years are eligible to receive the incentive during the first four years. Other water conservation assistance programs may be available from Metropolitan Water District of Southern California. To learn more about available water conservation assistance programs, please contact LADWP Rebate Programs 1-888-376-3314 and LADWP TAP 1-800-544-4498, selection "3".

For more information related to beneficial reuse of groundwater, please contact Greg Reed, Manager of Water Rights and Groundwater Management, at (213) 367-2117 or greg.reed@ladwp.com.

**Response to Comment No. A2-5**

The comment provides information regarding potential beneficial uses of groundwater, which is acknowledged for the record. As discussed on page 4.A-7 of the Draft EIR, the Project does not propose any permanent groundwater wells or pumping activities and all water supplied to the Project Site would be derived from the City's existing water supply and infrastructure. Although construction of the Project would include excavation and could possibly require temporary dewatering at the Site, the amount of groundwater infiltration likely to occur would be minimal given the small area and relatively shallow depth of the proposed excavation (for one level of subterranean parking). The historic high groundwater level beneath the Project Site is approximately 100 feet beneath the ground surface, and groundwater was not encountered in field explorations at the Project Site, conducted as part of the geotechnical report, drilled to a maximum depth of 50.5 feet below the existing ground surface (see Draft EIR page 4.E-2, in Section 4.E, Geology & Soils).

The remainder of the comment provides information regarding LADWP's Technical Assistance Program, which is acknowledged for the record. As stated on page 4.N.2-16 of the Draft EIR, the Project would comply with the following water conservation ordinances and regulations: Los Angeles Green Building Code; California Code of Regulations (CCR), Title 20, Section 1604; CCR Title 22; and City of Los Angeles Ordinances 165,004 and 166,080. Therefore, it was concluded that the Project would not require or result in the construction of new water treatment facilities, and impacts would be less than significant.

**Comment No. A2-6**

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. For more details of this requirement, please contact LA Sanitation Solid Resources Recycling hotline (213) 922-8300.

**Response to Comment No. A2-6**

The City of Los Angeles "Space Allocation Ordinance" is discussed on page 4.N.3-7 (in Section 4.N.3, Solid Waste) of the Draft EIR, and reiterates the solid resource requirements stated in the comment. The Project would comply with this requirement.

**LETTER NO. A3**

Miya Edmonson
Department of Transportation
100 S. Main Street, MS 16
Los Angeles, CA 90012

**Comment No. A3-1**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed Project is a redevelopment of the existing Flower Market facility. The Project would be a new mixed-use development consisting of wholesale trade, retail, restaurant, office, and residential uses. The development consists of 323 residential units, 64,363 square feet of office space, 4,385 square feet of retail space, 63,785 square feet of wholesale space and storage, 13,420 square feet of food and beverage space, and 10,226 square feet of event space.

**Response to Comment No. A3-1**

This introductory comment, which provides an accurate summary of the Project description, is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. A3-2**

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. Senate Bill 743 (2013) mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. For future project, you may reference to The Governor's Office of Planning and Research (OPR) for more information.

http://opr.ca.gov/ceqa/updates/guidelines/

**Response to Comment No. A3-2**

This comment is an introduction to Caltrans and Senate Bill (SB) 743. SB 743 mandated that the significance of the transportation impacts of proposed development projects under CEQA be determined based on VMT, rather than on delay- and capacity-based metrics, such as level of service (LOS). At the time the Draft EIR was published (September 2018), the City of Los Angeles Department of Transportation (LADOT) had not yet updated their traffic study guidelines or established a methodology for implementing SB 743 to use VMT as the primary metric for identifying the transportation impacts of proposed development projects. At its meeting on February 28, 2019, the City Planning Commission recommended that the City Council approve an update to the Transportation Section of the L.A. CEQA Thresholds Guide to

comply with SB 743, to align with the update to the State CEQA Guidelines and Appendix G. Although the City has not yet established a methodology for measuring VMT, the Draft EIR contains substantial evidence supporting its conclusions that the Project's characteristics would encourage non-auto modes of transportation, such as walking, bicycling, carpool, vanpool, transit, etc., and would therefore reduce VMT related to the Project Site and associated transportation-related greenhouse gas (GHG) emissions.

Caltrans is also in the process of developing its Caltrans Transportation Impact Study Guidelines to implement SB 743. On November 9, 2016, Caltrans adopted its Local Development – Intergovernmental Review Program Interim Guidance (Interim Guidance) that implements its Caltrans Strategic Management Plan 2015-2020 (SMP) and California Transportation Plan 2040, and is consistent with SB 743. The Interim Guidance implements recent legislation and planning guidance related to State climate change goals and sustainable land use and transportation practices, including Assembly Bill (AB) 32, SB 375, SB 226, SB 743, the Smart Mobility Framework, Complete Streets Implementation Action Plan, the California Transportation Plan 2014, and Caltrans' adoption of the SMP. The SMP calls for several on specific targets and objectives for, among other things, meeting statewide objectives.

However, the Interim Guidance notes that the SMP is intended to articulate statewide goals, but that the SMP is not intended to be used or interpreted "as specific thresholds in the review of individual development projects." Therefore, at the time the Draft EIR was published, there were no adopted VMT-based thresholds or methodologies for assessing the significance of the Project's transportation-related impacts.

**Comment No. A3-3**

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, future development should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

**Response to Comment No. A3-3**

The comment provides Caltrans' support for alternatives to the car, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, as discussed in Section 4.L, Transportation/Traffic, of the Draft EIR, and in the Traffic Study (included in Appendix K-1 of the Draft EIR), the Project's impacts with respect to traffic would be less than significant, and no mitigation measures are required. In addition, the Project would reduce vehicle miles traveled by providing a higher density infill development within ¼-mile of 28 bus lines, which provide service to regional centers such as Century City, Santa Monica, Burbank, Long Beach, Montebello, and Hawthorne, as well as to major transit stations including Union Station and the 7th and Metro Center Station. In addition, the Project would be located

near commercial uses and employment areas in Downtown Los Angeles. Finally, the Project would encourage bicycling with the inclusion of approximately 414 bicycle parking spaces.

**Comment No. A3-4**

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing.

**Response to Comment No. A3-4**

The comment acknowledges Caltrans' support for complete streets and pedestrian safety measures, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. Further, as discussed in Section 4.L, Transportation/Traffic, of the Draft EIR, and in the Traffic Study (included in Appendix K-1 of the Draft EIR), the Project's impacts with respect to traffic would be less than significant, and no mitigation measures are required.

**Comment No. A3-5**

After reviewing the Draft Environmental Impact Report for this project, Caltrans has the following comments:

1. Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

**Response to Comment No. A3-5**

The comment states the importance of complying with stormwater management regulations, but does not state a specific question or concern regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. However, the Project will comply with all permit procedures regarding storm water runoff. Further, as stated on page 4.A-9 of the Draft EIR, Project compliance with the requirements of the mandated construction and operation SWPPP, as well as the requirements of the City's LID Ordinance and/or SUSMP, would reduce the introduction of contaminants to stormwater runoff during Project construction and operation to the maximum extent practicable.

**Comment No. A3-6**

2. Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from Caltrans. It is recommended that large size truck trips be limited to off-peak commute periods.

**Response to Comment No. A3-6**

The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. A4**

Scott Morgan
State Clearinghouse
1400 10th Street
P.O. Box 3044
Sacramento, CA 95812-3044

**Comment No. A4-1**

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 November 5, 2018, 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 either 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 to Comment No. A4-1**

The comment provides general information and acknowledges that the City, as lead agency, has complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the California Environmental Quality Act, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. The comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

Comments from the responding State agencies (Department of Toxic Substances Control and Department of Transportation) are provided as Letter No. A1 and Letter No. A3, and responses have been provided to each of these letters as part of this Final EIR.

# RESPONSES TO PRIVATE INDIVIDUAL/GROUP COMMENTS

**LETTER NO. B1**

Alexandra Hack
777 S. Figueroa Street, 16th Floor
Los Angeles, CA 90017-5800

**Comment No. B1-1**

As a young person who commutes to work in Downtown LA, I am currently looking to move downtown in order to avoid long commute times. However, like many others in my age range, I am priced out of the expensive Arts District and the South Park area. As I understand it, the Flower Market project appears to provide a new opportunity to live Downtown in a budding neighborhood.

I am writing this letter to show my support for the Southern California Flower Market project and to encourage you to approve the project as proposed. Unfortunately, many young urban residents are limited in the selection of good housing opportunities close to work, especially when it comes to affordability. This project helps to alleviate such pressures by providing cheaper housing options (verses South Park/Arts District).

Though overall housing is increasing in DTLA, we certainly need added opportunities in the Fashion District.

In addition to better housing options in the area, this project will help to improve the livability and walkability of the Flower District. The proposed pedestrian level amenities and open space improves the entire look and feel of the region. I support how this project draws on the elements that make other parts of Downtown desirable for all stakeholders.

Please support new and good housing opportunities to benefit the younger residents that are tirelessly searching.

**Response to Comment No. B1-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B2**

Ian O'Neill
lanoneill83@gmail.com

**Comment No. B2-1**

I have been a resident of the South Park district of Downtown Los Angeles for the past three years which has provided me with a desirable confluence of an easy commute, walkable neighborhood amenities, and a plethora of dining and entertainment options. Like many individuals fresh out of university, I have an extremely high amount of student loans which naturally increases my sensitivity to changes in the cost of living – most importantly to rental increases. Over the past three years in South Park, my rent has increased substantially which has driven me to pursue more economical options in Downtown Los Angeles; however, during my search, I was surprised at the lack of housing options in the Flower District which I often frequent on the weekends for its unique mix of lively atmosphere, welcoming people, and of course, the endless variety of fresh-cut flowers. As such, I'm writing to express my support for the Southern California Flower Market project which will provide more cost-effective options for individuals priced out of most districts of Downtown Los Angeles.

In many districts across the country such as the Meat Packing District in New York City or the Arts District in Los Angeles, the surge in redevelopment ultimately purges the original character of the neighborhood through small unconscientious decisions on the part of many stakeholders. In so far as I can tell, the Southern California Flower Market would not only preserve the Flower District character through the continued operation as a wholesale marketplace but also add community enhancing features such as activated pedestrian-friendly sidewalks, a large open massing which is fitting for its proximity to the historic buildings along Los Angeles Street, and an aesthetic appropriate for the Flower District. Most importantly, the project would bring a significant number of apartment units to the area and meaningfully improve the livability of the District.

In conclusion, I'd like to express my support for the City's continued efforts to bring more housing options to market as quickly as possible, and I encourage you to support this project which will provide individuals such as myself cost-effective opportunities to continue to live, work, and play in DTLA.

**Response to Comment No. B2-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B3**

Yu-Chun Wang
Blue Oak Law
515 S. Flower Street, 18th Floor
Los Angeles, CA 90071

**Comment No. B3-1**

I received a Notice of Completion and Availability of Draft Environmental Impact Report regarding the proposed project, Southern California Flower Market. The Environmental Case Number is ENV-2016-3991-EIR. For your reference, I live on Maple and 8th Street. The Flower Market is located right next to my building.

**Response to Comment No. B3-1**

The comment provides introductory information, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B3-2**

According to the Draft EIR, this project will provide approximately 681 vehicle parking spaces in accordance with the Parking Demand Study, as shown in Appendix K-4 of the Report. The Parking Demand Study, however, may be flawed. One reason is that its study is based upon a survey done from Thursday to Friday instead of Friday to Saturday. As you know, the weekends are when most people are free to do their shopping and/or dining. Accordingly, I will not be surprised if significantly more people visit the Flower Market *(and* the new retail stores and restaurants proposed by this project) during the weekends than the weekdays.

**Response to Comment No. B3-2**

The intent of the survey referenced in the comment was to document the parking demands generated by the existing flower market operation. The flower market's tenants are primarily wholesalers, not retailers. Conversations with the flower market operator indicate that Wednesdays and Fridays are the busiest days for wholesale florists to shop the market and all of the tenants' employees are also working in the market on those days.

While more public shoppers use the market on Saturdays, there are a reduced number of tenant employees and wholesale shoppers on Saturdays.

**Comment No. B3-3**

In addition, the proposed number of parking spaces does not take into account the continuing growth of this area. Importantly, the surveys conducted by this Study were done in 2016, two

years ago. Thus, another reason this Parking Demand Study may be flawed is that the parking situation then, in 2016, compared to now is notably different. I have lived here for many years. Even without any brand new buildings/spaces, available parking has become increasingly more difficult to find. The reason is that more and more people are visiting and living in this area, and this trend will continue. With this project consisting of, among other things, brand new retail stores and restaurants plus an additional 323 residential units, the number of people visiting and living in this area will increase dramatically. Yet, this Parking Demand Study only allots 4 parking spaces for the new retail shops, 13 parking spaces for the restaurants, and 330 parking spaces for the 323 residential units.

**Response to Comment No. B3-3**

The intent of the survey referenced in the comment was to document the parking demands generated by the existing flower market operation. Although parking demands in the area surrounding the Project may or may not have changed due to reasons given by the commenter, there is no reason to believe that the flower market parking demands have changed materially since the survey was conducted.

The number of parking spaces to be provided by the Project for the proposed new retail shops, restaurants, and residential units is consistent with Los Angeles Municipal Code requirements for downtown Los Angeles. Also, as noted on page 4.L-21 of the Draft EIR and page 42 of the Traffic Study (included as Appendix K-1 of the Draft EIR), per the provisions in the California Public Resources Code Section 21099, parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are not considered significant impacts on the environment. The Project is such a mixed-use infill project located within a transit priority area as defined by the California Public Resources Code, and therefore, the Project's impacts with respect to parking would not be considered significant as a matter of law.

**Comment No. B3-4**

The proposed number of parking spaces for this project is not realistic because it does not take into account the weekend crowds. It certainly does not take into account the growth of this area due to the increasing popularity of the Fashion District as well as this new 15 stories building. A reconsideration of this matter will be greatly appreciated.

**Response to Comment No. B3-4**

Please see Responses to Comment Nos. B3-2 and B3-3.

**LETTER NO. B4**

Mark Chatoff
825 South San Pedro Street, Suite 200
Los Angeles, CA 90014

**Comment No. B4-1**

I'm writing to you today to extend my support for the proposed Southern California Flower Market project {ENV-2106-3991-EIR} and to encourage you approve the project as proposed.

I have owned and operated several family businesses since 1986 and my family has been in business in the area since 1948. Currently, I'm the owner of California Flower Mall. As a neighboring property owner, we welcome the improvements to the neighborhood as they will have numerous positive effects on my business as well as the overall area.

For many years, we have worked very hard with our fellow business owners to provide a clean and safe environment for business to survive and supporting our local economy, despite the day to day issues we all face.

By supporting this development, you support the natural growth occurring in and around our neighborhood. This project, like many others close by, will increase business vitality and local amenities in our area, provide much needed housing in the downtown core, and most importantly provide a clean and safe environment for the area and stakeholders.

**Response to Comment No. B4-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B5**

David Lee
12711 Ventura Blvd., Suite 215
Studio City, CA 91364

**Comment No. B5-1**

I am writing to voice my support for the Southern California Flower Market, Planning Case File #ENV-2016-3991-EIR.

As a stakeholder in the community and a property owner next door to the Flower Market, one of the largest challenges we face in our district is the homeless issue. Such a large investment will add security and provide much needed resources to the City and the BID to help address this matter.

This project not only provides affordable housing options, it revitalizes the neighborhood and the surrounding streetscape. We see this as a great mixed-use development, bringing vibrancy and new life with the addition of dining establishments while retaining the nearly 100-year-old Flower Market!

I urge you to help all stakeholders in the area (including the homeless population) by supporting this project.

**Response to Comment No. B5-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B6**

Danielle Gary
Floral Crush Studio

**Comment No. B6-1**

By modernizing the Flower Market, the sidewalks will be activated and open the area up to new business. As a Fashion District resident and business owner within the Flower Market, I welcome these improvements wholeheartedly. I am frequently asked about the safety of this area and what it is like living and working here in this particular neighborhood. More times than not, it is an issue that deters many potential residents and business owners from moving into this part of DTLA. The addition of new housing, restaurants and retail will certainly improve the area and I can only see the Flower District thriving as a result.

Support this project today and bring new and revitalized opportunities to this part of the Fashion District.

**Response to Comment No. B6-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B7**

Daren Rikio Mooko
Japanese American Cultural & Community Center
244 South San Pedro Street
Los Angeles, CA 90012

**Comment No. B7-1**

On behalf of the Japanese American Cultural & Community Center (JACCC), I am writing to voice our support for the Southern California Flower Market, Planning Case File #ENV-2016-3991-EIR.

As a member of the Japanese American community, the Flower Market is an important and iconic establishment that is widely supported by our close-knit community. When the Japanese Americans were placed into internment camps during WWII, the Flower Market made sure to reserve a spot for the interned flower growers who returned to Los Angeles after the war. The storied history of the market is significant to both the Japanese community and the entire City of Los Angeles.

The Flower Market continues to be a great partner in the community and we support this effort to modernize, expand, and ensure the longevity of this institution. We urge you to as well.

**Response to Comment No. B7-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B8**

Patrick Dahlson
5401 W 104th Street
Los Angeles, CA 90045

**Comment No. B8-1**

I am writing this letter to show my support for the Southern California Flower Market project and to encourage you to approve the project as proposed. As a longstanding vendor, I believe that the growth of the Flower Market will have a positive impact on my own business. I have operated out of the Flower Market for 40+ years, and my business would not be where it is today without this great space.

Approving this project will allow needed improvements that not only modernize the facility, but will increase efficiency that will benefit all vendors within this historic and iconic Downtown market.

Thank you for your time and for registering my opinion on this project.

**Response to Comment No. B8-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B9**

Diana Yin
765 Wall Street
Los Angeles, CA 90014

**Comment No. B9-1**

I write to you today to voice my support for the proposed Southern California Flower Market project {ENV-2016-3991-EIR) and to encourage you to approve the project as proposed.

I have owned and operated my business, Poppy + Rose, in this area since 2014 and welcome any improvements to the neighborhood that will have a positive impact on my business.

For years, we have worked with our fellow business owners to support our local economy while addressing the day-to-day issues we all face.

By supporting this development, you support the natural growth occurring in and all around our downtown Los Angeles. This project, like others nearby, will increase business and local amenities in our area, provide needed housing in our neighborhood, and most importantly, provide an increase in security for all neighboring stakeholders.

Please support this project as it encourages the organic and continued growth of our local neighborhoods.

**Response to Comment No. B9-1**

The comment expresses support for the Project and is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B10**

Richard Drury
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

**Comment No. B10-1**

I am writing on behalf of Laborers International Union of North America, Local Union No. 300 and its members living in and around the City of Los Angeles ("LIUNA") regarding the Draft Environmental Impact Report ("DEIR") prepared for the Project known as, Southern California Flower Market (ENV-2016-3991-EIR, SCH# 2017051068), including all actions related or referring to the proposed construction of a new mixed-use development consisting of a 15 story building with 323 residential units, 64,363 square feet of office space, 4,385 square feet of retail space, 63,785 square feet of wholesale space and storage, 13,420 square feet of food and beverage space, 10,226 square feet of event space and one level of subterranean parking located at 709-765 S. Wall St., 306-326 E. 7th St., and 750-752 S. Maple Ave., APNs: 5145-004-033, -034, and -035 in the City of Los Angeles ("Project").

**Response to Comment No. B10-1**

The introductory comment, which provides an accurate summary of the Project description, is noted for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B10-2**

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. LIUNA request that the Department of City Planning address these shortcomings in a revised draft environmental impact report ("RDEIR") and recirculate the RDEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.,* 60 Cal. App.4th 1109, 1121 (1997).

**Response to Comment No. B10-2**

The comment provides the commenter's opinion that the Draft EIR "fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts." However, the comment does not provide a specific question or concern regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. In addition, all feasible mitigation measures have been incorporated into the EIR (see Section 4, Mitigation Monitoring Program, of this Final EIR), and the Project does not result in any significant and unavoidable

impacts. Nevertheless, the commenter's opinion is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**LETTER NO. B11**

Elizabeth Watson
Greenburg Glusker
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067

**Comment No. B11-1**

We submit these comments on behalf of American Florists Exchange, Ltd. ("AFE") to the City of Los Angeles' Draft Environmental Impact Report (Case No. ENV-2016-3991-EIR) ("DEIR") prepared in connection with the Southern California Flower Market project (the "Project") proposed by applicant Southern California Flower Growers, Inc., for the properties located at 709-765 S. Wall Street, 306-326 E. 7th Street, and 750-752 S. Maple Avenue, Los Angeles, California 90014 (the "Project Site").

AFE is the long-time owner of the properties which comprise the majority of the city block that is located immediately across Wall Street from the Project Site, which is bounded by Wall Street to the northwest, San Julian Street to the southeast, 7th Street to the northeast, and 8th Street to the southwest (the "AFE Properties"). The AFE Properties consist of approximately five acres of land, which are commonly referred to as "The Original Los Angeles Flower Market." Approximately 40 vendors presently operate at the AFE Properties. Due to its proximity to the proposed Project, AFE has unique concerns regarding the Project's potential impacts.

**Response to Comment No. B11-1**

The comment provides background information about the commenter, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B11-2**

While AFE appreciates the City's efforts in analyzing the environmental impacts from the Project, the DEIR lacks an adequate discussion and consideration of environmental impacts, including impacts to air quality, noise, traffic and land use, thereby failing to fulfill a "fundamental purpose of an EIR." Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412, 428 (2007); CAL. PUB. REs. CODE § 211 00(b )(1 ). These deficiencies are summarized below and discussed in more detail in the attached letters of the Papadimos Group, SWAPE and Tom Brohard and Associates, which are incorporated by this reference.

**Response to Comment No. B11-2**

The comment states that the Draft EIR lacks adequate discussion related to air quality, noise, traffic, and land use, but does not state a specific concern or question regarding the adequacy

of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The Draft EIR analyzed Project impacts with respect to air quality in Section 4.C, noise in Section 4.I, traffic in Section 4.L, and land use in Section 4.H.

Responses to the specific comments and attached letters are provided below, in Responses to Comment Nos. B11-3 through B11-64.

**Comment No. B11-3**

**I. The Project Description and the Environmental Setting Sections of the DEIR Fail to Provide Fundamental Information for the Evaluation of Environmental Impacts**

An accurate project description is an essential component in assessing whether a proposed project may have a significant effect on the environment. CAL. CODE REGS. TIT. 14 § 15124. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus, 27 Cal.App.4th 713, 730 (l 994) (citations omitted).

The Project Description is lacking in essential detail concerning the operations and activities of the mix of uses that are proposed, including as to vehicular and pedestrian circulation and access, loading and delivery locations and hours, and business hours. This should include any changes in the activities and operations of the Southern California Flower Market in its new configuration.

**Response to Comment No. B11-3**

Section 2 (Project Description) of the Draft EIR provides a description of the Project, and Project plans are provided in Figures 2-1 through 2-12. Specifically, the mix of uses proposed is discussed on pages 2-1 and 2-2, vehicular access is discussed on page 2-3, and pedestrian features are discussed on page 2-5. The Project's deliveries and loading/unloading activities would be confined to the proposed loading dock area, which would be located similarly to the existing loading dock area. Deliveries and general loading/unloading activities would not change substantially in terms of frequency, duration, and setbacks from receivers, when compared to the existing Flower Market operations. Business hours for the Flower Market would remain the same as the current operating hours. For the other uses proposed as part of the Project, it is estimated that the retail uses would be open from approximately 9 AM to 9 PM, the proposed restaurant uses would be open from approximately 11 AM to 11 PM, and the proposed event space may be open on weekends from approximately 11 AM to 1 AM.

**Comment No. B11-4**

Equally important is a full description of the existing operations and activities in the surrounding wholesale and retail Flower District. These businesses operate around-the-clock and involve

late-night and early morning levels of activity that differ from typical business districts. Details should be provided concerning wholesale and retail business hours, levels of activity, seasonal variations, delivery and loading facilities and hours, pedestrian and vehicular circulation, parking supply and usage and driveways and pedestrian access points. Additionally, the circulation of customers between the existing flower market on the Project Site and the AFE Properties should be addressed.

Maps should be provided that identify and locate the existing businesses, crosswalks and the vehicular and pedestrian access, loading areas and on-street parking spaces. Similarly, maps showing the locations of sensitive uses should be included.

**Response to Comment No. B11-4**

Section 3 (Environmental Setting) of the Draft EIR provides a discussion of the Project Site's regional setting, the existing uses on the Project Site, and a discussion of the surrounding uses. Page 3-2 specifically mentions the Project's location in the Los Angeles Flower District and that the Los Angeles Flower Market is located immediately east of the Project Site. Draft EIR Figure 3-2 provides an aerial map of the Project vicinity.

The remainder of the comment asks for additional information of surrounding uses to be included. However, this level of detailed information is not essential to determine the environmental impacts of the Project, and is therefore not required. The Project's environmental analysis properly addresses the Project's potential impacts upon surrounding receptors. Conversely, CEQA generally does not require a lead agency to evaluate the effects of the environment on future residential uses of a proposed project. (*See Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 286-90.)

Finally, the sensitive receptors are listed on pages 4.C-10 and 4.C-19 (in Section 4.C, Air Quality) and page 4.I-9 (in Section 4.I, Noise). A map showing the locations of the sensitive receptors is provided in Section 3, Revisions, Clarifications, and Corrections, of this Final EIR.

**Comment No. B11-5**

**I. The DEIR Lacks an Adequate Consideration and Discussion of the Environmental Impacts from the Project**

"The fundamental purpose of an EIR is 'to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment.'" Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, 40 Cal.4th 412,428 (2007), citing, CAL. PUB. RES. CODE§ 21061. "To that end, the EIR 'shall include a detailed statement setting forth ... all significant effects on the environment of the proposed project.'" Id., citing CAL. PUB. RES. CODE§ 21100(b)(I); see also 15126.2(a). The DEIR lacks an adequate analysis and discussion of impacts relating to noise, air quality, traffic and land use.

**Response to Comment No. B11-5**

The analysis provided in the Draft EIR (Sections 4.A through Section 4.N) concluded that all Project impacts would be less than significant.

The comment also states that the Draft EIR lacks adequate discussion related to air quality, noise, traffic, and land use, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration. The Draft EIR analyzed Project impacts with respect to air quality in Section 4.C, noise in Section 4.I, traffic in Section 4.L, and land use in Section 4.H.

**Comment No. B11-6**

**A. Noise**

The DEIR fails to adequately assess the ramifications of adding a noise-sensitive residential use within an area currently zoned Light Manufacturing, and fails to properly evaluate the construction and operational noise impacts from the Project. *See* the attached Papadimos Group Letter dated November 5, 2018.

**1. The DEIR Needs to Assess Impacts from the Introduction of a Residential Use in an Existing Light Industrial/Light Manufacturing Area**

The proposed Project constitutes a new mixed-use development that will introduce multi-family residential uses in place of the existing south flower market building. DEIR 2-1. The residences consist of 323 residential units within the upper 12 floors of the new 15-story tower. DEIR 2-1. To accommodate this use, the zoning will need to be changed from Light Industrial (designated Light Manufacturing in the Central City Community Plan) (DEIR 3-1) to Community Commercial. (DEIR 2-2). The DEIR fails to address the impacts from adding a new noise-sensitive residential use into an established industrial zone.

The City of Los Angeles General Plan Noise Element Policy P 12 requires the City to impose mitigation measures so as to achieve an interior noise level of a CNEL of 45 dB, or less, in any habitable room when a noise-sensitive use may be potentially significantly impacted by existing or proposed noise sources. This is especially important here, where the proposed noise-sensitive residential use may conflict with the surrounding long-established Flower District wholesale and retail businesses and other commercial activities absent mitigation. In particular, AFE Properties' round-the-clock operations include late night and early morning activities directly across Wall Street from the proposed residential complex, including delivery and loading activities that are fundamental to the commerce and operations conducted at AFE Properties. The Project must incorporate measures to assure that the nearby residential uses will address these potential conflicts.

AFE is also concerned as to whether new operating restrictions on existing businesses may be triggered or proposed due to the introduction of new residential uses. These issues should be addressed in a detail in the Final EIR.

**Response to Comment No. B11-6**

The Project's noise impacts were evaluated in Section 4.I (Noise) of the Draft EIR, and it was concluded therein that impacts would be less than significant with implementation of Mitigation Measures I-1 through I-6. The commenter is also referred to Responses to Comment Nos. B11-7 and B11-8, below, which address the Project's noise impacts during both construction and operation.

The comment references the attached Papadimos Group letter. Responses are provided to comments raised in that letter in Responses to Comment Nos. B11-14 through B11-23, below.

The comment also discusses General Plan Noise Element Policy P12, which requires an interior noise level of 45 dB only for proposed residential projects for which discretionary permits are required. The Project would comply with the California Building Code, which establishes a requirement for interior noise levels of 45 dB in residential (habitable) rooms. Therefore, the Project would also comply with Policy P12 of the Noise Element, as it establishes the same requirement as the California Building Code.

However, with respect to noise impacts that the existing environment may cause to the Project, CEQA generally does not require a lead agency to evaluate the effects of the environment on future residential uses of a proposed project. (*See Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 286-90.) Further, as discussed on Draft EIR page 3-2 (in Section 3, Environmental Setting) there are other residential developments in the Project vicinity. Specifically, across Maple Street, are the following four residential developments: the Santee Village (nearly 400 units); the Santee Court (238 units); the Garment Lofts (77 units); and the Textile Building Lofts (77 units) fronting on Los Angeles Street and 8th Street. The Project's environmental analysis properly addresses the Project's potential noise impacts upon surrounding residential receptors, as required by CEQA.

It is not reasonably foreseeable that operating restrictions on existing businesses would occur as a result of the Project's residential uses.

**Comment No. B11-7**

**2. The DEIR Fails to Adequately Assess the Project's Construction Noise Impacts**

The DEIR also fails to adequately assess the Project's construction noise impacts by improperly using average noise levels as opposed to maximum noise levels as required by the noise ordinance: Additionally, the DEIR proposes generic mitigation measures, namely, the use of a mufflers and noise barriers, without providing the necessary details and specifics to establish their effectiveness and feasibility. These impacts need to be fully analyzed in the Final EIR.

**Response to Comment No. B11-7**

The Project's construction noise impacts were analyzed with respect to both L.A. CEQA Thresholds Guide recommendations and noise ordinance standards. The L.A. CEQA Thresholds Guide does not instruct that maximum noise levels ($L_{max}$) be used when estimating a project's construction noise impacts. In fact, neither of the construction equipment and phase noise level examples provided by the L.A. CEQA Thresholds Guide utilize $L_{max}$ noise levels. Exhibit I.1-1 "Noise Level Ranges of Typical Construction Equipment" shows the reference noise level ranges for various equipment as reported by the EPA in the *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances* manual (1971). The manual states that the reference equipment noise levels were adjusted for usage factor, and thus they do not represent $L_{max}$ noise levels. Exhibit I.1-2 in the CEQA Guide "Outdoor Construction Noise Levels" clearly shows that the reference noise levels are in $L_{eq}$ and not $L_{max}$.

For the purposes of characterizing the effect and determining the environmental significance of construction noise, $L_{eq}$ is the more appropriate metric. $L_{max}$ is defined as "the highest instantaneous noise level during a specified time period"; no consideration is given to the duration or the intermittency of the noise level. For example, if a noise source were to produce a steady noise level of 65 dBA for 59 minutes and 59 seconds, but for one second produced a noise level of 80 dBA, the source's $L_{max}$ for that one-hour period would be 80 dBA. The $L_{eq}$, or average noise level, for that same period would be 65.1 dBA. This example demonstrates the main disadvantage of using $L_{max}$ noise levels to characterize noise conditions over extended periods of time: the $L_{max}$ noise level may vastly overstate and therefore misrepresent actual noise conditions. Typical operating cycles for the types of heavy construction equipment and vehicles analyzed by the Draft EIR may involve 1 or 2 minutes of full power operation, followed by 3 to 4 minutes at lower power settings, punctuated by consistent intervals of no operation. Even during full power operation, noise levels would fluctuate. $L_{eq}$ more accurately accounts for the variable nature of construction noise.

Section 112.05 "Maximum Noise Level of Powered Equipment or Powered Hand Tools" does not specifically make use of $L_{max}$ when outlining its 75 dBA and 65 dBA at 50 feet noise limits. However, Section 112.05 noise limits should be interpreted to represent $L_{eq}$ noise levels, based on the reasoning outlined in the previous paragraph.

With regard to the Draft EIR's proposed mitigation measures, Mitigation Measures I-1 and I-2 represent standard "best practices" for the reduction of construction noise and are recommended by the L.A. CEQA Thresholds Guide. Exhibit I.1-2 of the L.A. CEQA Thresholds Guide shows that equipment mufflers should reduce excavation and grading phase noise levels by 3 dBA. The Draft EIR utilized excavation and grading equipment, specifically excavators and front-end loaders, to analyze the Project's potential construction noise impacts. Accordingly, construction noise modeling for the Project concluded that adherence to Mitigation Measure I-2 would be capable of attenuating the noise levels of excavation and grading equipment by 3 dBA. However, it is important to note that the construction-related noise increases at all receptors would not exceed the 5-dBA threshold of significance with or without the implementation of Mitigation Measure I-1. For example, assuming no attenuation from mufflers

or other noise-reduction devices, the construction noise impact after mitigation (i.e., with noise barrier mitigation only) at Santee Court Apartments would be a 2.8 dBA increase. Therefore, no further mitigation would be required even if Mitigation Measure I-1 were to be removed. Specifics related to the locations and performance standards for the required temporary sound barriers are provided by Mitigation Measure I-2. Barriers with a transmission loss value (TL) of 25 dBA would be capable of achieving a noise reduction of 15 dBA. Barrier materials capable of achieving this transmission loss include, but are not limited to: 18-gauge steel, 0.125-inch-thick aluminum sheeting, and 1-inch-thick plywood with acoustic blankets/curtains.[1] (See also the noise technical letter provided in Appendix C of this Final EIR.) The comment does not explain how or why the proposed mitigation would be ineffective or infeasible, nor does it present its own analysis and alternative findings.

**Comment No. B11-8**

**3. The DEIR Fails to Adequately Assess the Project's Operational Noise Impacts**

The DEIR also fails to adequately assess the Project's operational noise impacts by solely addressing noise generated by new uses and thereby understating project impacts. Specifically, it is claimed that the existing flower market would not change in use, and therefore generates no impact beyond baseline operations. This ignores the changes in flower market operations in its new configuration. For example, current plans for the northern flower market building appear to greatly reduce the existing loading dock area, while generally maintaining the same level of retail and commercial space. As a result, noise activities such as loading and unloading delivery trucks may relocate to the public streets near noise-sensitive uses and/or take place during quiet nighttime hours. These potential impacts need to be evaluated in the EIR.

Again, the DEIR also fails to analyze the impacts attributable to the introduction of the new proposed residential use in an established industrial area.

**Response to Comment No. B11-8**

The Project's deliveries and loading/unloading activities would be confined to the proposed loading dock area, which would be located similarly to the existing loading dock area. As acknowledged by the comment itself, the Project would generally maintain the same level of retail and commercial space. Deliveries and general loading/unloading activities would not change substantially in terms of frequency, duration, and setbacks from receivers (the nearest of which, Santee Court Apartments, is located approximately 240 feet northwest of the Project). The Project would retain the three existing loading bays, but it would remove 19 parking spaces for large trucks that are currently underutilized. Remaining parking spaces would be re-configured within the same existing area. Therefore, there would be no substantial change to the local noise environment as a result of the Project's proposed loading dock area. The Project

[1] *California Department of Transportation (Caltrans), Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.*

could even reduce the delivery-related noise levels at the Jardin de la Infancia School. Though this receptor currently has line-of-sight to the existing use's loading areas, the Project's proposed restaurant and office space fronting 7th Street would break this line-of-sight and reduce delivery-related noise levels at the school. As a result, the Project's net operational impact related to loading and delivery noises could actually decrease. Furthermore, the comment does not provide any alternative analysis or findings demonstrating how the Project's proposed loading dock area could result in a substantial operational noise impact at nearby sensitive residential receptors, which would be located at least 240 feet from the proposed loading dock area. The Project's environmental analysis properly assesses the Project's potential noise impacts upon surrounding receptors. (See also the noise technical letter provided in Appendix C of this Final EIR.)

Regarding the introduction of new residential uses to an industrial area, the commenter is referred to Response to Comment No. B11-6. Further, CEQA does not require an analysis of the Project's impacts on itself.

**Comment No. B11-9**

A. Air Quality and Greenhouse Gas Impacts

AFE Properties is submitting with this comment letter the expert opinion of Paul E. Rosenfeld, Ph.D. and Hadley Nolan with SWAPE, presented in the attached letter dated November 5, 2018. SWAPE concluded that the DEIR fails to adequately evaluate the Project's air quality and greenhouse gas (GHG) impacts. As a result, emissions and health impacts associated with the construction and operation of the proposed Project are underestimated and inadequately addressed. The DEIR should be updated to address each of the concerns identified by SWAPE including, without limitation, the inadequate emissions modeling, erroneous underlying assumptions, incorrectly applied mitigation measures, inadequate evaluation of health risk from emissions and inadequate GHG impact analysis.

**Response to Comment No. B11-9**

The comment provides an introduction to the attached comment letter provided by SWAPE. Responses to the specific comments provided in the SWAPE letter are provided below in Responses to Comment Nos. B11-24 through B11-42, below.

**Comment No. B11-10**

C. Traffic Impacts

The DEIR and Transportation Impact Analysis (TIA) fail to adequately evaluate construction and operational impacts from the Project on adjacent businesses. See attached Tom Brohard and Associates letter dated November 5, 2018. For example, construction is anticipated to extend from the fourth quarter of 2019 until completion in 2022. The construction will require additional trucks, equipment and personnel that may impact existing uses. Measures need to be adopted to manage and reduce these impacts as discussed in the attached letter.

**Response to Comment No. B11-10**

The comment provides an introduction to the attached comment letter provided by Tom Brohard and Associates. Responses to the specific comments provided in the Tom Brohard and Associates letter are provided below in Responses to Comment Nos. B11-44 through B11-64, below.

**Comment No. B11-11**

In addition, the analysis of parking lacks sufficient detail as to parking supply. If the inclusion of additional parking spaces is meant to be a part of the Project, then the project description needs to sufficiently describe how and to what extent this will be undertaken. In the alternative, the additional parking spaces should be included as a condition of Project approval or as an enforceable mitigation measure.

**Response to Comment No. B11-11**

The purpose of the Parking Demand Analysis (included as Appendix K-4 of the Draft EIR) was to determine how much parking should be provided to accommodate both the continued operation of the Flower Market and the new uses. The comment incorrectly states that there is no definitive plan to provide the additional spaces identified in the Parking Demand Analysis. On the contrary, as discussed on Page 2-3 of the Draft EIR, the Project intends to provide approximately 681 parking spaces, including the 479 code-required spaces and the additional spaces required to meet the parking demand for the Flower Market, consistent with the findings of the Parking Demand Analysis. These 681 parking spaces are a part of the proposed on-site parking supply shown in the project plans presented on Figures 2-1 through 2-11 of the Draft EIR.

**Comment No. B11-12**

As for the loss of parking spaces during the three-year construction process, the L.A. CEQA Thresholds Guide requires an evaluation of the effect on the current utilization of on-street parking. This requirement is not superseded by Public Resources Code Section 21099 and needs to be performed.

**Response to Comment No. B11-12**

It is anticipated that temporary on-street parking and loading zone removal during construction would be limited to the street frontages directly around the Project perimeter, not across the street from the Project Site, and that approximately 10-15 spots would be removed during construction.

Also, while parking removal across the street is not anticipated, it should be noted that, per the provisions of California Public Resources Code Section 21099, parking impacts of a residential, mixed-use residential, or employment center Project on an infill site within a transit priority area are not to be considered significant impacts on the environment. The considerations identified in

the 2006 L.A. CEQA Thresholds Guide (Thresholds Guide) are used, as appropriate, to assist in applying the thresholds contained in Appendix G to the State CEQA Guidelines.

**Comment No. B11-13**

D. Land Use Consistency and Compatibility Impacts

The Land Use section of the DEIR cites the L.A. CEQA Thresholds Guide's requirements as to determining a project's land use consistency and compatibility. However, no detailed evaluation is performed concerning the effects of the new mix of uses and, in particular, the introduction of multi-family residential uses, in the core of the Flower District's wholesale and retail activities. The cursory discussion of compatibility consists of a single paragraph on page 4.H-35 leading to the conclusory statement that the Project would be substantially compatible with surrounding land uses.

A good faith, reasoned evaluation of land use compatibility that addresses "the area that would be impacted, the nature and degree of impacts, and the type of land uses within (the] area," as required by the L.A. CEQA Thresholds Guide, must be performed. That analysis needs to present and evaluate the uses, operations and activities of the existing uses and the changes in the scope and scale of the uses, operations and activities on the Project Site compared to its existing flower market use. Key aspects include access, circulation, parking, noise, loading and deliveries and the hours and levels of various activities.

We appreciate your consideration of these comments.

**Response to Comment No. B11-13**

The considerations identified in the 2006 L.A. CEQA Thresholds Guide (Thresholds Guide) are used, as appropriate, to assist in applying the thresholds contained in Appendix G to the State CEQA Guidelines. Nevertheless, as discussed on Draft EIR pages 4.H-34 and 4.H-35, the Project Site is surrounded by a mix of parking lots, warehouses, retail, and some commercial and residential uses contained in structures ranging from low-rise to medium-rise buildings, which are physically separated from the Project Site by secondary, collector, and local streets. The Project would provide residential uses that are consistent with other residential developments in the area, and that would also complement the area’s commercial uses, and which would provide another residential option for those who work in downtown and would like to live close to work. The Project also proposes neighborhood-serving commercial uses that would provide shopping and dining options for the residents of the Project and also those who live, work, and spend time in the Project area. Finally, the Project would expand and redevelop the existing wholesale flower market, which would be compatible with other wholesale flower sales that take place in the Los Angeles Flower District, of which the Project Site is a part.

Further, as discussed in Draft EIR Sections 4.A through 4.N, the Project would not result in any significant and unavoidable impacts on any land uses within the area. The analysis contained in Sections 4.A through 4.N of the Draft EIR is based on the Project’s changes when compared to the existing uses. Specifically, Project impacts with respect to access, circulation, and parking

were determined to be less than significant in Section 4.L (Traffic), and Project impacts with respect to noise were determined to be less than significant in Section 4.I (Noise). The Project's deliveries and loading/unloading activities would be confined to the proposed loading dock area, which would be located similarly to the existing loading dock area. Deliveries and general loading/unloading activities would not change substantially in terms of frequency, duration, and setbacks from receivers, when compared to the existing Flower Market operations.

Finally, regarding the introduction of residential uses to the Flower District's wholesale and retail activities, CEQA generally does not require a lead agency to evaluate the effects of the environment on future residential uses of a proposed project. (*See Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 286-90.) Also, as discussed on Draft EIR page 3-2 (in Section 3, Environmental Setting) there are other residential developments in the Project vicinity. Specifically, across Maple Street, are the following four residential developments: the Santee Village (nearly 400 units); the Santee Court (238 units); the Garment Lofts (77 units); and the Textile Building Lofts (77 units) fronting on Los Angeles Street and 8th Street.

**Comment No. B11-14**

***The following comments were provided by the Papadimos Group, and are attached to Comment Letter B11.***

As requested, this letter summarizes our acoustic review of the Draft Environmental Impact Report (ENV-2016-3991-EIR) prepared for the proposed mixed-use development.

In summary, the project proposes adding potentially incompatible residential uses to this established industrial zone and an analysis of potential impacts and mitigation is missing from the current study. This is required by the City of Los Angeles General Plan and should be carried out to avoid undue burden on existing businesses and protect the new residences. The study has also improperly assessed construction noise impacts and additional mitigation may be required beyond the generic measures currently proposed as described herein.

**Response to Comment No. B11-14**

This is an introductory paragraph regarding a series of comments that follow in the letter. The commenter is referred to Responses to Comment Nos. B11-15 through B11-23, below, and also the noise technical memo, which is attached as Appendix C to this Final EIR.

**Comment No. B11-15**

**SECTION 4.1 NOISE**

1. Under "Existing Conditions" starting on Page 4.1-9:

a. The study has not properly documented existing noise levels surrounding the project site and this is required to assess the proposed project against relevant CEQA thresholds (Items

XI.c and XI.d, see Figure 1 attached), the city's noise ordinance (Los Angeles Municipal Code Chapter XI) and the city's general plan policies.

b. Only short-term measurements (15 to 20 minutes long) were taken during the daytime on a single weekday. This is insufficient to establish the full range of noise exposure especially considering the extended operating hours of the surrounding businesses.

c. A proper noise survey should be carried over several days to document existing conditions both in terms of ambient noise and noise generated by various activities in this established industrial zone. The measurements should capture changes in noise levels throughout the day and night both in terms of average noise and statistical levels. Refer to Appendix A for definitions of common acoustical terms.

2. Under "Project Impacts" starting on Page 4.1-12

Construction Noise

a. The current study assesses construction noise based on average equipment noise (1-hr Leq) and not maximum noise as required by the noise ordinance (LAMC Chapter XI, Sec. 112.05) and implied in the LA CEQA Thresholds Guide (Section 1.1}. This would result in additional construction activities exceeding these thresholds of significance beyond what is identified in this current study.

**Response to Comment No. B11-15**

The Draft EIR noise analysis took 15-minute noise readings at various locations surrounding the Project Site in order to help characterize baseline noise conditions at receptors. The analysis is not required to represent the entire spectrum of noise conditions all the time. Rather, the measurements represent typical conditions during the day when construction activities would occur. Technical outputs for the noise readings are provided in the Draft EIR noise appendix (Appendix I of the Draft EIR).

The 15-minute ambient noise measurements were recorded during daytime hours when construction activities could occur at the Project Site. It is worth noting that LAMC Section 111.01(a) instructs that ambient noise measurements “shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during with the measurement is taken of the particular noise source being measured.” Thus, the Project’s ambient noise measurements were gathered in a manner that is consistent with the City’s statutory requirements. Both the FHWA and Caltrans additionally support the use of 15- to 20-minute noise measurements for instances when noise levels are predominantly due to traffic and are relatively continuous with few fluctuations, as they are in the urban environment surrounding the Project Site. Noise measurements were acquired in a manner consistent with this FHWA and

Caltrans guidance.[2] Additionally, ambient noise levels were purposefully measured between 11:00 A.M. and 12:00 P.M., an off-peak traffic period that is subsequently associated with reduced environmental noise conditions. This is a conservative approach: establishing lower baseline noise levels results in more pronounced construction noise impacts due to the greater contrast between relatively quiet baselines and noisier activities. Construction activities would not occur outside the allowable daytime hours outlined by LAMC Section 41.40, which are between the hours of 7:00 A.M. and 9:00 P.M. Monday through Friday and 8:00 A.M. to 6:00 on Saturday.

The Project's construction noise impacts were analyzed with respect to both L.A. CEQA Thresholds Guide recommendations and noise ordinance standards. Contrary to the commenter's claims, the L.A. CEQA Thresholds Guide in particular does not specifically instruct nor does it imply that maximum noise levels ($L_{max}$) should be used when projecting a project's construction noise impacts. In fact, neither of the construction equipment and phase noise level examples provided by the L.A. CEQA Thresholds Guide utilize $L_{max}$ noise levels. Exhibit I.1-1 "Noise Level Ranges of Typical Construction Equipment" shows the reference noise level ranges for various equipment as reported by the EPA in the *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances* manual (1971). The manual states that the reference equipment noise levels were adjusted for usage factor, and thus they do not represent $L_{max}$ noise levels. Exhibit I.1-2 in the L.A. CEQA Thresholds Guide "Outdoor Construction Noise Levels" clearly shows that the reference noise levels are in $L_{eq}$ and not $L_{max.}$

Furthermore, Section 112.05 "Maximum Noise Level of Powered Equipment or Powered Hand Tools" also does not specifically make use of $L_{max}$ when outlining its 75 dBA and 65 dBA at 50 feet noise limits. The City has instructed that the Section 112.05 noise limits should be interpreted to represent $L_{eq}$ noise levels.

As baseline ambient noise levels relate to the Project's operational noise impact, the Draft EIR noise analysis determined that the Project's operational noise impacts from on- and off-site sources would be nominal and well-below the L.A. CEQA Thresholds Guide's minimum 3 dBA CNEL threshold. As a result, additional long-term noise measurements are not necessary, nor would they result in any changes to the impact analysis and conclusion.

**Comment No. B11-16**

b. The current study has not evaluated worst-.case noise from construction equipment. The assessment only evaluated combined noise from an excavator and front-end loader claiming other equipment would be quieter. However, based on the average equipment noise levels used in the study alone (Table 4.1-5), this combined noise would be 79 dBA at 50 feet (76.7 dBA + 75.1 dBA both at 50 feet), which is lower than the reported level for other equipment such as graders (81 dBA at 50 feet).

[2] *California Department of Transportation (Caltrans), Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.*

**Response to Comment No. B11-16**

As stated in the Draft EIR noise analysis (Draft EIR Section 4.I, Noise), "excavators and front-end loaders have the greatest potential to cause sustained and significant noise impacts at nearby receptors. The impacts of other construction equipment and vehicles would be neither as loud nor as extensive over the duration of the Project's grading or other phases." While it is true that the projected 81 dBA at 50 feet reference noise level from a single grader exceeds the combined 79 dBA at 50 feet reference noise level from an excavator and front-end loader, one must consider more than just the reference noise levels themselves when analyzing construction noise impacts. For example, excavators and front-end loaders working in tandem may operate from relatively stationary positions or small areas when in the process of removing and/or transferring cut soils or debris. They may work in particular locations for extended periods of time, including locations that may be at the property lines of the Project. Because of this, there is the potential for excavator and front-end loaders to operate continuously at or near the minimum Project-to-receptor distances. Conversely, graders do not work in stationary positions; rather, graders operate by driving across land back and forth to level earth. Their work is mobile by nature. As a result, there is no potential for graders to operate continuously in a stationary position at the minimum Project-to-receptor distances, as there is for excavators and loaders. A grader may drive past a receptor at the minimum distance, momentarily resulting in a noise impact greater than that generated by an excavator and a loader, but it would move on in short order and noise levels would attenuate to below the level generated by an excavator and loader working from a relatively fixed position. Therefore, the noise impact of an excavator and front-end loader working continuously in a stationary area would exceed the impact of a grader that would only intermittently pass a receptor at the same distance. No other construction vehicles or major equipment would have a similar potential to work continuously at relatively fixed positions at minimum Project-to-receptor distances.

Furthermore, it is worth noting that excavators and loaders could be operated in tandem for an estimated 3,598 total usage hours over the course of the Project's demolition, site preparation, and grading phases. However, a grader would only be required for an estimated 180 usage hours. The projected noise impact of excavators and loaders would therefore be far more representative of the Project's overall construction impacts.

The current analysis is sufficiently "worst-case" as even excavators and loaders would not work exactly at the minimum Project-to-receptor distances for the entire duration of the Project's construction. Work would move across the Project Site from hour to hour and day to day, and noise levels at receptors would wax and wane accordingly. Additionally, even if the analysis were to utilize the reference noise levels of graders when projecting construction noise levels, with the proposed mitigation, the impact at Santee Court Apartments (the nearest receptor) would be only a 2.4 dBA increase (see Appendix C of this Final EIR for the calculation sheet). This would not exceed the 5 dBA construction noise increase threshold, and, as explained, graders would not operate continuously at the minimum Project-to-receptor distances to begin with.

**Comment No. B11-17**

c. Construction noise at the nearby Ballington apartments should be assessed against the existing ambient level at the receptor. The current assessment is based on the ambient noise level measured in the industrial zone in front of the project site along Wall Street (monitoring location #2 Appendix I) and actual ambient levels would likely be lower in the residential zone.

**Response to Comment No. B11-17**

The Draft EIR discusses how and why noise levels at the substitute location were monitored due to the infeasibility of monitoring at or near Ballington Plaza Apartments. The area near Ballington Plaza Apartments is frequently occupied by homeless encampments that take up entire sidewalks and curbside space. As a result, noise measurement locations were taken approximately 500 feet away from the Ballington Plaza Apartments. The comment speculates that ambient noise levels at Ballington Plaza Apartments may be lower than at the substitute location but provides no evidence or alternative noise measurements demonstrating that this is the case. However, as discussed in the noise technical letter provided in Appendix C of this Final EIR, noise conditions at the substitute location were determined to be reasonably representative of conditions at Ballington Plaza Apartments based on principles of acoustic equivalency. Background steady-state noise levels at Ballington Plaza Apartments and the substitute location are primarily due to 7th Street traffic. Whereas Ballington Plaza Apartments is approximately 250 feet northeast of 7th Street, the substitute location is approximately 250 feet southwest of 7th Street. Therefore, background noise levels resultant from 7th Street traffic are likely comparable at both the receptor and the substitute location. With regard to intrusive noise events, traffic on Wall Street was observed to be fairly consistent north and south of 7th Street during the time of the noise monitoring study. This is confirmed by traffic volumes given in the Draft EIR's Traffic Impact Analysis (contained in Appendix K-1 of the Draft EIR), which show the following:

| **Wall Street Segment** | **Hourly Traffic Volume** | |
|---|---|---|
| | **A.M. Peak Hour** | **P.M. Peak Hour** |
| **N of 7th Street** | 281 | 450 |
| **S of 7th Street** | 344 | 526 |
| **Difference** | 63 | 76 |
| **Estimated Difference in Noise Level** | 0.9 dBA $L_{eq}$ | 0.7 dBA $L_{eq}$ |

As shown, Wall Street south of 7th Street does experience marginally greater traffic than Wall Street north of 7th Street, but the difference in vehicle trips would result in ambient noise conditions that are less than 1 dBA greater along Wall Street south of 7th Street when compared

to Wall Street north of 7th Street. This is a negligible difference that would have no implications with regard to the construction noise impact experienced by Ballington Plaza Apartments, which was determined to be just a 0.7 dBA increase before mitigation and a 0.1 dBA increase after mitigation. As a result, the substitute location may be considered acoustically equivalent to Ballington Plaza Apartments. Ballington Plaza Apartments is located 440 feet north of the Project Site: small adjustments to this receptor's baseline ambient noise level would have a negligible effect on its projected noise levels.

**Comment No. B11-18**

d. The study has assessed noise from construction related traffic based on additional traffic volume alone. However, it needs to take into account vehicle mix as construction traffic consists of large trucks which are considerably louder than typical cars that typically make up the majority of normal traffic volume. Operational Noise

**Response to Comment No. B11-18**

The comment claims that the Draft EIR did not consider vehicle mix when analyzing the noise impacts of construction traffic, but the Draft EIR (page 4.I-14) clearly states that "***though the addition of haul trucks would alter the fleet mix of the Project haul route***, their addition to local roadways would not nearly double those roads' traffic volumes, let alone increase their traffic to levels capable of producing 5 dBA ambient noise increases." The Draft EIR acknowledges that the fleet mix of the haul route would change with the addition of construction vehicles, but determines that the addition of construction trucks would still not be capable of increasing roadside noise levels by a significant degree. The comment does not demonstrate how the Project's construction traffic would result in an alternative finding.

**Comment No. B11-19**

e. This project proposes new residential uses in an established industrial zone (M2- D2). Such uses are generally incompatible due to the high noise levels often necessary for industrial-type businesses, and the need for quiet in residences for sleeping and other activities (residential uses are prohibited in the current zone per LAMC Chapter 1, Article 2, Section 12.19). The potential noise impacts need to be properly studied and mitigation strategies developed as part of the environmental review and this is missing from the DEIR.

f. The current study does not address the potential noise impacts to the new residential uses by activities associated with existing businesses in the project vicinity. This is required by Policy P12 in Noise Element of the Los Angeles General Plan. Such activities would include loading and unloading delivery trucks associated with the flower markets located directly across Wall Street from the proposed residential tower, and possibly others. As previously noted, this should have been properly documented as part of a proper and complete noise survey that should also include observations (see Existing Conditions comments above).

g. The study does not address the potential incompatibility of the new residential uses with the hours and operations of existing businesses, which reportedly include late night and early morning deliveries and open for business as early as 2:00 AM.

**Response to Comment No. B11-19**

The comment expresses concern regarding the compatibility of the proposed residential uses in an industrial zone, and also discusses General Plan Noise Element Policy P12, which requires an interior noise level of 45 dB only for proposed residential projects for which discretionary permits are required. The Project would comply with the California Building Code, which establishes a requirement for interior noise levels of 45 dB in residential (habitable) rooms. Therefore, the Project would also comply with Policy P12 of the Noise Element, as it establishes the same requirement as the California Building Code.

However, with respect to noise impacts that the existing environment may cause to the Project, CEQA generally does not require a lead agency to evaluate the effects of the environment on future residential uses of a proposed project. (*See Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 286-90.) Further, as discussed on Draft EIR page 3-2 (in Section 3, Environmental Setting) there are other residential developments in the Project vicinity. Specifically, across Maple Street, are the following four residential developments: the Santee Village (nearly 400 units); the Santee Court (238 units); the Garment Lofts (77 units); and the Textile Building Lofts (77 units) fronting on Los Angeles Street and 8th Street. The Project's environmental analysis properly addresses the Project's potential noise impacts upon surrounding residential receptors, as required by CEQA.

**Comment No. B11-20**

h. The study has not analyzed noise from on-site commercial wholesale/retail restaurant and office uses on off-site noise sensitive uses (such as Santee Court residential building and the Jardin de la lnfancia School) as well as the new on-site residential units. The study claims noise associated with commercial uses would either not change (existing flower market) or be confined within the project and therefore would not be significant.

However, current plans appear to greatly reduce the existing loading dock area (north-east corner of the project site) while generally maintaining the same retail and commercial space. This may cause noisy activities such as loading and unloading delivery trucks to relocate to the public streets near noise sensitive uses and/or take place during quiet nighttime hours. The existing noise levels associated with commercial uses on-site should be properly documented and potential impacts due to the project analyzed.

**Response to Comment No. B11-20**

The Project's deliveries and loading/unloading activities would be confined to the proposed loading dock area, which would be located similarly to the existing loading dock area. As acknowledged by the comment itself, the Project would generally maintain the same level of retail and commercial space. Deliveries and general loading/unloading activities would not

change substantially in terms of frequency, duration, and setbacks from receivers (the nearest of which, Santee Court Apartments, is located approximately 240 feet northwest of the Project). The Project would retain the three existing loading bays, but it would remove 19 parking spaces for large trucks that are currently underutilized. Remaining parking spaces would be re-configured within the same existing area. Therefore, there would be no substantial change to the local noise environment as a result of the Project's proposed loading dock area. The Project could even reduce the delivery-related noise levels at the Jardin de la Infancia School. Though this receptor currently has line-of-sight to the existing use's loading areas, the Project's proposed restaurant and office space fronting 7th Street would break this line-of-sight and reduce delivery-related noise levels at the school. As a result, the Project's net operational impact related to loading and delivery noises could actually decrease. Furthermore, the comment does not provide any alternative analysis or findings demonstrating how the Project's proposed loading dock area could result in a substantial operational noise impact at nearby sensitive residential receptors, which would be located at least 240 feet from the proposed loading dock area. The Project's environmental analysis properly assesses the Project's potential noise impacts upon surrounding receptors.

Additionally, the Project is not required to assess the impact of its own commercial uses on its own proposed residences.

**Comment No. B11-21**

3. Under "Mitigation Measures" starting on Page 4.1-21

a. Measure 1-1: This measure proposes generic use of exhaust mufflers (or other "suitable noise reduction devices") on construction equipment but the study has not quantifiably shown this would properly mitigate construction noise. The equipment noise levels used in the assessment appear to already include these measures and further mitigation would be required, particularly for the Santee Court Apartments (requires 15 dB of noise reduction per Table 4.1-6).

**Response to Comment No. B11-21**

With regard to the Draft EIR's proposed mitigation measures, Mitigation Measures I-1 and I-2 represent standard "best practices" for the reduction of construction noise and are recommended by the L.A. CEQA Thresholds Guide. Exhibit I.1-2 of the L.A. CEQA Thresholds Guide shows that equipment mufflers should reduce excavation and grading phase noise levels by 3 dBA. The Draft EIR utilized excavation and grading equipment, specifically excavators and front-end loaders, to analyze the Project's potential construction noise impacts. Accordingly, construction noise modeling for the Project concluded that adherence to Mitigation Measure I-2 would be capable of attenuating the noise levels of excavation and grading equipment by 3 dBA. However, it is important to consider that the construction-related noise increases at all receptors would not exceed the 5 dBA threshold of significance with or without the implementation of Mitigation Measure I-1. For example, assuming no attenuation from mufflers or other noise-reduction devices, the construction noise impact after mitigation (i.e., with noise barrier mitigation only) at Santee Court Apartments would be just a 2.8 dBA increase. Therefore, no further mitigation would be required even if Mitigation Measure I-1 were to be

removed. Specifics related to the locations and performance standards for the required temporary sound barriers are provided by measure I-2. Barriers with a transmission loss value (TL) of 25 dBA would be capable of achieving a noise reduction of 15 dBA. Barrier materials capable of achieving this transmission loss include, but are not limited to: 18-gauge steel, 0.125-inch-thick aluminum sheeting, and 1-inch-thick plywood with acoustic blankets/curtains.[3] The comment does not explain how or why the proposed mitigation would be ineffective or infeasible, nor does it present its own analysis and alternative findings.

**Comment No. B11-22**

b. Measure I-2: Use of noise barriers to mitigate construction noise should be based on a project specific study to evaluate feasibility and identify specific locations, heights and extents, and any limitations in meeting noise limits. This is essential since noise attenuation provided by a barrier varies greatly depending on barrier height and location of source, receiver and barrier and topographical parameters. The noise reduction of 15 dB proposed by this measure may not be realistic or appropriate when taking these factors into account especially considering the nearest residential building (Santee Court) is multiple stories.

c. Additional mitigation would likely be required for construction noise as discussed in the comments above and in concept this could include setting minimum setbacks from noise sensitive receivers, use of alternative (quieter) construction methods and possibly others.

**Response to Comment No. B11-22**

As addressed in Response to Comment No. B11-21, details related to the locations and performance standards for the required temporary sound barriers are provided by Mitigation Measure I-2. Specifically, barriers would be installed along Maple Avenue where excavation and grading activities related to the new south building construction and north parking lot improvements would face Santee Court Apartments. Barriers with a transmission loss value (TL) of 25 dBA would be capable of achieving a noise reduction of 15 dBA. Barrier materials capable of achieving this transmission loss include, but are not limited to: 18-gauge steel, 0.125-inch-thick aluminum sheeting, and 1-inch-thick plywood with acoustic blankets/curtains.[4] A 15-foot-tall barrier installed along the specified Maple Avenue Project boundary would be capable of shielding even upper-story residences from noises generated by the Project's excavation and grading activities that would occur at or near the minimum distances to Santee Court Apartments (see Appendix C of this Final EIR for the calculation sheet).

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[3] *California Department of Transportation (Caltrans), Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013.*

[4] *Ibid.*

**Comment No. B11-23**

d. The study proposes no mitigation for operational noise, which would likely be required once a complete study has been carried out as described in the sections above. At this point, the study should require proper design of the new residential units to limit intruding noise from the surrounding uses, as well as protection for existing businesses (and associated activities such as deliveries) from future restrictions or legal action by the new development. Additional measures may be required once the full extent of these impacts is known.

**Response to Comment No. B11-23**

The Project's environmental analysis properly assesses the Project's potential noise impacts upon surrounding receptors. Conversely, CEQA generally does not require a lead agency to evaluate the effects of the environment on future residential uses of a proposed project. (*See Cal. Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 286-90.)

**Comment No. B11-24**

***The following comments were provided by SWAPE Technical Consultants, and are attached to Comment Letter B11.***

We have reviewed the September 2018 Draft Environmental Impact Report (DEIR) for the Southern California Flower Market Project ("Project") located in Downtown Los Angeles. The Project site is currently developed with two buildings, a north building (206,517 square feet) and a south building (185,111 square feet). The Project proposes to maintain and renovate the north building and demolish the south building in order to construct a 15-story mixed use development with 323 residential units, 64,363 square feet of office space, 4,385 square feet of retail space, 63,785 square feet of wholesale space and storage, and 13,420 square feet of food and beverage space, and 10,226 square feet of event space.

Paul Rosenfeld is a Co-Founder and Principal Environmental Chemist at SWAPE. Dr. Rosenfeld has over 25 years of experience with monitoring and modeling pollutant sources as they relate to human and ecological health. He has provided technical consulting support and expert witness testimony for a variety of cases concerning the transport of environmental contaminants, risk assessment, and ecological restoration.

Hadley Nolan has a Bachelor of Science degree from the University of California, Los Angeles in Environmental Science. Hadley specializes in evaluating the adequacy of compliance determinations of compliance determinations made with regulations set forth by the California Environmental Quality Act (CEQA) and has conducted evaluations on more than 100 CEQA projects.

Our review concludes that the DEIR fails to adequately evaluate the Project's Air Quality and Greenhouse Gas (GHG) impacts. As a result, emissions and health impacts associated with the construction and operation of the proposed Project are underestimated and inadequately

addressed. An updated Environmental Impact Report (EIR) should be prepared to adequately assess and mitigate the potential air quality, health risk, and GHG impacts the Project may have on the surrounding environment.

**Response to Comment No. B11-24**

The comment provides the background of the commenters, which is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

The comment also provides a summary of the comments provided in the letter. Responses to the specific comments raised in this letter are provided in Responses to Comment Nos. B11-25 through B11-44, below, and also in the air quality technical memo, which is attached as Appendix B to this Final EIR. Therefore, the commenter is referred to Responses to Comment Nos. B11-25 through B11-44.

**Comment No. B11-25**

**Air Quality**

*Flawed Emissions Model Prepared for Proposed Project and Should Not Be Relied Upon to Determine Significance*

The criteria air pollutant and GHG emissions generated by the existing land uses on the Project site were estimated by the Project Applicant using the California Emissions Estimator Model Version CalEEMod.2016.3.1 and the criteria air pollutant and GHG emissions that will be emitted during construction and operation of the Project's proposed land uses were estimated using Version CalEEMod.2016.3.2 ("CalEEMod").[5] CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence.[6] Once all of the values are inputted into the model, the Project's construction and operational emissions are calculated, and "output files" are generated. These output files disclose to the reader what parameters were utilized in calculating the Project's criteria air pollutant and GHG emissions and make known which default values were changed as well as provide a justification for the values selected.[7]

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

[6] *CalEEMod User Guide, p. 1, 11, available at http://www.caleemod.com/*

[7] *CalEEMod User Guide, p. 8, 12, available at: http://www.caleemod.com/ (A key feature of the CalEEMod program is the "remarks" feature, where the user explains why a default setting was replaced by a "user defined" value. These remarks are included in the report.)*

Review of the Project's CalEEMod output files, located in Appendix E-1 of the DEIR, demonstrates that the model is considerably flawed and significantly underestimates the construction and operational criteria air pollutant and GHG emissions that will result from Project activities. The CalEEMod model prepared for the Project contradicts and does not reflect Project-specific information provided within the DEIR and associated attachments, and relies upon incorrect assumptions made by the Project Applicant. More specifically, our review demonstrates that the CalEEMod models prepared for the Project: (1) estimate existing operational emissions on the Project site based on incorrect land uses; and (2) rely upon incorrect assumptions and utilize unsubstantiated input parameters to estimate emissions from the Project's proposed land uses. As a result, the emissions estimates provided within these CalEEMod models, which the Project Applicant relies upon to determine the significance of the Project's air quality, health risk, and GHG impacts, are an inaccurate portrayal of the actual emissions and impacts that the Project will have on the surrounding environment. Thus, because the emissions estimates associated with the proposed Project cannot be relied upon, the significance determinations made within the DEIR, consequently, cannot and should not be relied upon to determine the magnitude of the impact that implementation of the Project will have on the surrounding community. A revised air pollution model must be prepared in a revised EIR for the proposed Project prior to Project approval.

**Response to Comment No. B11-25**

This comment serves as an introduction to the commenter's concerns, and does not require a detailed response. (CEQA Guidelines § 15088(c); *Flanders Found. v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 615; *Rural Landowners Ass'n v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The concerns are expanded in Comment Nos. B11-26 through B11-42, below. Each concern is also responded to below.

**Comment No. B11-26**

*Existing Land Uses Modeled Do Not Reflect Existing Land Uses Discussed Within DEIR or Associated Studies Prepared for Project*

According to the DEIR, there are two existing buildings on the Project site, one which will be completely demolished, and the other which will be maintained and renovated (pp. 1). Specifically, the DEIR states,

> "The Project Applicant proposes to expand and redevelop the existing Flower Market facility between Maple Avenue and Wall Street, south of 7th Street, while maintaining the existing wholesale market. The existing property consists of two buildings, the north building (206,517 square feet) and the south building (185,111 square feet) ... The Applicant proposes to maintain and renovate the north building and its roof-top parking and demolish the south building in preparation of a new building with one level of subterranean parking" (pp. 1).

The DEIR does not give any further information or explanation anywhere in the report as to what specific type of land use or uses are contained within the south building, other than stating that

the Project site is currently developed "as the Southern California Flower Market" and that the existing south building includes 185,111 square feet of "wholesale, retail, and office uses" (pp. 60, pp. 117). In order to evaluate the existing emissions generated by the land uses in the south building on the Project site that will be eliminated once demolition occurs, the Project Applicant prepares an air pollution model that includes "the area source and energy source emissions associated with the current operation of the 185,111 square-foot south building" (pp. 116-117). Based on the information provided within the DEIR, it is reasonable to assume that since the DEIR states that there are "wholesale, retail, and office uses" within the south building, the Project Applicant would have modeled the Project site's existing emissions to reflect these land uses. However, review of the air pollution model for the existing south building demonstrates that this is not the case (see excerpt below) (Appendix E-1, pp. 2, pp. 9, pp. 19).

**Southern California Flower Market Existing**
**Los Angeles-South Coast County, Winter**

**1.0 Project Characteristics**
**1.1 Land Usage**

| Land Uses | Size | Metric | Lot Acreage | Floor Surface Area | Population |
|---|---|---|---|---|---|
| Refrigerated Warehouse-No Rail | 185.11 | 1000sqft | 3.80 | 185,111.00 | 0 |

As shown above, the Project Applicant modeled the existing south building's emissions assuming operation of a refrigerated warehouse. This, however, is incorrect because although the DEIR fails to give a clear description of the "retail and office space" land uses in the south building, review of information provided within two studies conducted by Fehr & Peers for the proposed Project indicates that there are other land uses in the south building and as such, these landed uses should have been modeled in order to give an accurate estimation of the existing operational emissions generated on the Project site.

According to the Project's Traffic Impact Analysis (TIA), contained in Appendix K-1, the existing south building is an 185,111 square foot warehouse building that also contains restaurant space (Appendix K-I, pp. 7). The TIA states (emphasis added),

> "The Project site currently has two buildings. The north building is 206,517 square feet and the south building is 185,111 square feet. These buildings house the Southern California Flower Market and 2,000 square feet of high-turnover sit-down restaurant space. The Project will maintain and renovate the north building and will remove and replace the south building" (Appendix K-1, pp. 7).

Furthermore, Fehr & Peers also conducted a Parking Demand Study for the proposed Project which expressly states that the analysis was conducted assuming that an existing restaurant is located on the Project site, and even provides the name of this restaurant. The Study states, "the project site currently houses the Southern California Flower Market (Flower Market) and 2,000 square feet of high turnover sit-down restaurant space (Poppy + Rose)" (Appendix K-4, p. 1). Therefore, although the DEIR did not explicitly state that a restaurant is currently operating on the Project site, it is evident, based on the analyses prepared by Fehr & Peers for the

proposed Project, that there is in fact a 2,000-square foot restaurant that is operational on the site.

The inconsistency found between the land uses within the existing south building discussed in the DEIR, analyses conducted by Fehr & Peers, and the Project's CalEEMod models present a significant issue. The land use types features are used throughout CalEEMod in determining default variables and emission factors that go into the model's calculations.[8] For example, the square footage of a land use is used for certain calculations such as determining the wall space to be painted (i.e., VOC emissions from architectural coatings) and volume that is heated or cooled (i.e., energy impacts). By incorrectly assigning the Project's total square footage to a single land use, the emissions that are currently being generated on the Project site are underestimated. Because the Project Applicant uses the existing operational emissions generated by the south building in its evaluation of the Project's overall air quality impacts, it is critical that the existing emissions be adequately modeled and evaluated (Table 4.C-9, pp. 126). As such, an updated air pollution model must be prepared that adequately estimates the Project's existing operational emissions.

**Response to Comment No. B11-26**

Contrary to the comment, the Project Applicant did not prepare the air quality modeling. The air quality modeling contained in the Draft EIR was prepared by DKA Planning, as a subconsultant to CAJA Environmental Services, who prepared the EIR on behalf of the City. Staff in the Department of City Planning reviewed and approved all analysis contained in the EIR, including the air quality modeling.

Because of the mixed-use nature of the wholesale facility on the Project Site, the 185,111 square feet of uses was coded as a generic land use category of “Refrigerated Warehouse.” However, the inputs in the model that drive the estimate of existing emissions (e.g., floor area, average daily trips, etc.) were customized to fit the specifics of the Project. As such, the trip generation estimates in the Fehr & Peers traffic analysis (included as Appendix K-1 of the Draft EIR) were used to baseline the amount of vehicle travel and results mobile source emissions emanate from the existing Project Site.

Because of the highly mixed-use nature of the Project and the corresponding lack of specific floor area for individual land uses, the total building floor area is an appropriate proxy for determining energy and area source emissions.[9] The wall space and energy from heating and cooling are not substantively different for the myriad of uses that would occupy this multi-use building. The use of a refrigerated warehouse as a land use input is consistent with the energy demands of a facility with substantial floor area devoted to wholesale retail/storage/cooler uses.

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8 *CalEEMod User’s Guide, p. 14, available at: http://www.caleemod.com/*

9 *South Coast Air Quality Management District, CalEEMod Appendix D – Default Data Tables, October 2017.*

**Comment No. B11-27**

*Air Pollution Model Prepared for Proposed Land Uses Utilizes Unsubstantiated Input Parameters That Underestimates Emissions*

In addition to incorrectly modeling emissions from the existing land uses on the Project site, our review of the CalEEMod model prepared for the Project's proposed land uses demonstrates that the Project Applicant also incorrectly estimates emissions, and as a result, fails to provide an accurate and comprehensive analysis of the emissions that will be generated by the proposed Project. Specifically, our review of the CalEEMod models prepared for the Project's proposed land uses demonstrates that: (1) the Project's construction-related hauling truck trips were inaccurately estimated, resulting in an underestimation of the Project's construction-related mobile source emissions; (2) the Project Applicant incorrectly applies a construction-related mitigation measure that artificially reduces emissions; and (3) incorrectly estimates the operational daily mobile-source emissions that will be generated as a result of the Project's proposed land uses. The Project should not be approved until an updated CalEEMod model is prepared in an updated EIR that accurately estimates the Project's emissions.

**Response to Comment No. B11-27**

The comment provides a summary of comments related to the CalEEMod modeling prepared for the Project. The specific comments are provided in Comment Nos. B11-28 through B11-37. Therefore, the commenter is referred to the Responses to Comment Nos. B11-28 through B11-37, below.

**Comment No. B11-28**

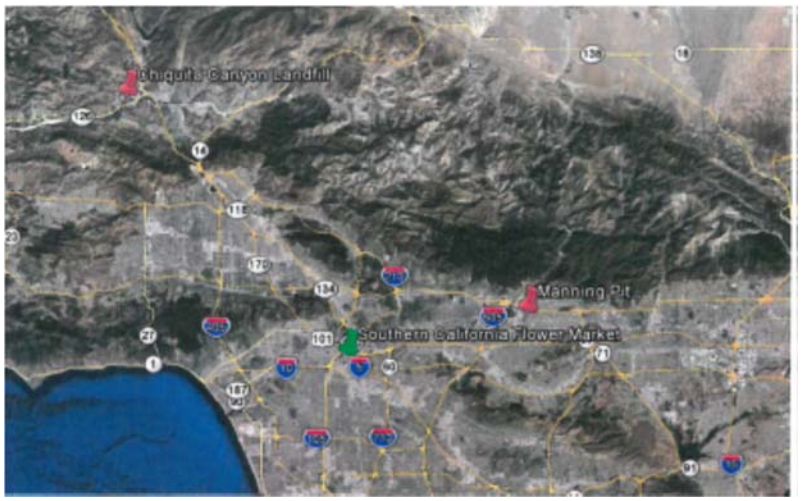
*Failure to Accurately Estimate Emissions from Construction Hauling Truck Trips*

Review of the Project's CalEEMod output files demonstrates that the Project Applicant incorrectly modeled the hauling truck trips expected to occur during construction, resulting in an underestimation of the Project's construction-related criteria air pollutant emissions. Our review of the air pollution model prepared for the Project demonstrates that: (1) the truck trip length associated with all hauling truck trips expected to occur throughout construction is underestimated; and (2) the total number of hauling truck trips inputted into the model during all phases of construction is inconsistent with information provided within the DEIR. As a result, emissions associated with construction of the proposed Project are underestimated. An updated EIR should be prepared that contains a revised air pollution model to adequately assesses the potential impacts that construction of the Project may have on regional and local air quality.

*Incorrect Hauling Truck Trip Length*

Review of the Project's CalEEMod output files demonstrates that a underestimated hauling truck trip length was used to estimate the Project's construction-related emissions. As a result, the construction emissions are underestimated and should not be used to determine Project significance.

The DEIR states that there are two haul route options for the Project. Hauling trucks are anticipated to either haul export material to the Chiquita Canyon Landfill (Option 1) or to the Manning Pit Site (Option 2) (p. 2-6). According to Google Maps, the Chiquita Canyon Landfill is approximately 40 miles from the Project site and the Manning Pit is approximately 23 miles from the Project site (see excerpt below).




The DEIR fails to disclose what percentage of waste will be hauled to either site. However, since the DEIR lists both landfills as haul routes, it is reasonable to assume that Project waste will be sent to both landfills. Review of the "User Entered Comments &Non-Default Data" table in the Project's CalEEMod output files, however, demonstrates that the Project Applicant estimated the Project's construction emissions assuming that all hauling waste would be sent to the Manning Pit in Irwindale (see excerpt below) (Appendix E-1, pp. 27, pp. 59, pp. 96).

Trips and VMT | Haul of materials to Manning Pit in Irwindale | Fehr & Peers consruction traffic analysis.

As a result, the Project Applicant modeled hauling truck emissions from the demolition and grading phase of construction assuming a 23-mile hauling truck route (see excerpt below) (Appendix E-1, pp. 38, pp. 71, pp. 107).

**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length |
|---|---|---|---|---|---|---|---|
| Demolition | 34 | 20.00 | 3.00 | 842.00 | 14.70 | 6.90 | 23.00 |
| Site Preparation | 23 | 20.00 | 3.00 | 0.00 | 14.70 | 6.90 | 20.00 |
| Grading | 19 | 20.00 | 3.00 | 6,250.00 | 14.70 | 6.90 | 23.00 |
| Building Construction | 57 | 120.00 | 12.00 | 0.00 | 14.70 | 6.90 | 20.00 |
| Paving | 28 | 120.00 | 12.00 | 0.00 | 14.70 | 6.90 | 20.00 |
| Architectural Coating | 5 | 74.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 |

Estimating emissions assuming that all hauling trucks will deliver waste to the Manning Pit is completely incorrect and unsubstantiated, as the DEIR clearly states that either the Chiquita Canyon Landfill or the Manning Pit will be used to dispose of Project-generated waste. Therefore, at a minimum, the Project Applicant should have estimated mobile-source emissions by using the average distance between the two locations and the Project site. As a result, construction emissions associated with the Project are significantly underestimated and should not be used to determine Project significance. An updated CalEEMod model should be prepared in a revised project-specific EIR.

**Response to Comment No. B11-28**

As the commenter noted, there is no detailed haul plan for exporting soils to nearby landfills. As a result, hauling is assumed to be directed to the Manning Pit for the purposes of this analysis, as assuming that all hauling would be sent to a more distant landfill than the closest available facility was speculative and there was no basis for assuming this. Should soils be exported to a more distant landfill, running emissions from haul trucks would increase incrementally. However, any impacts during the demolition or grading phases (both in 2019) would not alter significance findings for construction impacts. NOx emissions would remain significant but mitigable, while VOC, CO, and particulates emissions would be substantially less than the SCAQMD's thresholds for regional emissions.

To confirm this, further analysis was performed assuming that 50 percent of the haul trips would be destined for the Manning Pit (23 miles one-way) and 50 percent would travel to the Chiquita Canyon Landfill (40 miles one-way). As shown below, this does not change the significance of construction-related emissions, and the additional technical modeling is included in Appendix B of this Final EIR.

**Draft EIR Table 4.C-10 (original assumptions)**
**Estimated Daily Construction Emissions - Mitigated**

| Construction Phase Year | Pounds Per Day | | | | | |
|---|---|---|---|---|---|---|
| | VOC | $NO_X$ | CO | $SO_X$ | $PM_{10}$ | $PM_{2.5}$ |
| 2019 | 3 | 40 | 109 | <1 | 7 | 4 |
| 2020 | 3 | 26 | 109 | <1 | 1 | 1 |
| 2021 | 38 | 33 | 171 | <1 | 3 | 1 |
| Maximum Regional Total | **38** | **40** | **171** | **<1** | **7** | **4** |
| **Regional Significance Threshold** | **75** | **100** | **550** | **150** | **150** | **55** |
| Exceed Threshold? | No | No | No | No | No | No |
| | | | | | | |
| Maximum Localized Total | **34** | **30** | **148** | **<1** | **7** | **4** |
| **Localized Significance Threshold** | **--** | **106** | **1,368** | **--** | **25** | **7** |
| Exceed Threshold? | N/A | No | No | N/A | No | No |

*Source: DKA Planning, 2017 based on CalEEMod 2016.3.1 model runs. LST analyses based on 2-acre site with 50-meter distances to receptors in Central LA County source receptor area.*

**Table 4.C-10 (SWAPE assumptions)**
**Estimated Daily Construction Emissions - Mitigated**

| Construction Phase Year | Pounds Per Day | | | | | |
|---|---|---|---|---|---|---|
| | **VOC** | **$NO_X$** | **CO** | **$SO_X$** | **$PM_{10}$** | **$PM_{2.5}$** |
| 2019 | 4 | 50 | 113 | <1 | 7 | 4 |
| 2020 | 4 | 32 | 113 | <1 | 1 | 1 |
| 2021 | 40 | 45 | 179 | <1 | 3 | 2 |
| Maximum Regional Total | **40** | **50** | **179** | **<1** | **7** | **4** |
| **Regional Significance Threshold** | **75** | **100** | **550** | **150** | **150** | **55** |
| Exceed Threshold? | No | No | No | No | No | No |
| | | | | | | |
| Maximum Localized Total | **34** | **30** | **148** | **<1** | **7** | **4** |
| **Localized Significance Threshold** | **--** | **106** | **1,368** | **--** | **25** | **7** |
| Exceed Threshold? | N/A | No | No | N/A | No | No |

*Source: DKA Planning, 2018 based on CalEEMod 2016.3.1 model runs. LST analyses based on 2-acre site with 50-meter distances to receptors in Central LA County source receptor area. Modeling included in Appendix B of this Final EIR.*

## Comment No. B11-29

*Failure to Account for All Hauling Truck Trips During Construction*

According to the DEIR, hauling truck trips are anticipated to occur throughout the entirety of Project construction. The DEIR states,

> "A Haul Route program will be required as part of the City's permitting process. Hauling activity is expected to occur during all phases of the Project. Up to 140 haul trucks per day are anticipated on peak haul days" (p. 2-6).

However, review of the DEIR and the CalEEMod output files demonstrates that the only phases that included hauling truck trips were the demolition and grading phases of construction (see excerpt below) (Appendix E-1, pp. 38, pp. 71, pp. 107).

**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|---|---|---|---|---|---|---|---|---|---|---|
| Demolition | 34 | 20.00 | 3.00 | 842.00 | 14.70 | 6.90 | 23.00 | LD_Mix | HDT_Mix | HHDT |
| Site Preparation | 23 | 20.00 | 3.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 19 | 20.00 | 3.00 | 6,250.00 | 14.70 | 6.90 | 23.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 57 | 120.00 | 12.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 28 | 120.00 | 12.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 5 | 74.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

Since the DEIR expressly states that hauling activity "is expected to occur during all phases of the Project", the Project's emissions should have been estimated assuming that hauling trips would occur during all six phases of construction in order to adequately evaluate the air quality impacts resulting from construction activities. By failing to model any hauling trips during the Site Preparation, Building Construction, Paving, and Architectural Coating phases, the Project Applicant greatly underestimates the Project's emissions. As a result, the Project's CalEEMod modeling is completely incorrect and should not be used to determine Project significance. An updated air pollution model must be prepared prior to Project approval in order to adequately evaluate the emissions that will be generated from the additional hauling trips during construction.[10] Without the findings of such an assessment, the Project should not be approved.

**Response to Comment No. B11-29**

Haul activities would occur during any removal of on-site debris and material and that would exported off-site or imported on-site. As such, haul activities would occur during the demolition and removal of existing improvements from the Project Site, as well as the export of 50,000 cubic yards of soil during the grading phase. Besides the demolition and grading phases, no substantive hauling of material is expected. Because air quality impacts during construction are evaluated in large part on daily estimates of emissions, the assessment of grading and demolition activities would represent the worst-case scenario for off-site haul-related emissions (e.g., 6,250 haul trips during Project grading).

Nevertheless, up to five daily haul trips for each of the other phases (i.e., site preparation, construction, grading) were included in the assessment of construction emissions to supplement the core analysis of haul emissions during the demolition and grading phases. As seen in the Response to Comment No. B11-28, this and other refinements to the modeling do not change the significance of construction-related emissions.

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10 *We were unable to estimate the criteria air pollutant emissions that would result from the additional hauling truck trips during each phase of construction because the DEIR fails to disclose what these hauling truck trips will be used for or how many trips per day or how many hauling trips over the entire construction period are expected to occur.*

**Comment No. B11-30**

*Inconsistent Grading Hauling Truck Trip Estimates Provided Throughout DEIR*

As noted in the previous section, the DEIR definitively states that "up to 140 haul trucks per day are anticipated on peak haul days" (p. 2-6). However, the DEIR also states the following:

> "Grading activities would necessitate up to approximately 175 haul trips per workday to export excavated soils from the Project site to a regional landfill" (p. 4.1-14).

Thus, the DEIR provides two different estimations of how many hauling truck trips are expected to occur during the grading phase of construction. According to the DEIR the grading phase will occur over a 66-day duration (Appendix E-1, pp. 104). Thus, the total number of hauling truck trips expected to occur over the 66-day grading phase of construction, assuming a total of either 140 or 175 hauling truck trips would be 9,240[11] or 11,550[12] hauling trips. Thus, the DEIR's estimation of 175 hauling truck trips per day results in approximately 1.25 times more hauling truck trips than the 140 truck trips per day estimation.

According to the "User Entered Comments & Non-Default Data" table, the Project Applicant assumed a maximum of 140 daily hauling trips (see excerpt below) (Appendix E-1, pp. 27, 59, 96).


Trips and VMT - Haul of materials to Manning Pit in Irwindale. Fehr & Peers consruction traffic analysis. Assumes maximum of 140 daily haul trips during the

Relying on the 140 daily hauling trips estimation potentially underestimates the construction emissions generated during the grading phase by 35 daily truck trips, or approximately 2,310 hauling trips in total. Since the DEIR provides two different daily hauling truck trip estimates, the higher estimation should have been used to estimate Project emissions in order to provide the most conservative analysis.

**Response to Comment No. B11-30**

The Draft EIR has one reference to 175 haul trips per workday in Section 4.I, Noise, which was a citation that did not affect the analysis of haul-related noise impacts. This reference should be 140 haul trips, as noted elsewhere in the analysis. Regardless, the typo does not affect the noise analysis of off-site impacts or the significance determination for construction impacts.

The Draft EIR notes a maximum of up to 140 haul truck trips per day, but this activity would not be the maximum daily activity during Phases 1-3 (i.e., demolition, site preparation, and grading phases). However, this would not be haul tripmaking for each of the 66 days of grading, for

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[11] *140 hauling trips per day x 66 days = 9,240 total grading hauling trips.*

[12] *175 hauling trips per day x 66 days = 11,550 total grading hauling trips.*

example. Rather, as noted in the Response to Comment No. B11-31, below, the 6,250 total haul trips are distributed over the 66-day grading phase (an average of 95 haul trips daily), peaking with up to 140 haul trips during the grading phase. Meanwhile, per the Response to Comment No. B11-29, up to five daily haul trips for each of the other phases (i.e., site preparation, construction, grading) were included in the assessment of construction emissions.

**Comment No. B11-31**

*Construction Emissions from Grading Hauling Truck Trips Actually Estimated Using CalEEMod Default Trip Estimates*

Not only does the Project Applicant provide two separate estimations of the number of hauling truck trips that are expected to occur during the grading phase of construction, but the Project Applicant inexplicably models the emissions resulting from grading activity using neither the 140 or the 175 hauling truck trips per day estimation. Instead, the Project Applicant relies on CalEEMod default estimations to calculate the mobile-source emissions that will be generated during grading activities. While providing two different hauling truck trip estimations is incorrect, the Project Applicant's reliance on CalEEMod default values, when more Project-specific information is available, is erroneous and calls into question the validity of any of the hauling truck trips estimations provided within the Cal EE Mod modeling. It is critical that an updated analysis is prepared in order to adequately evaluate the Project's air quality impacts.

According to the CalEEMod output files, the Project Applicant assumes that 50,000 cubic yards of grading soil and material will be exported during the grading phase of construction (Appendix E-1, pp. 29, pp. 61, pp. 98). As previously mentioned, CalEEMod provides recommended default values based on site specific information.[13] Therefore, based on this input, the CalEEMod model generated an estimated number of grading hauling trips required to haul the 50,000 cubic yards of grading material and soil off the site. According to the CalEEMod output files, the CalEEMod assumed that the Project would require a total of 6,250 grading hauling trips over the grading phase of construction (see excerpt below)

(Appendix E-1, pp. 38, pp. 71, pp. 107).

[13] *CalEEMod User Guide, p. 1, 11, available at: http://www.caleemod.com/*

**Trips and VMT**

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number |
|---|---|---|---|---|
| Demolition | 34 | 20.00 | 3.00 | 842.00 |
| Site Preparation | 23 | 20.00 | 3.00 | 0.00 |
| Grading | 19 | 20.00 | 3.00 | 6,250.00 |
| Building Construction | 57 | 120.00 | 12.00 | 0.00 |
| Paving | 26 | 120.00 | 12.00 | 0.00 |
| Architectural Coating | 5 | 74.00 | 0.00 | 0.00 |

However, the CalEEMod User's Guide also states that if more project specific information is known, the user can change these default values and input project-specific values.[14] Therefore, the use of the default value to estimate Project emissions is completely incorrect, as the DEIR provides project-specific values. As a result, the emissions resulting from approximately 5,300[15] grading hauling truck trips are unaccounted for, resulting in an underestimation of the Project's construction-related emissions.

**Response to Comment No. B11-31**

The Draft EIR does not estimate 11,550 haul truck trips during the grading phase. Instead, the Draft EIR assumes that the 50,000 cubic yards of soil will be hauled off-site with 6,250 haul trips. This is based on a conservative assumption that each haul truck will have the capacity of 8 cubic yards. Because most contractors use haul trucks with more capacity, the Draft EIR conservatively overestimates potential haul-related emissions. For example, if 10 cubic-yard haul trucks are used, grading activities would require 20 percent fewer trucks, with concomitant reductions in emissions from hauling.

The Draft EIR notes a maximum of up to 140 haul truck trips per day, but this level of hauling activity would not occur during the entirety of Phases 1-3 (i.e., demolition, site preparation, and grading phases). Rather, as noted in the Response to Comment No. B11-30, the 6,250 total haul trips are distributed over the 66-day grading phase (an average of 95 haul trips daily), peaking with up to 140 haul trips during the grading phase. Meanwhile, per the Response to Comment No. B11-29, up to five daily haul trips for each of the other phases (i.e., site preparation, construction, grading) were included in the assessment of construction emissions.

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14 *CalEEMod User Guide, p. 1, 11, available at: http://www.caleemod.com/*

15 *11,550 grading hauling truck trips (DEIR's estimate) – 6,250 grading hauling truck trips (CalEEMod default) = 5,300 grading hauling trips unaccounted for.*

As seen in the Response to Comment No. B11-28, this and other refinements to the modeling do not change the significance of construction-related emissions.

**Comment No. B11-32**

*Incorrectly Applied Mitigation Measure to Construction Emissions*

The DEIR's air quality analysis concludes that Project construction activities would generate 167 pounds per day (lbs/day) of NOx emissions, which exceeds the South Coast Air Quality Management District's (SCAQMD) significance threshold of 100 lbs/day (Table 4.C-8, pp. 125). In order to reduce construction emissions to less than significant levels, the Project Applicant proposes mitigation (p. 4.C-23). According to Mitigation Measure C-1 ("MM C-1"),

> "All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NOx and PM2.5 emissions at the Project Site" (p. 4.C-23).

Review of the construction CalEEMod output files demonstrates that these emissions were modeled assuming that all 198 pieces of off-road construction equipment used throughout Project construction would be equipped with Tier 4 Final engines (Appendix E-1, pp. 27-28, pp. 60-61, pp. 97-98). This is incorrect for several reasons: (1) it is unclear if the Project Applicant intends to use Tier 4 Final or Tier 4 Interim equipment as a result of MM C-1; and (2) the Project Applicant incorrectly estimates the Project's construction-related emissions assuming that all pieces of off-road construction equipment will be equipped with Tier 4 Final engines. The Project Applicant's use of Tier 4 Final equipment, when the use of this equipment is not clearly defined within MM C-1, and application of this mitigation to all pieces of construction equipment, when the mitigation measure specifically states that MM C-1 only applies to "equipment greater than 50 hp" is entirely incorrect. This inappropriate and incorrect application of MM C-1 results in an artificial reduction of the Project's construction-related criteria air pollutant emissions and as such, the emissions estimates provided by the DEIR's CalEEMod model should not be relied upon to determine significance.

**Response to Comment No. B11-32**

The application of Tier IV engine assumptions for equipment with less than 50 hp of horsepower makes no substantive difference in the analysis of emissions impacts and no difference to the determination of significance. The analysis assumes nominal numbers of dumpers/tenders (rated at 16 hp), signal boards (rated at 6 hp), sweepers/scrubbers (6 hp), cement and mortar mixers (9 hp), plate compactors (8 hp), and pressure washers (13 hp). Their horsepower rating and load factor produces emissions that are minimal; as such, the application of mitigation measures for this equipment have a negliglble reduction in air quality emissions.[16]

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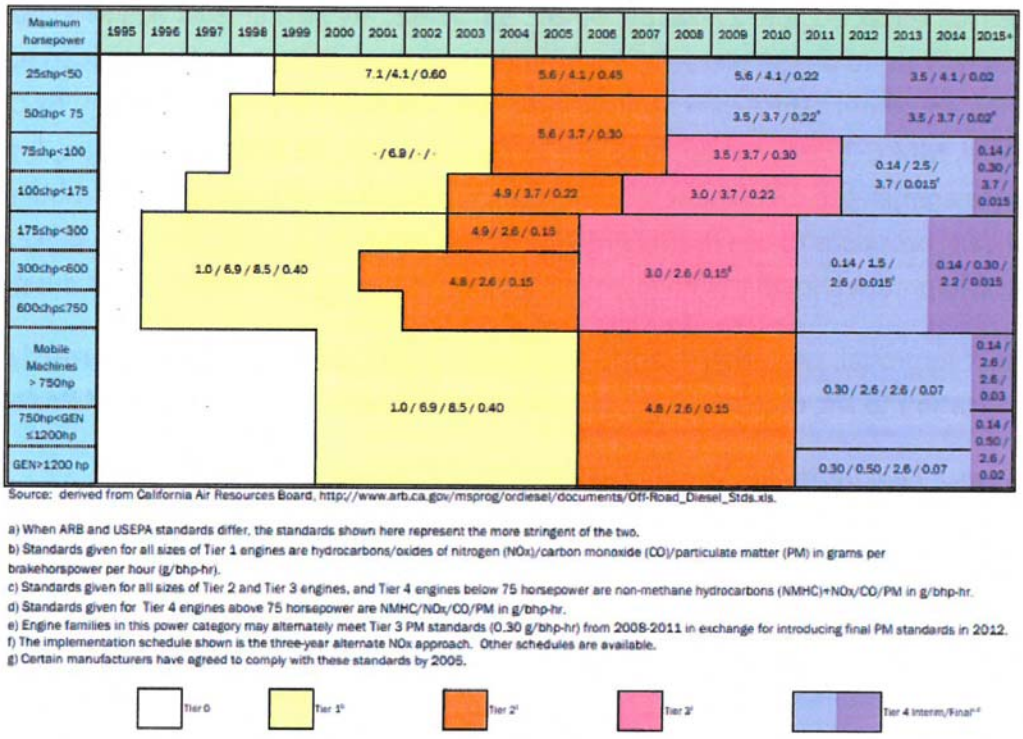
[16] *U.S. EPA standards for Tier IV engines included an interim phase to allow manufacturers of many engine classes to transition to the ultimate Tier IV final standards. As such, the allowed*

To confirm this, the use of Tier IV engines was not assumed for those equipment types that are rated at less than 50 horsepower. As seen in the Response to Comment No. B11-28, this and other refinements to the modeling do not change the significance of construction-related emissions.

**Comment No. B11-33**

*Unsubstantiated Application of Tier 4 Final Mitigation When Estimating Construction Emissions*

The United States Environmental Protection Agency (U.S. EPA) has slowly adopted more stringent standards to lower the emissions from off-road construction equipment since 1994. Since that time, Tier 1, Tier 2, Tier 3, Tier 4 Interim, and Tier 4 Final construction equipment has been phased in over time. Tier 4 Final represents the cleanest burning equipment and therefore has the lowest emissions compared to other tiers, including Tier 4 Interim equipment (see excerpt below):[17]




Source: derived from California Air Resources Board, http://www.arb.ca.gov/msprog/ordiesel/documents/Off-Road_Diesel_Stds.xls.

a) When ARB and USEPA standards differ, the standards shown here represent the more stringent of the two.
b) Standards given for all sizes of Tier 1 engines are hydrocarbons/oxides of nitrogen (NOx)/carbon monoxide (CO)/particulate matter (PM) in grams per brakehorspower per hour (g/bhp-hr).
c) Standards given for all sizes of Tier 2 and Tier 3 engines, and Tier 4 engines below 75 horsepower are non-methane hydrocarbons (NMHC)+NOx/CO/PM in g/bhp-hr.
d) Standards given for Tier 4 engines above 75 horsepower are NMHC/NOx/CO/PM in g/bhp-hr.
e) Engine families in this power category may alternately meet Tier 3 PM standards (0.30 g/bhp-hr) from 2008-2011 in exchange for introducing final PM standards in 2012.
f) The implementation schedule shown is the three-year alternate NOx approach. Other schedules are available.
g) Certain manufacturers have agreed to comply with these standards by 2005.



*transitional certification rates for hydrocarbons, NOx, and PM for anywhere from three to five years before the final standards were required.*

17 *San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisoc_Clean_Construction_Ordinance_2015.pdf, p. 6.*

As demonstrated in the figure above, Tier 4 Final equipment has lower emissions than Tier 4 Interim equipment. Therefore, since MM C-1 fails to specify if the Project will use Tier 4 Interim or Tier 4 Final equipment, it is incorrect to model emissions assuming that the entire construction fleet will be Tier 4 Final equipment. The Project Applicant cannot simply apply Tier 4 Final mitigation to all pieces of construction equipment and garner the emissions reductions associated with use of this equipment to determine significance. Until it is expressly stated within an EIR that the Project will specifically obtain Tier 4 Final equipment for off-road construction equipment, the Project's potential impacts should not be evaluated assuming use of this cleaner burning equipment.

**Response to Comment No. B11-33**

Tier 4 engines are the culmination of 18 years of phasing in of increasingly stringent emissions standards by US EPA. Tier 4 engines have been phased in nationwide since 2008 for all engine types. While some manufacturers were given limited flexibility to phase in compliant engines under the Transition Program for Equipment Manufacturers (TPEM), this provided up to seven years of additional time to offer such equipment. For engines less than 56 horsepower (hp), this TPEM period ended at the end of 2014. Engines between 56-130 hp had until the end of 2018, while larger engines of 130 hp or more ended at the end of 2017. As a result, Tier 4 equipment is commercially available from all manufacturers, especially for common types of equipment to be used during the construction phases for this Project. In the unlikely event contractors are not able to secure acceptable equipment, they are able to work with the City's Building and Safety Department on equivalent alternatives that minimize tailpipe emissions from off-road equipment. Mitigation Measure C-1 confirms that any emissions control devices shall achieve appropriate performance standards. As such, this mitigation measure is a technically feasible measure.

**Comment No. B11-34**

*Incorrectly Applies Mitigation Measure MM C-1 to All Off-Road Construction Equipment*

Regardless of the fact that the Project Applicant incorrectly assumes use of Tier 4 Final engines during construction, review of the CalEEMod output files demonstrates that the Project Applicant estimated emissions assuming that all pieces of off-road construction equipment would be equipped with Tier 4 Final engines, including pieces of equipment that are less than 50 horsepower (hp). As a result, construction emissions are significantly underestimated.

MM C-1 clearly states that the mitigation measure only applies to construction equipment above 50 hp. Therefore, construction equipment with engines less than 50 hp are not required to meet Tier 4 emission standards per MM C-1. As previously mentioned, the Project Applicant models emissions assuming that all of the 198 pieces of proposed construction equipment will be equipped with Tier 4 Final engines (Appendix E-1, pp. 27-28, pp. 60-61, pp. 97-98). Review of the CalEEMod output files demonstrates that there are 59 pieces of construction equipment that are less than 50 hp within the list of construction equipment the Project proposes to use (Appendix E-1, pp. 35-38, pp. 68-70, pp. 104-107). Therefore, MM C-1 does not apply to the 12 signal boards, 16 dumpers/tenders, 1 pressure washer, 1 plate compacter, 14 cement mortar/mixers, 9 welders, or 6 sweepers/scrubbers that the Project Applicant proposes to use

during Project construction. As a result, these 59 pieces of construction equipment should not have been modeled assuming any sort of Tier 4 mitigation.

Prior to Project Approval, an updated CalEEMod model should be prepared that correctly applies the proposed mitigation to the correct pieces of construction equipment in an updated Project-specific EIR.

**Response to Comment No. B11-34**

As noted in the Response to Comment No. B11-32, the application of Tier 4 engine assumptions for equipment with less than 50 hp of horsepower makes no substantive difference in the analysis of emissions impacts and no difference to the determination of significance. The horsepower rating for these limited pieces of equipment and load factor produces emissions that are minimal; as such, the application of mitigation measures for this equipment have a negliglble reduction in air quality emissions.

To confirm this, the use of Tier 4 engines was not assumed for those equipment types that are rated at less than 50 horsepower. As seen in the Response to Comment No. B11-28, this and other refinements to the modeling do not change the significance of construction-related emissions.

**Comment No. B11-35**

*Failure to Assess Feasibility of Obtaining Tier 4 Final Equipment*

Finally, regardless of the fact that the Project Applicant incorrectly applies MM C-1 to the Project's emissions, the DEIR first fails to assess the feasibility of obtaining a large quantity of Tier 4 equipment for Project construction. Due to the limited number of Tier 4 construction equipment available, the DEIR should have assessed the feasibility in obtaining construction equipment equipped with Tier 4 engines. By failing to demonstrate how the Project will actually comply with this mitigation measure, this measure is unenforceable and thus, the Project Applicant cannot claim the emissions reductions from this measure. The U.S. EPA's 1998 nonroad engine emission standards were structured as a three-tiered progression. Tier 1 standards were phased-in from 1996 to 2000 and Tier 2 emission standards were phased in from 2001 to 2006. Tier 3 standards, which applied to engines from 37-560 kilowatts (kW) only, were phased in from 2006 to 2008. The Tier 4 emission standards were introduced in 2004 and were phased in from 2008 to 2015.[18] These tiered emission standards, however, are only applicable to newly manufactured non road equipment. According to the U.S. EPA, "if products were built before EPA emission standards started to apply, they are generally not affected by

[18] *Emissions Standards, Nonroad Diesel Engines, available at: https://www.dieselnet.com/standards/us/nonroad.php#tier3*

the standards or other regulatory requirements."[19] Therefore, pieces of equipment manufactured prior to 2000 are not required to adhere to Tier 2 emission standards, and pieces of equipment manufactured prior to 2006 are not required to adhere to Tier 3 emission standards. Construction equipment often lasts more than 30 years; as a result, Tier 1 equipment and non-certified equipment are currently still in use.[20] It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.[21]

Although Tier 4 engines are currently being produced and installed in new off-road construction equipment, the vast majority of existing diesel off-road construction equipment in California is not equipped with Tier 4 engines.[22] In a 2010 white paper, the California Industry Air Quality Coalition estimated that approximately 7% and less than 1% of all off-road heavy duty diesel equipment in California was equipped with Tier 2 and Tier 3 engines, respectively.[23] Similarly, based on information and data provided in the San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects, the availability of Tier 3 equipment is extremely limited. In 2014, 25% of all off-road equipment in the state of California were equipped with Tier 2 engines, approximately 12% were equipped with Tier 3 engines, approximately 18% were equipped with Tier 4 Interim engines, and only 4% were equipped with Tier 4 Final engines (see excerpt below).[24]

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19 *"Frequently Asked Questions from Owners and Operators of Nonroad Engines, Vehicles, and Equipment Certified to EPA Standards." United States Environmental Protection Agency, August 2012. Available at: http://www.epa.gov/oms/highway-diesel/regs/420f12053.pdf*

20 *"Best Practices for Clean Diesel Construction." Northeast Diesel Collaborative, August 2012. Available at: http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pef*

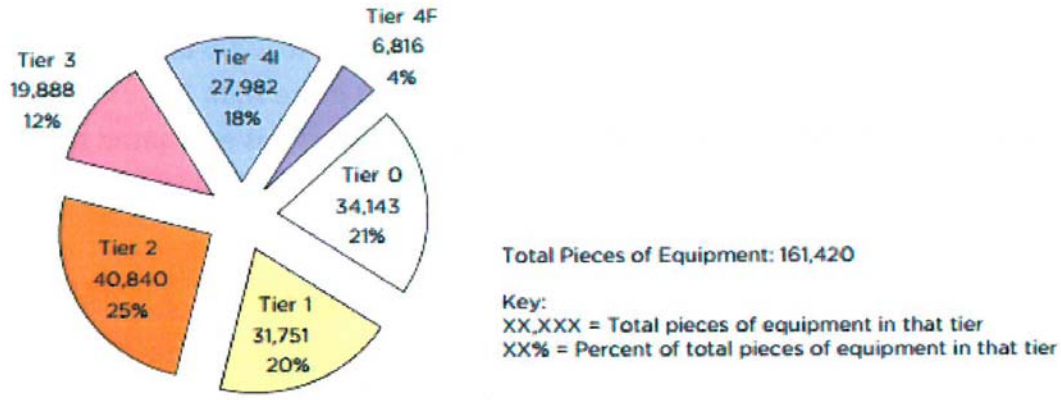
21 *Northeast Diesel Collaborative Clean Construction Workgroup, available at: http://northeastdiesel/org/construction.html*

22 *California Industry Air Quality Coalition White Paper, p. 3, available at: http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pef*

23 *"White Paper: An Industry Perspective on the California Air Resources Board Proposed Off-Road Diesel Regulations." Construction Industry Air Quality Coalition, available at: http://www.agc-ca.org/uploadedFiles/Member_Services/Regulatory-Advocacy-Page-PDFs/White_Paper_CARB_OffRoad.pdf*

24 *"San Francisco Clean Construction Ordinance Implementation Guide for San Francisco Public Projects." August 2015, available at: https://www.sfdph.org/dph/files/EHSdocs/AirQuality/San_Francisco_Clean_Construction_Ordinance_2015.pdf, p. 6.*

Figure 4: 2014 Statewide All Fleet Sizes (Pieces of Equipment)




As demonstrated in the figure above, Tier 4 Interim and Tier 4 Final equipment only accounts for 18% and 4%, respectively, of all off-road equipment currently available in the state of California. Thus, by stating that the Project proposes to use Tier 4 equipment during construction, the DEIR's analysis is relying on a fleet of construction equipment that only accounts for 22% of all off-road equipment currently available in the state of California. Therefore, by failing to evaluate the feasibility of implementing Tier 4 mitigation into the Project's construction phases, the Project's construction emissions are unverified. Thus, the significance determination made within the Air Quality analysis should not be relied upon to determine Project significance.

**Response to Comment No. B11-35**

As noted in the Response to Comment No. B11-33, Tier 4 engines have been phased in nationwide since 2008 for all engine types. While some manufacturers were given limited flexibility to phase in compliant engines under the Transition Program for Equipment Manufacturers (TPEM), this provided up to seven years of additional time to offer such equipment. For engines less than 56 horsepower (hp), this TPEM period ended at the end of 2014. Engines between 56 and 130 hp had until the end of 2018, while larger engines of 130 hp or more ended at the end of 2017. As a result, Tier 4 equipment is commercially available from all manufacturers, especially for common types of equipment to be sued during the construction phases for this Project. In the unlikely event contractors are not able to secure acceptable equipment, they are able to work with the City's Building and Safety Department on equivalent alternatives that minimize tailpipe emissions from off-road equipment. Mitigation Measure C-1 confirms that any emissions control devices shall achieve appropriate performance standards. As such, this mitigation measure is a technically feasible measure.

**Comment No. B11-36**

*Updated Analysis Indicates Significant Criteria Air Pollutant Emissions*

In an effort to more accurately determine the Project's emissions, we prepared two updated CalEEMod models, using the most recent CalEEMod version, CalEEMod.2016.3.2. Our first model estimated the existing emissions generated by the south building that will be demolished in order to construct the proposed Project. We included the 2,000 square foot high-turnover restaurant and assumed that the restaurant would generate approximately 150 vehicle trips per day based on the TIA (Table 4, TIA, pp. 25).

Our second model estimates the emissions from the proposed Project. In this model, we inputted a total of 11,550 grading hauling trips in order to reflect the DEIR's assertion that there will be 175 grading trips per day (p. 4.1-14). In addition, we corrected the hauling trip length for demolition and construction. As previously stated, the DEIR states that the hauling trucks will either be directed to Chiquita Canyon Landfill or Manning Pit, located 40 miles and 23 miles away from the Project site, respectively. We assumed that half the hauling trucks will go to Chiquita Canyon Landfill and half will go to Manning Pit. In order to account for this, we used the average trip length of 31.5 miles[25] to estimate emissions. Furthermore, in an updated model, we did not include the Tier 4 Final mitigation, as the Project Applicant fails to assess the feasibility in obtaining this equipment. However, we did prepare the model assuming that construction equipment above 50 hp would be equipped with Tier 4 Interim engines in order to demonstrate that MM C-1 would not be sufficient in reducing emissions to a less than significant level. Finally, we modeled the operational vehicle trips with the adjusted trip rates to match the subtotals for each land use and used the default trip rate for the 63,785 square foot flower market.[26]

When correct input parameters are used to model emissions, we find that the Project's mitigated construction-related NOx emissions exceed the 100 lbs/day threshold set forth by the SCAQMD (see table below).[27]

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[25] *(40 miles + 23 miles) / 2 = 31.5 miles*

[26] *Our updated CalEEMod modeling for the Project's proposed land uses estimated a daily trip rate of 3,277 for the office, residences, retail/restaurant, and event space, which is consistent with the estimation provided within the TIA (Table 4). We also modeled and estimated that the proposed new flower market would generate 107 daily operational vehicle trips, based on CalEEMod defaults. In total, we modeled emissions assuming a total of 3,384 operational vehicle trips per day. Our updated CalEEMod modeling for the existing land uses includes the 311 vehicle trips from the existing flower market and the 150 vehicle trips from the existing restaurant (Appendix E-1, pp. 21; TIA, pp. 25). Therefore, when we calculate the net operational emissions, the emissions resulting from the existing flower market (311 trips) and existing restaurant (150 trips) are subtracted from the proposed Project's operational emissions. Thus, our modeling is consistent with the TIA.*

[27] *It should be noted that the SWAPE model's construction emissions are most likely underestimated for several reasons. First, the DEIR's CalEEMod model included 33 pieces of construction equipment without an assigned phase of construction (Appendix E-1, pp. 35). It is unclear if these pieces of equipment will be used throughout every phase of construction or if this*

| Mitigated Maximum Daily Construction Emissions (lbs/day) | |
|---|---|
| **Model** | **NOx** |
| DEIR | 40 |
| SWAPE | 120 |
| ***Percent Difference*** | ***200%*** |
| **SCAQMD Regional Threshold** | **100** |
| ***Exceed?*** | ***Yes*** |

As demonstrated in the table above, when correct, site-specific input parameters are used to model emissions, we find that the Project's mitigated construction-related NOx emissions exceed the threshold set forth by the SCAQMD. Therefore, the mitigation recommended by the Project Applicant is not sufficient in reducing emissions below significant thresholds.

Additionally, we find that during Project operation, ROG emissions exceed the 55 lbs/day threshold set forth by the SCAQMD (see table below).

| Maximum Daily Operational Emissions (lbs/day) | |
|---|---|
| **Model** | **ROG** |
| ***DEIR*** | |
| Proposed Project | 22 |
| Existing Operations | 4 |
| **Net Total** | **19** |
| ***SWAPE*** | |
| Proposed Project | 96 |
| Existing Operations | 5 |
| **Net Total** | **91** |
| **Percent Difference** | **379%** |
| **SCAQMD Regional Threshold** | **55** |
| ***Exceed?*** | ***Yes*** |

As demonstrated in the table above, when correct, site-specific input parameters are used to model emissions, operational-related ROG would exceed SCAQMD thresholds, resulting in a significant impact that was previously unidentified in the DEIR and associated attachments.

These updated emission estimates demonstrate that when the Project's construction and operational emissions are estimated correctly, the Project would result in a significant construction-related impact, even with implementation of proposed mitigation, and would result

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*was a glitch in the model. Since CalEEMod does not allow a user to enter a piece of construction equipment without an associated phase of construction, we were unable to account for the emissions resulting from these 33 pieces of equipment. Second, as stated in this letter, the DEIR states that hauling trips will occur during each phase of construction. The DEIR fails to state how many hauling trips each phase of construction will have. Therefore, due to the lack of clarity provided in the DEIR, we were unable to model the hauling trips the Project will require during the Site Preparation, Building Construction, Paving, and Architectural Coating phases of construction. Therefore, our construction emissions are most likely underestimated.*

in a significant operational air quality impact that was not previously identified in the DEIR. As a result, a project-specific EIR should be prepared that includes an updated air pollution model to adequately estimate the Project's emissions, and additional mitigation measures should be identified and incorporated to reduce these emissions to a less-than-significant level.

**Response to Comment No. B11-36**

As noted in the Responses to Comment Nos. B11-27 through B11-35, the Draft EIR and additional technical modeling included as part of this Final EIR (see Appendix B for the additional air quality modeling) bases its emissions estimates for construction and operations phases on Project-specific and conservative activity data and provides a substantive justification for its findings of significance. As discussed in Response to Comment No. B11-28, assuming that all hauling would be sent to a more distant landfill than the closest available facility was speculative and there was no basis for assuming this. The alternative estimate of construction emissions is based on a misinterpretation of the Draft EIR's analysis and underlying activity data.

**Comment No. B11-37**

*Diesel Particulate Health Risk Emissions Inadequately Evaluated*

The DEIR concludes that the proposed Project "would not result in any substantial emissions of toxic air contaminants (TACs) during the construction or operations phase" without conducting a construction or operational health risk assessment (HRA) (p. 4.C-20). The DEIR attempts to justify this determination by stating,

> "The Project would not result in any substantial emissions of toxic air contaminants (TACs) during the construction or operations phase. During the construction phase, the primary air quality impacts would be associated with the combustion of diesel fuels, which produce exhaust-related particulate matter that is considered a toxic air contaminant by CARB based on chronic exposure to these emissions. However, construction activities would not produce chronic, long-term exposure to diesel particulate matter" (p. 4.C-20).

The DEIR goes on to state,

> "During long-term project operations, the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities ... Based on the limited activity of TAC sources, the Project would not warrant the need for a health risk assessment associated with on-site activities. Therefore, Project impacts related to TACs would be less than significant" (p. 4.C-20).

This justification for failing to conduct a quantified construction and operational HRA, however, is incorrect for several reasons.

First, simply stating that "construction activities would not produce chronic, long-term exposure to diesel particulate matter" does not justify the omission of a construction HRA. According to the SCAQMD, it is recommended that health risk impacts from short-term projects also be assessed. The Guidance document states,

> "Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project's emissions would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)".[28]

Thus, a health risk assessment is required to determine whether or not a Project would expose sensitive receptors to substantial air pollutants, regardless if construction would not create a "long-term exposure" to sensitive receptors. The DEIR should have conducted some sort of quantitative analysis and should have compared the results of this analysis to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.[29] Therefore, the DEIR should have conducted an assessment that compares the Project's construction and operational health risks to this threshold in order to determine the Project's health risk impact. By failing to prepare a health risk assessment, the DEIR fails to provide a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to substantial air pollutants.

Second, stating that "the Project does not include typical sources of acutely and chronically hazardous TACs such as industrial manufacturing processes and automotive repair facilities" does not mean that an HRA for the proposed Project is not needed. Although the SCAQMD recommends performing a mobile source health risk assessment from mobile sources at truck stop or warehouse distribution facilities, the SCAQMD does not restrict the preparation of an HRA to just industrial projects.[30] The SCAQMD does not state that the preparation of an HRA should be restricted to industrial or automotive repair land uses, nor does it state that residential and commercial projects are exempt from this recommendation.[31] Seeing as Project construction is expected to occur over a 36-month period (p. 2-6), it is reasonable to assume

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28 *http://www.aqmd.gov/docs/default-source/planning/risk assessment/riskassprocjune15.pdf?sfvrsn=2, p. IX-2*

29 *http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2*

30 *"Mobile Source Toxics Analysis." SCAQMD, available at: http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis*

31 *Ibid.*

that a significant amount of diesel particulate matter (DPM), a known human carcinogen, will be emitted from the exhaust stacks of construction equipment the Project proposes to use (Appendix E-1, pp. 35-38 pp. 68-71, pp. 104-107). Additionally, according to the Project's TIA, the Project will generate approximately 3,277 net vehicle trips a day during operation, all of which would emit substantial amounts of DPM during operation, potentially exposing nearby sensitive receptors to substantial air pollutants (Table 4, Appendix K-1, pp. 25). As such, the DEIR should have conducted a construction and operational HRA, as long term exposure to DPM and other toxic air contaminants (TACs) may result in a significant health risk impact.

Third, the omission of a quantified health risk is inconsistent with the most recent guidance published by Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. In February of 2015, OEHHA released its most recent Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments, which was formally adopted in March of 2015.[32] This guidance document describes the types of projects that warrant the preparation of an HRA. Construction of the Project's proposed land uses will require the use of off-road equipment and heavy-duty on-road hauling trucks, which both emit diesel particulate matter (DPM) emissions, a known human carcinogen (p. 4.C-17, p. 2-6). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.[33] Once construction is complete, Project operation will generate truck trips, which will generate additional exhaust emissions, thus continuing to expose nearby sensitive receptors to DPM emissions. The OEHHA document recommends that exposure from projects lasting more than 6 months should be evaluated for the duration of the project, and recommends that an exposure duration of 30 years be used to estimate individual cancer risk for the maximally exposed individual resident (MEIR).[34] Even though we were not provided with the expected lifetime of the Project, we can reasonably assume that the Project will operate for at least 30 years, if not more. Therefore, per OEHHA guidelines, health risk impacts from Project construction and operation should have been evaluated by the DEIR. These recommendations reflect the most recent HRA policy, and as such, an assessment of health risks to nearby sensitive receptors from construction and operation should be included in a revised CEQA evaluation for the Project.

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[32] *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf*

[33] *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-18*

[34] *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf, p. 8-6, 8-15*

By failing to prepare an HRA, the DEIR fails to provide a comprehensive analysis of the sensitive receptor impacts that may occur as a result of exposure to the Project's potentially substantial air pollutant emissions. It is critical that an HRA for the proposed Project be prepared, since there is a residential sensitive receptor located only 240 feet from the Project site (Table 4.1-6, p. 4.1-14).

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening-level air quality dispersion model.[35] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[36] and the California Air Pollution Control Officers Associated (CAPCOA)[37] guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs"). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary health risk screening assessment of the Project's construction and operational impacts to sensitive receptors using the annual estimates from SWAPE's updated air model. As previously stated, the DEIR states that the closest sensitive receptor to the Project is located within 240 feet, or approximately 73 meters of the Project site at (Table 4.1-6, p. 4.1-14). Consistent with recommendations set forth by OEHHA, we used a residential exposure duration of 30 years, starting from the third trimester of pregnancy. We also assumed that construction and operation of the Project would occur sequentially, with no gaps between each Project phase. SWAPE's CalEEMod model's mitigated annual emissions indicate that construction activities will generate approximately 441 pounds of DPM over a 1,070-day (36 month) construction period. The AERSCREEN model relies on a continuous average emissions rate to simulate maximum downwind concentrations from point, area, and volume emissions sources. To account for the variability in construction equipment usage over the many phases of Project construction, we calculated an average DPM emission rate for construction by the following equation.

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35 *"AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, available at: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf*

36 *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf*

37 *"Health Risk Assessments for Proposed Land Use Projects," CAPCOA, July 2009, available at: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf*

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{441\ lbs}{1{,}070\ days} \times \frac{453.6\ grams}{lb} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} \approx \mathbf{0.002163}\ {}^{g}/_{s}$$

Subtracting the 1,070-day construction duration from the total residential exposure duration of 30 years, we assumed that after Project construction, the MEIR would be exposed to the Project's operational DPM emissions for an additional 27.1 years (9,880 days). The net emissions from SWAPE's existing and proposed CalEEMod models' annual emissions indicate that operational activities will generate approximately 437 pounds of DPM per year, or approximately 159,432 pounds of DPM over a 27.1-year operational period. Applying the same equation used to estimate the construction DPM emission rate, we estimated the following emission rate for Project operation.

$$Emission\ Rate\ \left(\frac{grams}{second}\right) = \frac{437\ lbs}{365\ days} \times \frac{453.6\ grams}{lb} \times \frac{1\ day}{24\ hours} \times \frac{1\ hour}{3{,}600\ seconds} \approx \mathbf{0.006283}\ {}^{g}/_{s}$$

Construction and operational activity was simulated as a 3.87-acre rectangular area source in AERSCREEN, with dimensions of 178 meters by 88 meters. A release height of three meters was selected to represent the height of exhaust stacks on construction equipment and other heavy-duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plume dispersion upon release. An urban meteorological setting was selected with model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.[38] There are residences located approximately 75 meters away from the Project boundary. The single-hour concentration estimated by AERSCREEN for Project construction is approximately 3.715 µg/m3 DPM at approximately 75 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3715 µg/m3 for construction. For Project operation, the single-hour concentration in AERSCREEN is approximately 10.79 µg/m3 DPM at approximately 75 meters downwind. Again, multiplying this single-hour concentration by 10%, we get an annualized average concentration of 1.079 µg/m3 for operation.

We calculated the excess cancer risk to the residential receptors located closest to the Project site using applicable HRA methodologies prescribed by OEHHA. Consistent with the construction schedule proposed by the DEIR, the annualized average concentration for construction was used for the entire 3rd trimester of pregnancy (0.25 years), the infantile stage of life (0 to 2 years), and the beginning of the child stage of life (2 to 16 years). The annualized

[38] http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf

average concentration for operation was used for the remainder of the 30-year exposure period, which makes up the remainder the child stages of life (2 to 16 years) and adult stages of life (16 to 30 years). Consistent with OEHHA guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.[39] According to the updated guidance, quantified cancer risk should be multiplied by a factor of ten during the 3rd trimester and first two years of life (infant) and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used 95th percentile breathing rates for infants.[40] Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (FAH) Value of 1 the 3rd trimester, infant, and child receptors and we used a FAH Value of 0.73 for the adult receptors.[41] We used a cancer potency factor of 1.1 (mg/kg-dayf1 and an averaging time of 25,550 days. The results of our calculations are shown below.

| The Maximum Exposed Individual at an Existing Residential Receptor (MEIR) | | | | | |
|---|---|---|---|---|---|
| Activity | Duration (years) | Concentration (µg/m³) | Breathing Rate (L/kg-day) | ASF | Cancer Risk |
| Construction | 0.25 | 0.3715 | 361 | 10 | 5.1E-06 |
| ***3rd Trimester Duration*** | ***0.25*** | | | ***3rd Trimester Exposure*** | ***5.1E-06*** |
| Construction | 2.00 | 0.3715 | 1090 | 10 | 1.2E-04 |
| ***Infant Exposure Duration*** | ***2.00*** | | | ***Infant Exposure*** | ***1.2E-04*** |
| Construction | 0.68 | 0.3715 | 572 | 3 | 6.5E-06 |
| Operation | 13.32 | 1.079 | 572 | 3 | 3.7E-04 |
| ***Child Exposure Duration*** | ***14.00*** | | | ***Child Exposure*** | ***3.8E-04*** |
| Operation | 14.00 | 1.079 | 261 | 1 | 4.3E-05 |
| ***Adult Exposure Duration*** | ***14.00*** | | | ***Adult Exposure*** | ***4.3E-05*** |
| **Lifetime Exposure Duration** | **30.00** | | | **Lifetime Exposure** | **5.5E-04** |

As demonstrated above, the excess cancer risk to adults, children, infants, and 3rd trimester gestations at a sensitive receptor located approximately 75 meters away, over the course of Project construction and operation, are approximately 43, 380, 120, and 5.1 in one million, respectively. Furthermore, the excess cancer risk over the course of a residential lifetime (30 years) is approximately 550 in one million. Consistent with OEHHA guidance, exposure was assumed to begin in the 3rd trimester stage of pregnancy to provide the most conservative estimates of air quality hazards. The infantile, child, adult, and lifetime cancer risks all greatly

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39 *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf*

40 *"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf*

41 *"Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/ProposedRules/1401/riskassessmentprocedures_2017_080717.pdf, p.7*

exceed the SCAQMD's threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

It is worth noting that the construction-related DPM emissions used to calculate the cancer risk represent the Project's mitigated emissions using Tier 4 Interim engines. Therefore, our analysis demonstrates that even with implementation of MM C-1, which states that all off-road construction equipment over SO hp will be equipped with Tier 4 Interim mitigation, the Project would still result in a significant health-related impact.

It should also be noted that our analysis represents a screening-level HRA, which is known to be more conservative, and tends to err on the side of health protection.[42] The purpose of a screening-level HRA, however, is to determine if a more refined HRA needs to be conducted. If the results of a screening-level health risk are above applicable thresholds, then the Project needs to conduct a more refined HRA that is more representative of site specific concentrations. Our screening-level HRA demonstrates that construction and operation of the Project could result in a potentially significant health risk impact, when correct exposure assumptions and up-to-date, applicable guidance are used. As a result, refined construction and operational HRAs must be prepared to examine air quality impacts generated by Project construction and operation using site-specific meteorology. A DEIR should be prepared to adequately evaluate the Project's health risk impact and should include additional mitigation measures to reduce these impacts to a less-than-significant level.

**Response to Comment No. B11-37**

This comment asserts that the Project's short-term construction period is insufficient justification for failing to prepare and include in the EIR a construction health risk assessment (HRA). This comment also states that SCAQMD guidance recommends HRAs for short-term projects; therefore, an HRA should have been prepared and included in the EIR and compared against a 10 in one million threshold. This comment goes on to state that it is reasonable to assume that construction equipment and trip generation will increase emissions of diesel particulate matter (DPM) and that, the Project's proposed uses that do not represent "typical sources" of toxic air contaminants (TACs) is insufficient justification for excluding HRA preparation and that this is inconsistent with Office of Environmental Health Hazard's Assessment (OEHHA) guidance. The comment states that a screening-level HRA shows high cancer rates for the area of the Project, exceeding the 10 in one million threshold.

The EIR's analysis of potential health risks from TAC emissions during the construction and operations phase is consistent with SCAQMD's guidance on this topic and their comment letter in response to the Notice of Preparation (included in Appendix C of the Draft EIR). OEHHA's guidance is intended to implement the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) and establishes protocols for analysis but does not establish when projects must

[42] http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf *p. 1-5*

prepare an HRA. AB 2588 delegates to SCAQMD (as the local air district) the task of determining when a project must prepare an HRA. As explained in the Draft EIR (see p. 4.C-20), SCAQMD recommends, as pertinent to the Project, that health risk assessments be considered for substantial sources of diesel particulate emissions (e.g., truck stops and warehouse distribution facilities) and has provided guidance for analyzing mobile source diesel emissions. Yet, since the Project is not the type that would emit substantial DPM, no HRA is required under the applicable SCAQMD guidance. Further, the Project does not qualify as a "facility" subject to AB 2588. But even if it did, as set forth in SCAQMD's most recent guidance interpreting the OEHHA guidance, a Project would only require further preliminary analysis—not a complete HRA. The guidance explains that SCAQMD then ranks projects surpassing preliminary thresholds, and only requires HRAs for the highest priority projects (http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-supplemental-guidelines.pdf). For the reasons explained in the Draft EIR, the Project would not qualify as a high priority project. In addition, SCAQMD's only comments submitted for the Project, during the initial study, did not indicate that the air district considered the Project high priority or otherwise a candidate for HRA review. No further comments were received from SCAQMD on the Draft EIR. Further, based on an assessment of the potential for human health impacts from temporary emissions of diesel particulate matter from construction activities associated with the Project on sensitive receptors that gauged the approximate quantity, volume, and toxicity of TACs associated with the Project's construction activities, a health risk assessment was not deemed necessary for the Project based on the lack of substantial evidence that the Project would result in any potentially significant impacts related to TACs (see Draft EIR page 4.C-20).

As the air pollution control agency for the Project Site region, SCAQMD has not developed any recommendations on the use of OEHHA's Risk Assessment Guidelines for CEQA analyses for potential construction impacts, nor has the City adopted the Risk Assessment Guidelines or incorporated it into the City's adopted CEQA thresholds or methodologies. Thus, the Draft EIR properly relied on the L.A. CEQA Thresholds Guide for determining the Project's potential impacts related to TAC emissions during construction.

It should be noted that in the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (Guidance Manual) in March of 2015, OEHHA noted it is not appropriate to use the Guidance Manual to assess the Project's short-term construction projects. In fact, the guidelines do not recommend preparation of an HRA for temporary activities lasting less than two months, due to the uncertainty in assessing cancer risk from very short-term exposures. Instead, OEHHA guidelines defer to the Lead Agency for a determination of whether to conduct a HRA for activities lasting longer than two months, if the Lead Agency determines an HRA is appropriate. Based on an assessment of the potential for human health impacts from the temporary emissions of diesel particulate matter from construction activities on sensitive receptors, an HRA was not deemed necessary for the Project's construction activities, because the Project's construction activities would not generate high concentrations of pollutants. The determination of significance for TACs impacts for the Project (or any project) is made on a case-by-case basis (as stated previously), considering a number of factors including the following:

The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics “Hot Spots” Program (Health and Safety Code Section 44360 et. seq.) and is intended to apply to certain stationary sources, such as power plants or industrial uses that emit toxic air contaminants. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment).

*Quantity, volume and toxicity of TACs to be emitted.* With proposed mitigation, on-site construction activities would produce negligible amounts of combustion-related $PM_{2.5}$, the subset of particulates (e.g., soot emitted with ultrafine particles) most associated with toxic exposure. Specifically, maximum daily emissions of $PM_{2.5}$ would be far below SCAQMD significance thresholds for criteria pollutant emissions and would represent a negligible emissions rate, especially over an 8-10 hour period, where hourly emissions would equate to an average emissions rate of a few grams of $PM_{2.5}$ per hour during the most robust construction activities.

Based on the information provided in this response, the Project’s construction and operational activities would not cause a significant health risk to any of the sensitive receptors near the Project Site, and a detailed HRA is not required for the Project.

**Comment No. B11-38**

**Greenhouse Gas**

*Failure to Adequately Evaluate the Project's Greenhouse Gas Emissions*

The DEIR concludes that the Project's GHG impact would be less than significant, yet fails to provide proper justification to support this claim (p. 4.F-45). As a result, the Project's GHG impacts are inadequately addressed. Until an updated analysis is conducted that correctly and thoroughly assesses the Project's GHG impacts, the conclusions made within the DEIR should not be relied upon to determine Project significance.

The DEIR relies upon Section 15064(h)(3) of the CEQA Guidelines Amendments to determine the significance of the Project's GHG impact. The DEIR states,

> "A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project will comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project" (p. 4.F-25).

Additionally, the DEIR states,

> "Put another way, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with the California Cap-and-Trade Program and/or other regulatory schemes to reduce GHG emissions" (p. 4.F-24- 4.F-25).

Using this guidance, the DEIR reasons that because the Project would comply with the reduction measures set forth within Executive Orders S-3-05 and B-30-15, Assembly Bill 32 Scoping Plan ("Scoping Plan"), SCAG's 2016-2014 RTP/SCS, the City of LA Mobility 2035 Plan, the City of LA Climate LA plan, and the City of LA Green Building Ordinance, in conjunction with a No Action Taken (NAT) analysis, the Project would not conflict with applicable plan, policy or regulation, thus resulting in a less than significant impact (p. 4.F-44 - 4.F-45). This conclusion, as well as the explanation as to why this threshold was used, however, are incorrect and inadequate for several reasons.

First, the DEIR states that the Project's GHG emissions were not compared to any numerical threshold since "CARB, SCAQMD and the City of Los Angeles have yet to adopt project-level significance thresholds for GHG emissions that would be applicable to the Project" (p. 4.F-23). As a result, the DEIR instead relies upon consistency with the aforementioned state, regional, and City of Los Angeles' GHG emission reduction objectives to conclude that the Project would result in a less than significant GHG impact (p. 4.F-43). This method of determining significance, however, is entirely incorrect, as the SCAQMD does provide interim guidance that identifies specific thresholds to which residential, commercial, and mixed-use projects can compare their emissions to. In December 2008, the SCAQMD released its Interim CEQA GHG Significance Threshold for Stationary Sources, Rules, and Plans report.[43] According to this Interim Guidance, the SCAQMD proposes the use of a 3,000 metric tons of carbon dioxide equivalents per year (MT CO2e/yr) threshold for mixed use developments, a 3,500 MT CO2e/yr threshold for residential developments, and a 1,400 MT CO2e/yr threshold for commercial developments. As an alternative to the aforementioned proposed thresholds for residential, commercial, and mixed-use developments, the SCAQMD has also recommended the use of a single numerical threshold of 3,000 MT CO2e/yr for all non-industrial projects.[44] Although these thresholds have not been formally adopted by the City of Los Angeles, these thresholds are designed for application at the project level and thus provide a relevant method for determining the significance of the Project's GHG emissions.[45]

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

44 http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-%28ghg%29-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15-minutes.pdf?sfvrsn=2

45 *Even this threshold likely is outdated. It was circulated by a South Coast AQMD Working Group that has not met since 2010 and that was never adopted by any agency "by ordinance, resolution, rule, or regulation" as required by CEQA Guidelines 15064.7(b) or (c). It was not crafted to comply with the more aggressive goals of SB32, which did not exist in 2010. A GHG significance finding must be "based on the extent possible on scientific and factual data," in step with evolving scientific knowledge and state regulatory schemes" and presented "in a manner calculated to adequately inform the public and decision makers." Cleveland National Forest Found. v San Diego Assn. of Gov'ts. (2017) 3 Cal.5th 497, 504-507, 518-519.*

As you can see, the SCAQMD does provide recommended significance thresholds that are applicable to the proposed Project, contrary to what is stated in the DEIR. Air districts, such as the SCAQMD, act in an advisory capacity to local governments in establishing the framework for environmental review of air pollution impacts under CEQA, which include recommendations regarding significance thresholds, analytical tools to estimate emissions and assess impacts, and mitigations for potentially significant impacts. Because the proposed Project is a mixed-use project, the most appropriate threshold to apply to the Project would be the 3,000 MT CO2e/yr criteria recommended by SCAQMD for mixed-use developments. Since the Project is located in Los Angeles, it falls under SCAQMD jurisdiction, which means that the threshold provided in the SCAQMD's Interim Guidance for mixed-use projects is fully applicable to the proposed Project, and should be relied upon to determine Project significance.

Second, while a lead agency enjoys substantial discretion in its choice of methodology to determine Project significance, when the agency chooses to rely completely on a single method to justify a no-significance finding, CEQA demands the agency research and document the parameters essential to that method. According to Section 15064.4(b) of the CEQA Guidelines, a lead agency may consider the use of a qualitative analysis that relies upon consistency with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions when assessing the significance of impacts from greenhouse gas emissions on the environment; however, such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions.[46]

The DEIR fails to provide substantial evidence to support the use of compliance with the Executive Orders S-3-05 and B-30-15, AB 32 Scoping Plan, SCAG's 2016-2014 RTP/SCS, the City of LA Mobility 2035 Plan, the City of LA Climate LA plan, and the City of LA Green Building Ordinance. The DEIR briefly discusses how the "Project's post-2020 emissions trajectory is expected to follow a declining trend" and how this will result in the Project being "consistent with the 2030 and 2050 targets and Executive Order S-305 and B-30-15", however, this does not adequately demonstrate compliance with the 2030 and 2050 targets or Executive Order S-305 and B-30-15 (p. 4.F-32 - 4.F-33). Furthermore, the DEIR also lists and discusses which applicable GHG reduction strategies set forth in the Scoping Plan (Table 4.7-7, p. 4.F-34- 4.7-35}, 2016-2040 SCAG RTP/SCS Actions and Strategies (Table 4.F-8, p. 4.F-36 -4.F-38), the City of Los Angeles ClimateLA Plan (p. 4.F-38 - 4.F-39), and the City of Los Angeles Green Building Ordinance (p. 4.F-40 - 4.F-43} that the Project would be consistent with, the DEIR fails to include any of the measures as design features, conditions of Project approval, or as mitigation measures. As a result, the validity of this method is called into question. The SCAQMD's recommended GHG significance thresholds discussed above, on the other hand, have undergone a public review process as part of stakeholder working group meetings that are open to the public, and the SCAQMD's Interim Guidance document provides substantial

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*46* *http://resources.ca.gov/ceqa/docs/FINAL_Text_of_Proposed_Amendments.pdf*

evidence relative to the methodology for developing the interim GHG significance thresholds, consistent with requirements set forth by CEQA.[47] Therefore, reliance on the SCAQMD's thresholds, rather than the methods used in the DEIR, should be considered, as the DEIR's current method of evaluating the Project's GHG impact is flawed.

**Response to Comment No. B11-38**

This comment states that the Draft EIR's analysis of the Project's potential GHG emissions is inadequate, alleging first that the Project's potential GHG emissions should have been compared to a numeric threshold, citing to the SCAQMD's 2008 draft guidance regarding interim CEQA GHG significance thresholds. This comment next states that the Draft EIR does not provide substantial evidence to support the Draft EIR's evaluation of the Project's potential GHG emissions by evaluating the Project's consistency with GHG reduction policies in the applicable statewide goals and land use plans, as described in the Draft EIR.

Under CEQA, a lead agency has broad discretion to establish thresholds of significance, so long as the thresholds are supported by substantial evidence. (*See* CEQA Guidelines Section 15064.7(c).) Specifically, with respect to a project's potential greenhouse gas emissions under CEQA, a lead agency has discretion to evaluate a project's potential greenhouse gas emissions either by using a model or methodology to quantify greenhouse gas emissions or by relying on a qualitative analysis or performance based standards. (CEQA Guidelines Section 15064.4(a).) In 2015, the California Supreme Court reviewed the acceptable methodology to analyze GHG emissions in an EIR in *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204 (*CBD v. CDFW* or Newhall Ranch case). In that case, the Supreme Court held there are "potential pathways" to reviewing a project's GHG impacts under CEQA. First, a lead agency may compare a project's potential GHG emissions with a "business-as-usual" scenario, provided a lead agency can show what level of reduction from a "business-as-usual" scenario would be required for a particular project at a proposed location to comply with statewide GHG reduction goals. Second, a lead agency may assess a project's consistency with AB 32's goals in whole or in part and with the California Air Resources Board 2008 Climate Change Scoping Plan that implements AB 32 by evaluating a project's compliance with regulatory programs designed to reduce GHG emissions from particular activities. Third, a lead agency may rely on existing numerical thresholds of significance for GHG emissions reductions.

Nether the City nor the SCAQMD has adopted numeric thresholds for greenhouse gas emissions for land use development projects (e.g., residential/commercial projects) such as the Project. As further explained in the Draft EIR, in 2008, the SCAQMD convened a GHG CEQA Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. In December 2008, the SCAQMD Governing Board adopted interim GHG significance thresholds for projects where the

[47] http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf?sfvrsn=2

SCAQMD is the lead agency. That threshold uses a tiered approach to determine a project's significance, with 10,000 metric tons of CO2 equivalent ($MTCO_2e$) per year as a screening numerical threshold for stationary sources. In September 2010, the Working Group released additional revisions that recommended a screening threshold of 3,500 $MTCO_2e$ for residential projects, 1,400 $MTCO_2e$ for commercial projects, and 3,000 $MTCO_2e$ for mixed use projects. The SCAQMD has not since adopted those thresholds, nor has the SCAQMD provided a timeline for formal consideration of those thresholds. In the meantime, the thresholds in the SCAQMD's guidance document are used as a non-binding guide. A lead agency is not required under CEQA to rely on draft regulatory standards that have not been adopted as significance thresholds.

In the absence of any quantitative threshold adopted by the City or the SCAQMD, the Draft EIR chose the second pathway to compliance that the Supreme Court identified in the Newhall Ranch case and evaluated Project's potential GHG impacts by reviewing the Project's consistency with applicable regulatory plans and polices to reduce GHG emissions. Specifically, the Draft EIR provided a detailed analysis of the Project's consistency with the applicable AB 32 Scoping Plan GHG Emissions Reduction Strategies, SCAG's 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, the City's Mobility 2035 Plan, the City's ClimateLA Plan, and the City's Green Building Ordinance. (*See* Draft EIR, pages 4.F-32 to 4.F-43.) The Draft EIR's approach is consistent with the Supreme Court's ruling in the Newhall Ranch case and the guidance set forth in the CEQA Guidelines. (See CEQA Guidelines Section 15064.4.) Given the Project's consistency with those applicable policies and regulatory requirements, the Draft EIR concluded the Project's impacts related to GHG emissions would be less than significant, and no mitigation measures would be required.

For informational purposes, the Draft EIR also quantified the Project's potential GHG emissions and compared those emissions to the emissions that would be generated by the Project in the absence of any GHG reduction measures (i.e., the No Action Taken or "NAT" Scenario). That methodology was used to support the Draft EIR's evaluation of the Project's consistency with applicable GHG reduction plans and policies and to demonstrate the efficacy of the measures contained therein. However, the NAT Scenario was not used as a threshold of significance. The Draft EIR's analysis included potential emissions under the NAT Scenario and from the Project at build-out based on actions and mandates expected to be in force in 2020. Early-action measures identified in CARB's *Climate Change Scoping Plan* that have not been approved were not credited in that analysis. By not speculating on potential regulatory conditions, the analysis took a conservative approach that likely overestimated the Project's GHG emissions at build-out.

Given the Draft EIR's thorough analysis evaluating the Project's potential impacts related to GHG emissions as required under CEQA, no further analysis related to GHG emissions is required.

**Comment No. B11-39**

*Failure to Utilize CHG Reduction Targets Specified in Senate Bill 32*

AB 32 requires California to reduce GHG emissions to 1990 levels by 2020.[48] However, in September 2016, prior to the release of the IS/MND, Governor Brown signed Senate Bill 32, enacting HEALTH & SAFETY CODE § 38566. AR 305. This statue ("SB 32") requires California to achieve a new, more aggressive 40% reduction in GHG emissions over the 1990 levels by 2030.[49] "This 40 percent reduction is widely acknowledged as a necessary interim target to ensure that California meets its longer-range goal of reducing greenhouse gas emissions to 80 percent below 1990 levels by the year 2050."[50] Therefore, by failing to demonstrate consistency with the reduction targets set forth by SB 32, the Project may conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. As a result, the Project may have a potentially significant impact that was not previously addressed in the DEIR, and as such, a revised EIR should be prepared.

SB 32[51] requires emissions reductions above those mandated by AB 32 to reduce GHG emissions 40 percent below their 1990 levels by 2030. 1990 statewide GHG emissions are estimated to be approximately 431 million MTCO2e (MMTCO2e).[52] Therefore, by 2030 California will be required to reduce statewide emissions by 172 MMTCO2e (431 x 40%), which results in a statewide limit on GHG emissions of 259 MMTCO2e. 2020 "business-as-usual" levels are estimated to be approximately 509 MMTCO2e.[53] Therefore, in order to successfully reach the 2030 statewide goal of 259 MMTCO2e, California would have to reduce its emissions by 49 percent below the "business-as-usual" levels. This reduction target indicates that compliance with these more aggressive reduction goals, beyond what is mandated by AB 32, will be necessary.

This 49 percent reduction target should be considered as a threshold of significance against which to measure Project impacts. Because the proposed Project is unlikely to be redeveloped again prior to 2030, the 2030 goals are applicable to any evaluation of the Project's impacts. A revised EIR should be prepared to demonstrate the Project's compliance with these more aggressive measures specified in SB 32. Specifically, the Project should demonstrate, at a minimum, a reduction of 49 percent below "business-as-usual" levels. It should be noted that this reduction percentage is applicable to statewide emissions, which is not directly applicable to a project-level analysis. As a result, an additional analysis would need to be conducted to translate the new statewide targets into a project-specific threshold against which Project GHG

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48 *HEALTH & SAFETY CODE 38500 et seq.; AR 235, 470.*

49 *Ibid.*

50 *Cleveland, 3 Cal.5th at 519.*

51 *https://leginfo.legistlature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32*

52 *http://www.arb.ca.gov/cc/inventory/data/bau.htm*

53 *http://energyinnovation.org/wp-content/uploads/2015/04/CA_CapReport_Mar2015.pdf*

emissions can be compared. A Project-specific EIR should be prepared to quantify any reductions expected to be achieved by mitigation measures, shown by substantial evidence that such measures will be effective, and should demonstrate how these measures will reduce the emissions below the new 2030 significance threshold.

**Response to Comment No. B11-39**

This comment states that the Project's EIR should have evaluated the Project's compliance with a GHG reduction target against the business-as-usual levels as targeted in SB 32 for the year 2030.

As explained in the Draft EIR, in 2016, the Legislature passed SB 32, which calls on statewide reductions in GHG emissions to 40 percent below 1990 levels by 2030. In November 2017, CARB adopted a Climate Change Scoping Plan that reflected those 2030 targets. That 2017 Scoping Plan was adopted after the analysis for the Draft EIR was completed. Specifically, the Notice of Preparation for the EIR was released on May 22, 2017, prior to the November 2017 adoption of the Scoping Plan.

As explained further in Response to Comment No. B11-38, the Draft EIR does not use a business-as-usual or the NAT Scenario as a threshold of significance against which to measure whether the Project will have significant impacts related to GHG emissions. The Draft EIR included a qualitative analysis of applicable post-2020 GHG reduction goals, as the Draft EIR evaluated the Project's consistency with applicable statewide, regional, and local regulatory plans and polices to reduce GHG emissions. For example, SCAG's RTP/SCS provides strategies to reduce emissions from transportation sources pursuant to California's long-term climate policies, including SB 375. Through its reduction strategies, the 2016-2040 RTP/SCS would result in an estimated 8-percent decrease in GHG emissions per capita by 2020 over 2005 levels, 18-percent decrease in GHG emissions per capita by 2035 over 2005 levels, and 21-percent decrease in GHG emissions per capita by 2040 over 2005 levels. SCAG's RTP/SCS will meet or exceed the SB 375 targets for 2020 and 2035, the 2016-2040 RTP/SCS is expected to help achieve the State's GHG emission reduction goals past the year 2020.

Given the Project's consistency with the applicable statewide, regional, and local regulatory plans and policies to reduce GHG emissions, and without any adopted numeric significance thresholds, the Draft EIR concluded the Project would have less than significant impacts related to GHG impacts.

**Comment No. B11-40**

*Newhall Ranch Requires Additionality*

Just because "a project is designed to meet high building efficiency and conservation standards ... does not establish that its [GHG] emissions from transportation activities lack significant

impacts." Newhall Ranch, 62 Cal.4th at 229 (citing Natural Resources Agency).[54] This concept is known as "additionality" whereby GHG emission reductions otherwise required by law or regulation are appropriately considered part of the baseline and, pursuant to CEQA Guideline § 15064.4(b)(l), a new project's emission should be compared against that existing baseline.[55] Hence, a "project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project."[56] In short, as observed by the Court, newer developments must be more GHG-efficient. See Newhall Ranch, 62 Cal.4th at 226.

Here, the Project fails to provide more aggressive mitigation measures required for newer developments to reach AB 32's long-term goals-such as the net-zero approach utilized in the wake of the Supreme Court's Newhall Ranch decision. See Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife (2015) 62 Cal.4th 204, 226 ("a greater degree of reduction may be needed from new land use projects .... "); see also Californians for Alternatives to Toxics v. Department of Food and Agriculture (2005) 136 Cal.App.4th 1, 17 ("[c]ompliance with the law is not enough to support a finding of no significant impact under the CEQA."). More should be required for the Project, including those new, feasible mitigation measures found in CAPCOA's Quantifying Greenhouse Gas Mitigation Measures, which attempt to reduce GHG levels.

**Response to Comment No. B11-40**

This comment states that the Draft EIR should have evaluated the Project's GHG emissions beyond looking only at efficiency and conservation standards that are required by law and that the Draft EIR should have evaluated more efficient mitigation measures.

The lead agency has substantial discretion to select the appropriate significance threshold to evaluate the severity of a particular impact. (See Jensen v. City of Santa Rosa (2018) 23 Cal.App.5th 877.) The CEQA Guidelines also specifically state that the lead agency has

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54 *See Final Statement of Reasons for Regulatory Action: Amendments to State CEQA Guidelines Addressing Analysis and Mitigation of GHG Emissions Pursuant to SB-97 ("Final Statement of Reasons") (Dec. 2009), p. 23 available at http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf (while a Platinum LLED rating may be relevant to emissions from a building's energy use, "that performance standard may not reveal sufficient information to evaluate transportation-related emissions associated with that proposed project").*

55 *See Final Statement of Reasons, p. 89; see also California Air Pollution Control Officers Association ("CAPCOA") (Aug. 2010) Quantifying Greenhouse Gas Mitigation Measures, pp. 32, A3 available at http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf (("in practice is that if there is a rule that requires, for example, increased energy efficiency in a new building, the project proponent cannot count that increased efficiency as a mitigation or credit unless the project goes beyond what the rule requires; and in that case, only the efficiency in excess of what is required can be counted.").*

56 *Supra fn 30.*

discretion to select the method to determine the significance of a project's impacts from greenhouse gas emissions. (CEQA Guidelines Section 15064.4(a).) The City's significance thresholds are grounded in compliance with State and local plans aimed at reducing GHG emissions. As explained further in Section 4.F of the Draft EIR, the Draft EIR did not only evaluate the Project's compliance with required conservation standards, such as compliance with the City's Green Building Ordinance, the Draft EIR evaluated the Project's consistency with the applicable statewide and regional GHG reduction goals and policies as set forth in the AB 32 Scoping Plan and SCAG 2016-2040 RTP/SCS. Based on that analysis, the City properly concluded that the Project's impacts related to GHG emissions will be less than significant. That approach is consistent with the CEQA Guidelines and guidance from the Supreme Court to evaluate a project's potential GHG emissions impacts. (See CEQA Guidelines Section 15064.4 and *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204. Because the Draft EIR concluded the Project's impacts related to GHG emissions will be less than significant, no mitigation measures related to potential GHG impacts are required under CEQA.

Contrary to the assertion that the Project is obligated to meet a net-zero standard, the Newhall case does not prescribe any such bright-line requirements for analysis. Similarly, the Project and the EIR are not required to identify more aggressive mitigation measures per se, but rather to demonstrate its consistency with broad climate action plans that include numerous strategies to collectively reduce carbon emissions throughout the State and region. To that end, the EIR meets this CEQA requirement by cataloguing the Project's consistency with the RTP/SCS for the region.

**Comment No. B11-41**

*Incorrect Use of Green Building Ordinance and City of Los Angeles ClimateLA Plan to Determine Significance*

As stated above, the DEIR states that the Project would result in a less than significant GHG impact if the Project was found to be consistent with several applicable regulatory plans and policies (p. 4.F-26). Specifically, the DEIR notes that compliance with the Green Building Ordinance and the ClimateLA Plan would result in a less than significant impact (p. 4.F-36 - 4.F-41). While the DEIR mentions Green Building Ordinance standards, and points to various Project characteristics required by City ordinances or state statutes to conserve energy, the Green Building Ordinance and ClimateLA Implementation Plan do not meet the criteria for an officially adopted GHG reduction target for use as a threshold of significance for GHG emissions as required by GUIDELINES§ 15064.4(b)(3). No actual, quantified, or evidence-supported GHG emissions reductions to meet current GHG reduction targets in a plan "adopted by the relevant public agency through a public review process" [GUIDELINES§ 15064.4(b)(3)] are claimed, much less proven, for these measures, precluding their use to establish a lack of significant impact. Therefore, the DEIR's reliance on compliance with these regulatory plans and policies is incorrect and should not be used as a threshold with which to determine the significance of the Project's GHG impact. By using these plans to determine Project significance, the DEIR fails to adequately evaluate and mitigate the Project's impacts.

## Response to Comment No. B11-41

This comment states that the Draft EIR should not have relied on the Project's consistency with the City's Green Building Ordinance or City of Los Angeles Climate LA Plan to evaluate the significance of the Project's GHG emissions because that ordinance and the plan do not meet the requirements of an adopted plan pursuant to CEQA Guidelines section 15064.3(b)(3).

The Draft EIR's GHG analysis does not rely solely on the Project's compliance with the City's Green Building Ordinance or ClimateLA Plan to determine the Project's significance. Instead, the Draft EIR also considers the Project's consistency with AB 32 Scoping Plan GHG Emissions Reduction Strategies and the 2016-2040 RTP/SCS. The Green Building Ordinance and ClimateLA Plan are relevant to the Project in considering the Project's potential GHG impacts. The ClimateLA Plan includes goals to reduce or recycle waste. The City's Green Building Ordinance includes requirements to reduce the use of natural resources in new development. Mandatory measures under the Green Building Ordinance that would help reduce GHG emissions include short- and long- term bicycle parking measures, designated parking measures, electric vehicle supply wiring, and measures to increase energy efficiency on the Project Site. As explained in the Draft EIR, the Project will be consistent with those GHG reduction strategies as set forth in the ClimateLA Plan and the City's Green Building Ordinance. As also discussed in the Draft EIR, the Project will be consistent with the applicable statewide and regional GHG reduction goals and policies, and based on that analysis, the Draft EIR concluded the Project's impacts related to GHG emissions would be less than significant. That approach is consistent with the CEQA Guidelines and guidance from the Supreme Court to evaluate a project's potential GHG emissions impacts, and no further analysis is required under CEQA. (See CEQA Guidelines Section 15064.4 and *Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204.)

## Comment No. B11-42

*Updated Analysis Demonstrates Significant Greenhouse Gas Impact*

In an effort to determine the significance of the Project's GHG impact, we conducted a simple analysis using the emission estimates provided in the SWAPE CalEEMod output files and the SCAQMD's Interim Guidance. When we apply the Project's emissions to the 3,000 MT CO2e/yr screening threshold recommended by the SCAQMD mixed-use projects, we find that the Project's emissions would exceed the screening threshold (see table below).

| Estimated Annual Greenhouse Gas Emissions | |
|---|---|
| **Emission Source** | **Proposed Project (MT $CO_2E$/Yr)** |
| Construction (Amortized) | 82 |
| Area | 85 |
| Energy | 3,477 |
| Mobile | 4,472 |
| Waste | 222 |
| Water | 597 |
| **Total** | **8,935** |
| **SCAQMD Significance Threshold** | **3,000** |
| ***Threshold Exceeded?*** | ***Yes*** |

As you can see in the table above, when we compare the proposed Project's GHG emissions estimated by the SWAPE CalEEMod model, we find that the Project would emit approximately 8,935 MT C02e/year of GHG emissions. This greatly exceeds the SCAQMD's recommended threshold of 3,000 MT C02e/yr. Until an updated GHG analysis is prepared in a Project-specific DEIR that adequately evaluates the Project's total GHG emissions from all sources, the DEIR should not be relied upon to determine Project significance.

According to the SCAQMD, if the Project's emissions exceed the 3,000 MT C02e/year screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.[57] SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTC02e per year per service population (MT C02e/sp/year) for project-level analyses and 6.6 MT C02e/sp/year for plan level projects (e.g., program-level projects such as general plans). Those per capita efficiency targets are based on the AB 32 GHG reduction target and the 2020 GHG emissions inventory prepared for ARB's 2008 Scoping Plan. SCAQMD also created a 2035 efficiency thresholds by reducing the 2020 thresholds by 40 percent, resulting in an efficiency threshold for plans of 4.1 MT C02e/sp/year and an efficiency threshold at the project level of 3.0 MT C02e/sp/year.[58] Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT C02e/year screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT C02e/sp/year and the 2035 efficiency target of 3.0 MT C02e/sp/year, as the Project is not anticipated to be redeveloped prior to 2035.

According to the California Air Pollution Control Officers Association's (CAPCOA) CEQA & Climate Change report, service population is defined as "the sum of the number of residents and the number of jobs supported by the project".[59] According to the DEIR, the proposed Project is anticipated to have 885 residents and 700 employees (Table 4.J-3, p. 4.J-12 and Table 4.J-4, p. 4.J-12). Therefore, the proposed Project has an estimated service population of approximately 1,585 people. Dividing the Project's GHG emissions by a service population value of 1,585 people, we find that the Project would emit approximately 5.64 MTC02e/sp/year. When we compare the Project's per service population GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT C02e/sp/year and the 2035 efficiency target of 3.0 MT C02e/sp/year, we find that the Project would result in a significant GHG impact (see table below).

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

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

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

| Estimated Annual Greenhouse Gas Emissions Per Service Population | | |
|---|---|---|
| **Source** | **Emissions** | **Unit** |
| Total Annual Emissions | 8,935 | MT $CO_2e$/yr |
| Maximum Service Population | 1,585 | Residents |
| **Per Service Population Annual Emissions** | **5.64** | **MT $CO_2e$/sp/yr** |
| 2020 SCAQMD Project Level Efficiency Threshold | 4.8 | MT $CO_2e$/sp/yr |
| ***Exceed?*** | ***Yes*** | - |
| **Per Service Population Annual Emissions** | **5.64** | **MT $CO_2e$/sp/yr** |
| 2035 SCAQMD Project Level Efficiency Threshold | 3.0 | MT $CO_2e$/sp/yr |
| ***Exceed?*** | ***Yes*** | - |

As you can see in the table above, when we compare the per capita emissions estimated by SWAPE to the SCAQMD recommended efficiency thresholds of 4.8 MT C02e/sp/yr for 2020 and 3.0 MT C02e/sp/yr for 2035, we find that the Project's emissions would greatly exceed both of these thresholds, thus resulting in a potentially significant impact. Based on the results of this analysis, an updated DEIR must be prepared for the Project, and additional mitigation should be implemented where necessary, per CEQA Guidelines.

**Response to Comment No. B11-42**

The comment is based on an inappropriate comparison to a draft threshold of significance that was never approved or endorsed by the SCAQMD, based on the lack of consensus from its technical working group. Since that proposal was evaluated in 2008, over ten years ago, the SCAQMD has never recommended or enforced the consideration of this proposal. This was due to the lack of consensus from a Technical Working Group, as there were disputes about whether a single quantitative threshold could be justified based on concerns regarding how these were calculated based on a limited review of 711 CEQA projects from the Office of Planning and Research's database, the accuracy of threshold values for a variety of different land use types, and technical concerns about the derivation of discrete thresholds instead of per capita thresholds. As such, their guidance on the evaluation of GHG impacts never refers to such an alleged standard or threshold of significance. See also, Response to Comment No. B11-38.

**Comment No. B11-43**

***The following comments were provided by Tom Brohard and Associates, and are attached to Comment Letter B11.***

Tom Brohard, P.E., has reviewed the September 2018 Draft Environmental Impact Report (Draft EIR) and the February 2018 Draft Transportation Impact Analysis (TIA) for the Southern California Flower Market at 709-765 S. Wall Street, 306-326 E. 7th Street, and 750-752 S. Maple Avenue in the Central City Community Plan Area of the City of Los Angeles. The Proposed Project is planned to be a new mixed-use development consisting of a 15-story tower

including 12-story residential tower over three stories of office, retail, restaurant, wholesale flower market, and parking.

With my understanding of American Florists Exchange LTD's operations, I became aware of a number of impacts that project construction as well as occupancy and operation of the Southern California Flower Market Proposed Project will have on the adjacent businesses. The Draft EIR and TIA documents do not fully and completely develop measures that would eliminate these potential impacts of the project on the adjacent businesses and roadway system. This letter points out those deficiencies and recommends that various measures be developed and adopted to address, reduce and manage those impacts. This letter includes various items to address traffic and parking during construction as well as a significant parking shortage following occupancy of the Proposed Project.

**Response to Comment No. B11-43**

This is an introductory paragraph regarding a series of comments that follow in the letter. The commenter is referred to Responses to Comment Nos. B11-44 through B11-64, below, and also the traffic technical memo, which is attached as Appendix D to this Final EIR.

**Comment No. B11-44**

**Education and Experience**

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained nearly 50 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the City of San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects as shown in a short summary of my experience in the enclosed resume.

**Response to Comment No. B11-44**

The comment provides information about the commenter’s background, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B11-45**

**Traffic and Parking Issues**

Based on the information regarding the Southern California Flower Market Project documents as well as my understanding of American Florists Exchange LTD's operations, each of the

following traffic and parking issues during and after construction must be fully addressed and evaluated:

1) **Issues During Construction** - Page 40 of the Transportation Impact Analysis {TIA) states "Construction of the Project is anticipated to begin in the last quarter of 2019 and expected to be completed in 2022. The construction is anticipated to involve five key phases: (1) demolition - 4 months, (2) site preparation - 1 month, (3) grading - 3 months, (4) construction - 2 years, and (5) paving." In total, this schedule includes 2 years and 8 months plus an unspecified time for paving. Insufficient information is provided concerning the staging and circulation of haul trucks.

**Response to Comment No. B11-45**

The comment claims that insufficient information has been provided in the Draft EIR regarding haul trucks. In fact, the anticipated haul routes are described on page 2-6 and again on page 4.L-16 of the Draft EIR. Haul trucks will be staged at an off-site location and radioed in to minimize queuing along streets in the immediate vicinity of the Project Site. Specific off-site truck staging areas are not currently known and are typically determined based on availability at the time construction begins; a provision will be added to Project Design Feature (PDF) L-1/Construction Traffic Management Plan regarding off-site staging (see the Response to Comment No. B11-48).

Potential traffic and parking impacts related to project construction were evaluated in the Draft EIR using the construction impact factors set forth in the *LA CEQA Thresholds Guide* (City of Los Angeles, 2006). The City's Thresholds Guide includes review of four categories of potential impacts: temporary traffic impacts, temporary loss of access, temporary loss of bus stops or rerouting of bus lines, and temporary loss of on-street parking. The Draft EIR found that Project construction impacts would be less than significant in each of these categories.

Further, the Draft EIR includes development of a detailed Construction Traffic Management Plan as a Project Design Feature L-1. The PDF is described on page 4.L-15 of the Draft EIR and is restated here for reference:

> **Construction Traffic Management Plan.** A detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans would be prepared and submitted to the City for review and approval. The Construction Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Traffic Management Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and will include the following elements as appropriate:
>
> - Providing for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g., flagmen);

- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Rerouting construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibiting construction-related vehicles from parking on surrounding public streets;
- Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Accommodating all equipment on-site; and
- Obtaining the required permits for truck haul routes from the City prior to issuance of any permit for the Project.

**Comment No. B11-46**

a) Haul Trucks - "Hauling activity is expected to occur during all phases of the Project. Up to 140 haul trucks per day are anticipated during peak haul days. Hauling hours are anticipated to be 7:00 AM to 4:00 PM."

**Response to Comment No. B11-46**

The comment restates a statement from the Draft EIR, but does not state a specific concern or question regarding the adequacy of the analysis of environmental impacts contained in the Draft EIR. Nevertheless, the comment is acknowledged for the record and will be forwarded to the decision-making bodies for their review and consideration.

**Comment No. B11-47**

i) At the peak level of hauling activity, an average of slightly more than 15 trucks per hour would occur, or just over one haul truck every 4 minutes over 9 hours per day. This level of activity is intense and will easily lead to queuing and increased levels of congestion at adjacent intersections. Given the existing traffic circulation patterns, more information is needed as to the actual flow rates and the means to assure that construction traffic will not impact circulation.

**Response to Comment No. B11-47**

As indicated in the Draft EIR and noted in the comment, the anticipated flow rate during the peak days of hauling is approximately 15 trucks per hour. The anticipated haul routes are described on page 2-6 and page 4.L-16 of the Draft EIR and measures described in PDF L-1/Construction Traffic Management Plan would be implemented to address potential impacts. Haul trucks will be staged at an off-site location and radioed in to minimize queuing along streets in the immediate vicinity of the Project Site. Specific off-site truck staging areas are not currently known and are typically determined based on availability at the time construction

begins; a provision will be added to PDF L-1/Construction Traffic Management Plan regarding off-site staging (see the Response to Comment No. B11-48).

**Comment No. B11-48**

ii) Stacking of waiting trucks at the site must be accommodated at nearby off-street staging areas but there is no plan to do this.

**Response to Comment No. B11-48**

Specific off-site truck staging areas are typically determined based on availability at the time construction begins. The following provision will be added to PDF L-1/Construction Traffic Management Plan (see Section 3, Revisions, Clarifications, and Corrections, of this Final EIR):

- Providing off-site truck staging in a legal area furnished by the construction truck contractor. Haul trucks would be radioed in from the off-site staging area to minimize queuing along streets in the immediate vicinity of the Project Site.

**Comment No. B11-49**

iii) Loading and unloading of haul trucks must occur within the site and not on the adjacent streets. Wall Street and Maple Avenue are local streets less than 40 feet wide. These roads are too narrow to safely accommodate haul trucks such as 18-wheel double bottom dirt haulers while retaining heavily used on-street parking and loading on both sides at all times.

**Response to Comment No. B11-49**

It is expected that most loading of haul trucks will occur onsite. There may be occasional need to load haul trucks from streets adjacent to the site perimeter. When necessary, this is expected to occur on Maple Street due to the greater width of Maple Avenue relative to Wall Street, and this would not constitute a significant impact.

**Comment No. B11-50**

iv) Access to and from the site must only be permitted to and from arterial roadways such as 7th Street on the North and 8th Street on the South, not from Wall Street and Maple Avenue.

**Response to Comment No. B11-50**

The parcels between the Project Site and 8th Street are not controlled by the Project Applicant and, as such, access to the site cannot be obtained from 8th Street. 7th Street is designated as an Avenue II arterial street in the City of Los Angeles *Mobility Plan 2035* and City policies discourage access from arterial streets when access is available from side streets.[60]

[60] *Los Angeles Department of Transportation, Manual of Policies and Procedures, Driveway Design, February 2003, page 2, states: "Driveways should not be permitted along arterial highways where*

Construction access to the site is expected to be from both Wall Street and Maple Avenue. Off-loading and hoisting of equipment is expected to occur along the Project's Maple Avenue frontage due to the greater width of Maple Avenue (approximately 54 feet south of 7th Street) relative to Wall Street (approximately 40 feet).

**Comment No. B11-51**

v) Times of hauling activities must be restricted to hours that do not conflict with deliveries to the adjacent flower markets (M, W, F - 12 midnight to 2 PM; T, Th, Sat 5 AM to 2 PM; S 6 AM to 3 PM).

**Response to Comment No. B11-51**

As discussed on pp. 4.L-15 of the Draft EIR, hauling hours are anticipated to be 7:00 AM to 4:00 PM. Restricting hauling to avoid the hours suggested in the comment would effectively limit hauling to two days per week, which is unreasonable and would render construction of the project infeasible. Further, the analysis provided in Section 4.L of the Draft EIR determined that the Project's construction traffic impacts would be less than significant.

**Comment No. B11-52**

b) Equipment and Delivery Trucks - Vendor equipment and delivery truck trips during construction must also be scheduled to eliminate conflicts with the other existing businesses adjacent to the Proposed Project. Page 41 of the TIA indicates up to 12 vendor truck trips per day will occur on peak activity days. Each of the trips associated with these activities must occur during hours that do not conflict with the operation of the adjacent flower markets.

**Response to Comment No. B11-52**

Restricting equipment and delivery trucks to avoid the hours suggested in the comment would effectively limit these deliveries to two days per week, which is unreasonable and would render construction of the Project infeasible. The Construction Management Plan included as Project Design Feature L-1 on page 4.L-15 of the Draft EIR and described in the Response to Comment B11-45 includes the following measure:

> "Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;"

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*the proposed development is 1. Residential and access is possible using an alley or non-arterial street, or 2. Industrial or commercial, and a. At the intersection of the arterial highway with a non-arterial street, and b. access is possible along the non-arterial frontage."*

**Comment No. B11-53**

c) Construction Employees - The TIA indicates that the demolition, site preparation, and grading is expected to involve a maximum of 10 workers on site on a daily basis. Construction and paving are expected to have a total of 60 workers on a peak day. Construction employees must be required to arrive before 7:00 AM when members of the public begin patronizing the flower markets and would leave after the flower markets close at 2:00 PM.

**Response to Comment No. B11-53**

The Los Angeles Municipal Code provides that construction activities are limited to the hours from 7:00 AM to 9:00 PM on weekdays and from 8:00 AM to 6:00 PM on Saturdays and holidays. It is common that construction workers arrive at jobsites prior to 7:00 AM so that construction activities can begin as soon as the code permits.

**Comment No. B11-54**

d) Construction Worker Parking - Each construction worker will likely drive alone. Accommodations for at least 60 parked vehicles must be provided at 601 East 8th Street.

**Response to Comment No. B11-54**

As discussed on page 4.L-17 of the Draft EIR, all construction parking is anticipated to be contained on site during the remodel of the northern building and it is anticipated that construction employees would be parked at 601 East 8th Street during the construction of the new southern building. Furthermore, the Construction Management Plan included as Project Design Feature L-1 on page 4.L-15 of the Draft EIR and described in the Response to Comment B11-45 includes the following measure:

> "Prohibiting construction-related vehicles from parking on surrounding public streets;"

If, for any reason, sufficient parking is not available at 601 East 8th Street to park the construction workers, accommodations would need to be found at other off-site parking locations.

**Comment No. B11-55**

e) Temporary Traffic Impacts - Pages 41 and 42 of the TIA indicate that closures to sidewalks around the project perimeter adjacent to the construction will be up to three months. Sidewalks across the streets from the project must remain open at all times. The TIA states pedestrian and vehicular access to properties located near the Project site will be open and unobstructed during construction. Each of these statements must be memorialized and enforced.

**Response to Comment No. B11-55**

Sidewalk closures would be limited to sidewalks around the Project perimeter. Sidewalks across the street from the Project Site would remain open.

As discussed on page 4.L-20 of the Draft EIR, it is anticipated that pedestrian and vehicular access to properties located near the Project Site would be open and unobstructed during the construction period. Nevertheless, the following provision will be added to PDF L-1/Construction Traffic Management Plan (see Section 3, Revisions, Clarifications, and Corrections, of this Final EIR):

- Ensuring that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

**Comment No. B11-56**

f) Temporary Loss of On-Street Parking - Page 42 of the TIA states "On-street parking along Maple Avenue and Wall Street will be restricted throughout construction." On-street parking on the opposite sides of Maple Avenue and Wall Street from the project construction must not be eliminated during construction of the Proposed Project. In addition, the elimination of on-street loading zones along Maple Avenue and Wall Street is also proposed. This on-street parking and loading is heavily utilized by customers during the hours when the surrounding flower markets are open. Prohibiting on-street parking and loading across the street would have a significant impact that must be eliminated.

**Response to Comment No. B11-56**

It is anticipated that temporary on-street parking and loading zone removal during construction would be limited to the street frontages directly around the Project perimeter, not across the street, and that approximately 10-15 spots would be removed during construction.

Also, while parking removal across the street is not anticipated, it should be noted that, per the provisions of California Public Resources Code Section 21099, parking impacts of a residential, mixed-use residential, or employment center Project on an infill site within a transit priority area are not to be considered significant impacts on the environment.

**Comment No. B11-57**

g) Temporary Lane Closures - Page 44 of the TIA states "Delivery vehicles may need to park temporarily on adjacent roadways such as Maple Avenue and Wall Street as they deliver their items. Based on past experience, it is not uncommon for these types of deliveries to result in temporary lane closures." Given the reliance of the flower district businesses on these streets, all construction and delivery vehicles must be required to park on-site or to otherwise operate so as to avoid street closures during business hours. Delivery vehicles must be prohibited from parking across the street on Wall Street and on any other street in the immediate area.

**Response to Comment No. B11-57**

As discussed in the Response to Comment No. B11-50, off-loading and hoisting of equipment is expected to occur along the Project's Maple Avenue frontage due to the greater width of Maple Avenue relative to Wall Street.

**Comment No. B11-58**

h) Mitigation Measures - As stated on Page 46 of the TIA, all mitigation measures during construction must be taken to ensure that access will remain unobstructed for land uses in proximity to the Project site. To implement this, conditions on the adjacent streets during construction, particularly on Wall Street, must be reviewed periodically at various times during construction to make sure that each of the measures are being followed, are effective in ensuring unobstructed access and are fully enforced. If violations are identified and these issues are not immediately rectified, then fines and other penalties must be imposed.

**Response to Comment No. B11-58**

Please see the Response to Comment No. B11-55 regarding adding a provision to PDF L-1/Construction Traffic Management Plan ensuring that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

Monitoring and enforcement of PDF L-1/Construction Traffic Management Plan is discussed in the Mitigation Monitoring Program contained as Section 4 of this Final EIR.

**Comment No. B11-59**

2) Proposed Project Does NOT Appear To Provide Sufficient Parking - Appendix K-4 to the TIA consists of the "August 7, 2017 Parking Demand Analysis for the Southern California Flower Market". The purpose of this analysis was to determine the existing parking demands generated by the existing flower market operations and to estimate the parking need for the Proposed Project considering the actual Flower Market parking demands.

**Response to Comment No. B11-59**

This comment prefaces the subsequent comments regarding the parking demand analysis presented in the Draft EIR. Please see the Response to Comment No. B11-61 regarding the provision of sufficient parking.

**Comment No. B11-60**

Parking occupancy surveys were conducted once an hour from 10:00 PM to 6:00 PM on November 15 and 16 (Tuesday and Wednesday) and November 17 and 18 (Thursday and Friday) in 2016. Different users were identified by the type of parking permit that the vehicles displayed. Others without permits were assumed to be daily parkers. Additional parking data was also collected on December 21, 2016.

The peak parking demand for only the flower market users was found to be 275 spaces at 7:00 AM and 274 spaces at 9:00 AM. The code-based parking requirement for the new uses to be provided in the Proposed Project was calculated to be 415 vehicle spaces. In total, maintaining the existing flower market demand and adding the proposed residential tower and other new uses yields a total parking demand of 690 parking spaces.

Shared parking techniques were then applied to the Proposed Project and the total parking demand was reduced to 673 spaces. This is 17 spaces less than the calculated need of 690 spaces. The parking demand generated by the existing Flower Market exceeds the City's code requirements of one space per 1,000 square feet. While the Proposed Project as analyzed in the Parking Demand Analysis includes parking for only 479 vehicles as theoretically required by the City Code, that amount of parking is clearly insufficient to accommodate parking for the proposed new uses plus the parking demand created by the existing Flower Market.

**Response to Comment No. B11-60**

The comment restates conclusions regarding parking from the Draft EIR. The commenter is therefore referred to Response to Comment No. B11-61, which discusses the parking proposed for the Project.

**Comment No. B11-61**

The Parking Demand Analysis concludes that "Additional parking supply would be required to meet code requirements for the proposed new uses and accommodate the demand for the continued operation of the Flower Market." However, no definitive plan to provide the additional approximately 200 spaces that are required to meet the parking demand for the Flower Market has been provided.

**Response to Comment No. B11-61**

The purpose of the Parking Demand Analysis (included as Appendix K-4 of the Draft EIR) was to determine how much parking should be provided to accommodate both the continued operation of the Flower Market and the new uses. The comment incorrectly states that there is no definitive plan to provide the additional spaces identified in the Parking Demand Analysis. On the contrary, as discussed on Page 2-3 of the Draft EIR, the Project intends to provide approximately 681 parking spaces, including the 479 code-required spaces and the additional spaces required to meet the parking demand for the Flower Market, consistent with the findings of the Parking Demand Analysis. These 681 parking spaces are a part of the proposed on-site parking supply shown in the project plans presented on Figures 2-1 through 2-11 of the Draft EIR. Also, as noted on page 4.L-21 of the Draft EIR and page 42 of the Traffic Study (included as Appendix K-1 of the Draft EIR), per the provisions in the California Public Resources Code Section 21099, parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are not considered significant impacts on the environment. The Project is such a mixed-use infill project located within a transit priority area as defined by the California Public Resources Code, and therefore, the Project’s impacts with respect to parking would not be considered significant as a matter of law.

**Comment No. B11-62**

Page 2-3 of the Draft EIR states "As such, the Project proposes to provide parking consistent with the parking demand study, or approximately 681 vehicle parking spaces, which would be accommodated in a subterranean level in the new building and above-grade parking in both the new building and the existing north building." This statement is not supported by any evidence in the Draft EIR or in the Parking Demand Analysis to show exactly where or how the additional approximately 200 parking spaces will be provided.

**Response to Comment No. B11-62**

The comment quotes Section 2, Project Description, of the Draft EIR yet states that there is no evidence in the Draft EIR that the Project will provide parking consistent with the parking demand study. It is not clear what evidence the commenter is seeking. The spaces needed for consistency with the findings of the parking demand study are indeed a part of the proposed on-site parking supply shown in the project plans presented on Figures 2-1 through 2-11 of the Draft EIR.

**Comment No. B11-63**

The Project Description for the Proposed Project, including the project plans, must clearly incorporate the additional approximately 200 parking spaces and demonstrate exactly how this will be done. Without this requirement and supporting proof, approximately 200 additional vehicles will overload the existing streets as motorists circle and hunt for any available parking in the area.

**Response to Comment No. B11-63**

The commenter is referred to the Responses to Comment Nos. B11-61 and B11-62.

**Comment No. B11-64**

In summary, the Proposed Project must fully address and reduce the potential impacts of construction on the existing businesses in the immediate area. The calculated parking shortage of nearly 200 spaces must also be addressed to eliminate potential gridlock on the streets in the area. Further study must be undertaken and more detailed information must be provided in order to properly identify and address the scope of the construction traffic impacts and parking shortage created by the Proposed Southern California Flower Market Project. If you have questions regarding these comments, please contact me at your convenience.

**Response to Comment No. B11-64**

The comment summarizes the comments made in Comment Nos. B11-45 through B11-63. Therefore, the commenter is referred to the Responses to Comment Nos. B11-45 through B11-63, and no further study is required.

# 3. Revisions, Clarifications, and Corrections

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15132(a), this Chapter of the Final Environmental Impact Report (EIR) provides changes to the Draft EIR that have been made to clarify, correct, or supplement the information provided in that document. These changes and additions are due to recognition of inadvertent errors or omissions, and to respond to comments received on the Draft EIR during the public review period. The changes described in this Chapter do not add significant new information to the Draft EIR that would require recirculation of the Draft EIR. More specifically, CEQA requires recirculation of a Draft EIR only when "significant new information" is added to a Draft EIR after public notice of the availability of the Draft EIR has occurred (refer to California Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5), but before the EIR is certified. Section 15088.5 of the CEQA Guidelines specifically states: "New information added to an EIR is not 'significant' unless the EIR is changed in a way that deprives the public of meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible alternative) that the project's proponents have declined to implement. 'Significant new information' requiring recirculation includes, for example, a disclosure showing that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."

CEQA Guidelines Section 15088.5 also provides that "[re]circulation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR…A decision not recirculate an EIR must be supported by substantial evidence in the administrative record."

As demonstrated in this Final EIR, the changes presented in this Chapter do not constitute new significant information warranting recirculation of the Draft EIR as set forth in CEQA Guidelines Section 15088.5. Rather, the Draft EIR is comprehensive and has been prepared in accordance with CEQA.

Changes to the Draft EIR are indicated under the respective EIR section heading, page number, and paragraph. Paragraph reference is to the first full paragraph on the page. Deletions are shown with ~~strikethrough~~ and additions are shown with **bolded underline**.

**Cover**

*The "Project Location" is revised as follows:*

**Project Location:** 709-765 S. Wall St., 306-326 E. 7th St., and **742,** 750-752 S. Maple Ave., Los Angeles, California, 90014

**Section 1. Introduction/Summary**

No corrections or additions are required.

**Section 2. Project Description**

*The second paragraph on page 2-3 under "Vehicle Parking" is revised as follows:*

There are presently 479 vehicle parking spaces on the Project Site serving the existing Flower Market, and 479 vehicle parking spaces were originally proposed with the Project, which is consistent with Code requirements (not including parking for any covered exterior areas).[1] In response to the Notice of Preparation (NOP), a comment letter was received that stated a concern about whether the Project would provide adequate parking, and if not, that this would potentially impact the availability of on-street parking in the neighborhood. In response to this comment, Fehr & Peers prepared a parking demand study and shared parking analysis (included in Appendix K of this Draft EIR) to determine the demands generated by the existing Flower Market operations and to estimate the parking need for the Project, considering the actual Flower Market parking demands. The parking demand study shows that the parking demand generated by the existing Flower Market operations exceeds the amount of parking required by Code. As stated previously, the Project ~~currently includes parking areas that provide~~ **originally proposed** a total of 479 vehicle parking spaces. This would be insufficient to accommodate the peak shared need for 673 spaces necessary to accommodate the proposed uses and the existing Flower Market operations. Thus, additional parking supply would be required to meet the Code requirements for the proposed new uses and accommodate the demand for the continued operation of the Flower Market. As such, the Project proposes to provide parking consistent with the parking demand study, or approximately 681 vehicle parking spaces, which would be accommodated in a subterranean level in the new building and above-grade parking in both the new building and the existing north building.

**Section 3. Environmental Setting**

*Table 3-1, Project Site Information, on page 3-1 is revised as follows:*

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[1] *Including parking for covered exterior areas would increase the Code-required parking to 510 spaces.*

**Table 3-1**
**Project Site Information**

| Address | APN | Zoning | Land Use Designation | Size |
|---|---|---|---|---|
| 709-765 S. Wall St., 306-326 E. 7th St., and **742,** 750-752 S. Maple Ave. | 5145-004-033, -034, and -035 | M2-2D | Light Manufacturing | 168,577 sf (3.87 acres) |
| *Source: http://zimas.lacity.org/.* | | | | |

*Figure 3-6, Sensitive Receptor Location Map, is added to page 3-20 of the Draft EIR, and is included at the end of this section.*

**Section 4.A. Impacts Found to be Less Than Significant**

No corrections or additions are required.

**Section 4.B. Aesthetics**

No corrections or additions are required.

**Section 4.C. Air Quality**

*The second paragraph on page 4.C-18 (under "Localized") is revised as follows:*

With regard to localized air quality impacts, the Project would emit minimal emissions of $NO_2$, CO, $PM_{10}$, and $PM_{2.5}$ from area and energy sources on-site. As shown in Table 4.C-**9**~~10~~, these localized emissions would not approach the SCAQMD's localized significance thresholds that signal when there could be human health impacts at nearby sensitive receptors during long-term operations. The Project's operational impacts on localized air quality are therefore considered less than significant.

**Section 4.D. Cultural Resources**

*Project Design Features D-1 and D-2, which restate information provided on pages 4.D-28 and 4.D-29, are added to page 4.D-27 under "Project Impacts":*

**D-1 Prior to Project construction, the prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project Site. In addition, in the event that buried archaeological resources are exposed during Project construction, work within 50 feet of the find will stop until a professional archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment, in conformance with California Public Resources Code Section 21083.2. However, construction activities could continue in other areas of the Project Site. Recommendations could include preparation of a Treatment Plan, which could require recordation,**

**collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains will be treated in accordance with state law.**

**D-2 The prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying paleontological or unique geologic resources or sites from the Project Site. In addition, in the event that paleontological resources or sites, or unique geologic features are exposed during Project construction, work within 50 feet of the find will stop until a professional paleontologist, can identify and evaluate the significance of the discovery and develop recommendations for treatment. However, construction activities could continue in other areas of the Project Site. Recommendations could include a preparation of a Treatment Plan, which could require recordation, collection, and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any paleontological resources or sites, or unique geologic features will be treated in accordance with State law.**

**Section 4.E. Geology and Soils**

No corrections or additions are required.

**Section 4.F. Greenhouse Gas Emissions**

*Project Design Feature F-1, which restates information that is already provided on pages 4.F-30 and 4.F-31, is added to page 4.F-26 under "Project Impacts":*

**F-1 The Project would include a number of Project design features (PDFs) that implement an array of strategies that address most of the source categories identified by the State for potential GHG reductions. These include:**

- **Renovation of a two-story 206,517-square-foot concrete building in lieu of being removed for new construction. This move results in a building with a lower embodied energy than new construction.**
- **Designing the residential tower to both provide views and limit heat gain through shading or other devices.**
- **Construction debris will be recycled with a target rate of 90 percent.**
- **Pollution control will occur during construction by limiting dust and moisture build up.**
- **All adhesives, coatings, paint and other finishes installed in interior spaces will be low- or no-VOC (volatile organic compounds).**
- **Electric Vehicle charging spots will be provided (no less than 3 percent of the total number of parking spaces provided).**
- **Bicycle parking will be provided (both short-term and long-term) to encourage tenants to utilize alternative modes of transportation.**

- **Building will be provided with conduit and rooftop space for a potential photovoltaic solar panel array and will have a 'cool roof' to reduce the heat island effect.**
- **Majority of the landscape will be drought tolerant and low-water use type. The irrigation design will be water-conserving type with moisture sensors.**
- **All plumbing fixtures will be low-flow or ultra-low flow. Building will be designed to be 'grey-water ready'.**
- **If carpet is provided, it will meet the Carpet and Rug Institute's Green Label Plus Program or be Greenguard certified.**
- **Resilient flooring provided will meet UL Greenguard Gold or other green certification program.**
- **All composite wood products will meet the low VOC limits specified by the California Air Resources Board.**
- **Educational materials will be provided for the residential tenant occupants that include:**
    - **Information from local utility, water and water recovery providers on methods to further reduce resource consumption, including recycle programs and locations.**
    - **Information on-site on public transportation and/or carpool options available in the area.**

**Section 4.G. Hazards and Hazardous Materials**

No corrections or additions are required.

**Section 4.H. Land Use and Planning**

No corrections or additions are required.

**Section 4.I. Noise**

No corrections or additions are required.

**Section 4.J. Population and Housing**

No corrections or additions are required.

**Section 4.K. Public Services**

*Project Design Feature K-1, which restates information provided on page 4.K.2-11, is added to page 4.K.2-11 under "Project Impacts":*

**K-1 During construction, the Project Applicant will implement appropriate temporary security measures, including perimeter fencing, lighting, and security patrols during non-construction hours (e.g. nighttime hours, weekends, and holidays).**

**Section 4.L. Transportation/Traffic**

*Project Design Feature L-1 on page 4.L-15 is revised as follows:*

**Project Design Feature**

**L-1** **Construction Traffic Management Plan.** A detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans would be prepared and submitted to the City**, including its Department of Transportation,** for review and approval. The Construction Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Traffic Management Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and will include the following elements as appropriate:

- Providing for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g., flagmen);
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Rerouting construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibiting construction-related vehicles from parking on surrounding public streets;
- Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Accommodating all equipment on-site; and
- Obtaining the required permits for truck haul routes from the City prior to issuance of any permit for the Project.
- **Providing off-site truck staging in a legal area furnished by the construction truck contractor. Haul trucks would be radioed in from the off-site staging area to minimize queuing along streets in the immediate vicinity of the Project Site.**
- **Ensuring that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.**

**Section 4.M. Tribal Cultural Resources**

No corrections or additions are required.

**Section 4.N. Utilities and Service Systems**

*The following information at the top of page 4.N.1-10 is revised as follows:*

**Existing Infrastructure**

The sewer infrastructure near the Project Site is shown on Table 4.N.1-1 and includes an existing 8-inch line on Wall Street. The sewage from the existing 8-inch line feeds into a ~~30~~**24**-

inch line on Maple Avenue before discharging into a 45-inch sewer line on Washington Boulevard.

**Table 4.N.1-1**
**Sewer System Near the Project site**

| Pipe Diameter | Pipe Location | Current Gauging d/D (%) | 50% Design Capacity |
|---|---|---|---|
| 8 | Wall Street | * | 173,893 gpd |
| ~~8~~ | ~~Wall Street~~ | ~~*~~ | ~~296,794 gpd~~ |
| 24 | Maple Avenue | ~~25~~**35** | 4.13 mgd |
| ~~24~~**30** | Maple Avenue | * | ~~2.15~~ **9.85**mgd |
| 30 | Maple Avenue | ~~28~~**21** | 6.96 mgd |
| 45 | Washington Blvd | ~~24~~**30** | 15.40 mgd |

*gpd - gallons per day mgd - million gallons daily * = No gauging available*

*d/D + sewer floor depth to sewer diameter. The percentage shown illustrates the total existing percentage of the pipe's capacity.*

*Source: Correspondence from Ali Poosti, Division Manager, Wastewater Engineering Services Division, Bureau of Sanitation, ~~June 23, 2017~~**October 31, 2018**. Refer to Appendix L-1.*

**Section 5. General Impact Categories**

No corrections or additions are required.

**Section 6. Alternatives**

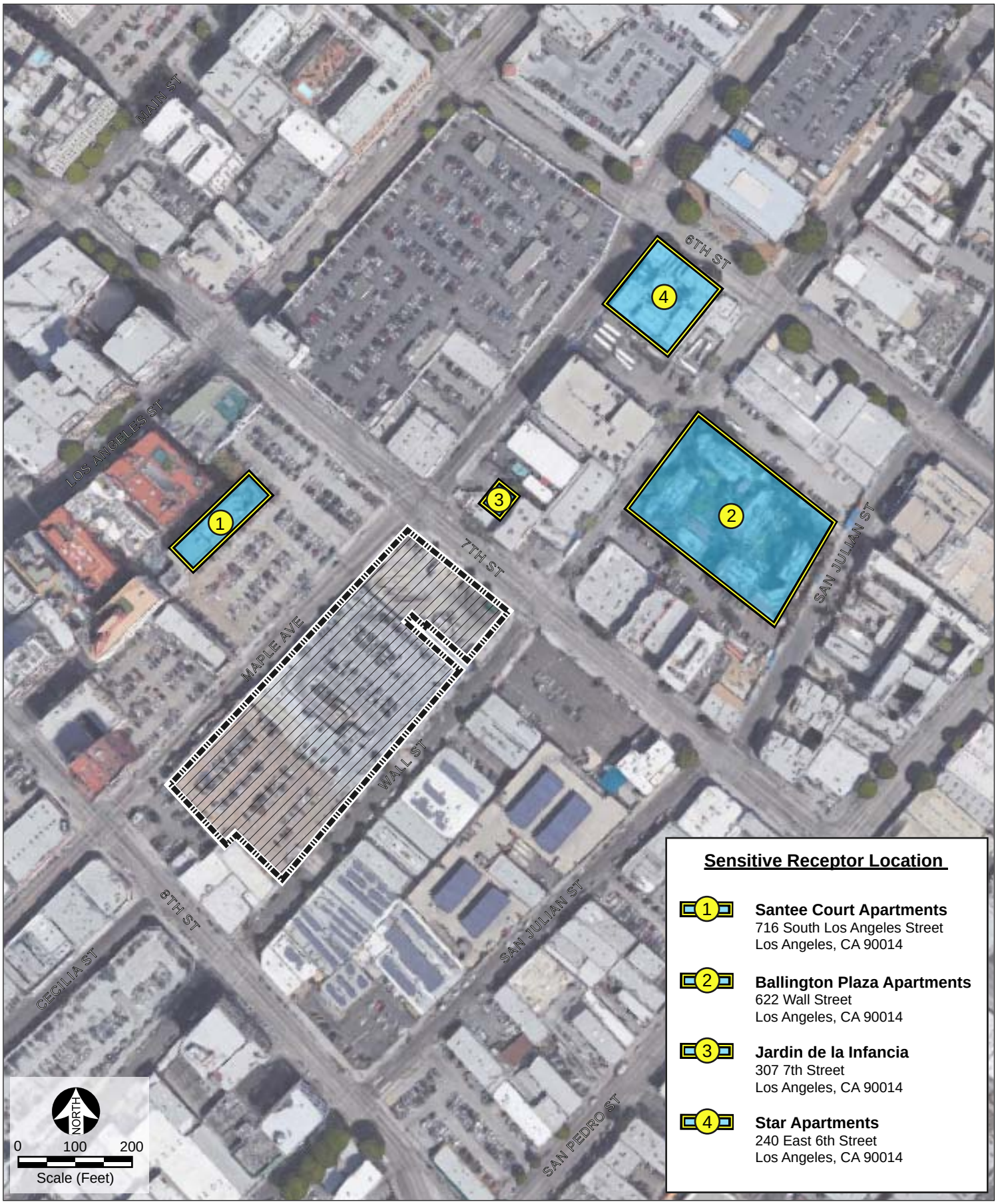
No corrections or additions are required.

**Section 7. Preparers of the EIR**

No corrections or additions are required.

**Section 8. Acronyms and Abbreviations**

No corrections or additions are required.




Legend

Project Site

Source: Google Maps, 2019.

Figure 3-6
Sensitive Receptor Location Map

# 4. Mitigation Monitoring Program

## A. Introduction

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment" (Mitigation Monitoring Program, Section 15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). This Mitigation Monitoring Program (MMP) has been prepared in compliance with the requirements of CEQA, specifically Public Resources Code Section 21081.6, and Section 15097 of the CEQA Guidelines. The City of Los Angeles (City) is the Lead Agency for this project.

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. Where appropriate, the EIR identified Project design features, or recommended mitigation measures to avoid or to reduce potentially significant environmental impacts. This MMP is designed to monitor implementation of the mitigation measures and Project design features identified in the EIR.

The MMP is subject to review and approval by the City of Los Angeles as the Lead Agency as part of the approval process of the Project, and adoption of Project conditions. The required mitigation measures are listed and categorized by impact area, as identified in the EIR.

## B. Organization

As shown on the following pages, each identified mitigation measure and Project design feature for the Project is listed and categorized by environmental issue area, with accompanying discussion of:

> **Enforcement Agency** – the agency with the power to enforce the mitigation measure or Project design feature.
>
> **Monitoring Agency** – the agency to which reports involving feasibility, compliance, implementation and development are made, or who physically monitors the Project for compliance with mitigation measures or Project design features.
>
> **Monitoring Phase** – the phase of the Project during which the mitigation measure or Project design feature shall be monitored.
>
> - Pre-Construction, including the design phase

- Construction
- Pre-Operation
- Operation (Post-construction)

**Monitoring Frequency** – the frequency of which the mitigation measure or Project design feature shall be monitored.

**Action Indicating Compliance** – the action of which the Enforcement or Monitoring Agency indicates that compliance with the required mitigation measure or Project design feature has been implemented.

The Project Applicant shall be responsible for implementing all mitigation measures, unless otherwise noted, and shall be obligated to provide documentation concerning implementation of the listed mitigation measures to the appropriate monitoring agency and the appropriate enforcement agency. All departments listed below are within the City of Los Angeles, unless otherwise noted. The entity responsible for the implementation of all mitigation measures shall be the Project Applicant unless otherwise noted. It is noted that while certain agencies outside of the City are listed as the monitoring/enforcement agencies for individual project design features and mitigation measures listed in this MMP, the City, as Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

## C. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each Project design feature and mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that each Project design feature and mitigation measure has been implemented. The Applicant shall maintain records demonstrating compliance with each Project design feature and mitigation measure. Such records shall be made available to the City upon request.

Further, specifically during the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the City of Los Angeles Department of City Planning, who shall be responsible for monitoring implementation of Project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP.

The Construction Monitor shall also prepare documentation of the Applicant's compliance with the Project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Annual Compliance Report. The Construction Monitor shall be obligated to promptly notify the Applicant of any non-

compliance with the mitigation measures and Project design features. If the Applicant does not correct the non-compliance within two days from the time of notification, the Construction Monitor shall report such non-compliance to the Enforcement Agency. Any continued non-compliance shall be appropriately addressed by the Enforcement Agency.

# D. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the Project design features and mitigation measures contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the Project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a Project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project related approval, finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, including by preparing an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification to or deletion of the Project design features or mitigation measures. Any addendum or subsequent CEQA clearance that may be required in connection with the modification or deletion shall explain why the Project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the Project design feature or mitigation measure. Under this process, the modification or deletion of a Project design feature or mitigation measure shall not in and of itself require a modification to any Project discretionary approval unless the Director of Planning also finds that the change to the Project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

# E. Mitigation Measures

**Aesthetics**

No mitigation measures required.

**Air Quality**

**C-1:** All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce $NO_x$ and $PM_{2.5}$ emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve

emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

**Enforcement Agency:** South Coast Air Quality Management District (SCAQMD)

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-Construction; Construction

**Monitoring Frequency:** Once at Project plan check; Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**Cultural Resources**

No mitigation measures required.

**Geology and Soils**

**E-1:** The Project shall comply with the recommendations found on pages 10 through 41 of the Geotechnical Investigation, Southern California Flower Mart Proposed Mixed-Use Development, 747 & 755 South Wall Street, Los Angeles, California, prepared by Geocon West, Inc., July 2016, or in any revision to that report, to the satisfaction of the Bureau of Engineering.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Bureau of Engineering

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign off

**Greenhouse Gas Emissions**

No mitigation measures required.

**Hazards and Hazardous Materials**

No mitigation measures required.

## Land Use and Planning

No mitigation measures required.

## Noise

### Construction Noise

**I-1:** All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodically during construction

**Action Indicating Compliance:** Field inspection sign-off

**I-2:** Temporary sound barriers capable of achieving a sound attenuation of at least 15 dBA shall be erected along the Project's boundaries facing Santee Court Apartments. Temporary sound barriers capable of achieving a sound attenuation of at least 6 dBA shall be erected along all other Project construction boundaries.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading permit. Once at field inspection

**Action Indicating Compliance:** Plan approval and issuance of grading permit; Field inspection sign-off

### Construction Vibration

**I-3:** Construction activities that produce vibration, such as demolition, excavation, and earthmoving, shall be sequenced so that vibration sources within 7.5 feet of 769 Wall Street do not operate simultaneously.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**I-4:** No pile driving shall occur as part of Project construction.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**I-5:** Pre-construction surveys shall be performed to document the conditions of 769 Wall Street. A structural monitoring program shall be implemented and recorded during construction. The performance standards of the structure-monitoring plan shall include the following:

- Documentation, consisting of video and/or photographic documentation of accessible and visible areas on the exterior of the building.
- A registered civil engineer or certified engineering geologist shall develop recommendations for a structure-monitoring program.
- The structure-monitoring program shall survey for vertical and horizontal movement, as well as vibration thresholds. If the thresholds are met or exceeded, or if noticeable structural damage becomes evident to the Project contractor, work shall stop in the area of the affected building until measures have been taken to prevent construction-related damage to the structure.
- The structure-monitoring program shall be submitted to the Department of Building and Safety and received into the case file for the associated discretionary action permitting the Project prior to initiating any construction activities.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading permit; periodic field inspection.

**Action Indicating Compliance:** Issuance of grading permit; field inspection sign-off.

**I-6:** Construction equipment and vehicles capable of generating excessive vibration levels including, but not limited to, excavators, loaders, backhoes, scrapers, and graders, shall maintain a setback of at least 7.5 feet from Sensation Flowers at all times.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**Population and Housing**

No mitigation measures required.

**Public Services – Fire Protection**

No mitigation measures required.

**Public Services – Police Protection**

No mitigation measures required.

**Public Services – Schools**

No mitigation measures required.

**Public Services – Parks**

No mitigation measures required.

**Public Services – Libraries**

No mitigation measures required.

**Transportation/Traffic**

No mitigation measures required.

## Tribal Cultural Resources

**M-1:** Prior to commencing any ground disturbance activities at the Project Site, the Applicant, or its successor, shall retain archeological monitors and tribal monitors that are qualified to identify subsurface tribal cultural resources. Ground disturbance activities shall include excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity at the project site. Any qualified tribal monitor(s) shall be approved by the Gabrieleno Band of Mission Indians – Kizh Nation. Any qualified archaeological monitor(s) shall be approved by the Department of City Planning, Office of Historic Resources ("OHR").

The qualified archeological and tribal monitors shall observe all ground disturbance activities on the Project Site at all times the ground disturbance activities are taking place. If ground disturbance activities are simultaneously occurring at multiple locations on the Project Site, an archeological and tribal monitor shall be assigned to each location where the ground disturbance activities are occurring. The on-site monitoring shall end when the ground disturbing activities are completed, or when the archaeological and tribal monitor both indicate that the site has a low potential for impacting tribal cultural resources.

Prior to commencing any ground disturbance activities, the archaeological monitor in consultation with the tribal monitor, shall provide Worker Environmental Awareness Program (WEAP) training to construction crews involved in ground disturbance activities that provides information on regulatory requirements for the protection of tribal cultural resources. As part of the WEAP training, construction crews shall be briefed on proper procedures to follow should a crew member discover tribal cultural resources during ground disturbance activities. In addition, workers will be shown examples of the types of resources that would require notification of the archaeological monitor and tribal monitor. The Applicant shall maintain on the Project Site, for City inspection, documentation establishing the training was completed for all members of the construction crew involved in ground disturbance activities.

In the event that any subsurface objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities, all such activities shall temporarily cease within the area of discovery, the radius of which shall be determined by a qualified archeologist, in consultation with a qualified tribal monitor, until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:

1. Upon a discovery of a potential tribal cultural resource, the Applicant, or its successor, shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally and culturally affiliated with the geographic area of the proposed project; and (2) OHR.

2. If OHR determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be a tribal cultural resource in its discretion and supported by substantial evidence, the City shall provide any affected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Applicant, or its successor, and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.

3. The Applicant, or its successor, shall implement the tribe's recommendations if a qualified archaeologist retained by the City and paid for by the Applicant, or its successor, in consultation with the tribal monitor, reasonably conclude that the tribe's recommendations are reasonable and feasible.

4. In addition to any recommendations from the applicable tribe(s), a qualified archeologist shall develop a list of actions that shall be taken to avoid or minimize impacts to the identified tribal cultural resources substantially consistent with best practices identified by the Native American Heritage Commission and in compliance with any applicable federal, state or local law, rule or regulation.

5. If the Applicant, or its successor, does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist or qualified tribal monitor, the Applicant, or its successor, may request mediation by a mediator agreed to by the Applicant, or its successor, and the City. The mediator must have the requisite professional qualifications and experience to mediate such a dispute. The City shall make the determination as to whether the mediator is at least minimally qualified to mediate the dispute. After making a reasonable effort to mediate this particular dispute, the City may (1) require the recommendation be implemented as originally proposed by the archaeologist or tribal monitor; (2) require the recommendation, as modified by the City, be implemented as it is at least as equally effective to mitigate a potentially significant impact; (3) require a substitute recommendation be implemented that is at least as equally effective to mitigate a potentially significant impact to a tribal cultural resource; or (4) not require the recommendation be implemented because it is not necessary to mitigate an significant impacts to tribal cultural resources. The Applicant, or its successor, shall pay all costs and fees associated with the mediation.

6. The Applicant, or its successor, may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by both the qualified archaeologist and qualified tribal monitor and determined to be reasonable and appropriate.

7. The Applicant, or its successor, may recommence ground disturbance activities inside of the specified radius of the discovery site only after it has complied with all

of the recommendations developed and approved pursuant to the process set forth in paragraphs 2 through 5 above.

8. Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton and to the Native American Heritage Commission for inclusion in its Sacred Lands File.

9. Notwithstanding paragraph 8 above, any information that the Department of City Planning, in consultation with the City Attorney's Office, determines to be confidential in nature shall be excluded from submission to the SCCIC or provided to the public under the applicable provisions of the California Public Records Act, California Public Resources Code, section 6254(r), and handled in compliance with the City's AB 52 Confidentiality Protocols.

**Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Office of Historic Resources

**Monitoring Agency:** City of Los Angeles Department of City Planning, City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check prior to issuance of grading permit; periodic field inspection.

**Action Indicating Compliance:** Issuance of grading permit; field inspection sign-off

**Utilities and Service Systems – Wastewater**

No mitigation measures required.

**Utilities and Service Systems – Water**

No mitigation measures required.

**Utilities and Service Systems – Solid Waste**

No mitigation measures required.

**Utilities and Service Systems – Energy Conservation**

No mitigation measures required.

# F. Project Design Features

In addition to the required Mitigation Measures, the Project also includes Project Design Features that are conditions of the Project that must be monitored and enforced in the same manner as Mitigation Measures.

**Aesthetics**

No project design features provided.

**Air Quality**

No project design features provided.

**Cultural Resources**

**D-1:** Prior to Project construction, the prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the Project Site. In addition, in the event that buried archaeological resources are exposed during Project construction, work within 50 feet of the find will stop until a professional archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment, in conformance with California Public Resources Code Section 21083.2. However, construction activities could continue in other areas of the Project Site. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any Native American remains will be treated in accordance with state law.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Prior to issuance of grading permit; again if materials are encountered

**Action Indicating Compliance:** Issuance of grading permit; field inspection sign-off; submittal of compliance documentation prepared by qualified archaeologist

**D-2:** The prime contractor and any subcontractor(s) will be advised of the legal and/or regulatory implications of knowingly destroying paleontological or unique geologic resources or sites from the Project Site. In addition, in the event that paleontological resources or sites, or unique geologic features are exposed during Project construction,

work within 50 feet of the find will stop until a professional paleontologist, can identify and evaluate the significance of the discovery and develop recommendations for treatment. However, construction activities could continue in other areas of the Project Site. Recommendations could include a preparation of a Treatment Plan, which could require recordation, collection, and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. Any paleontological resources or sites, or unique geologic features will be treated in accordance with State law.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Prior to issuance of grading permit; again if materials are encountered

**Action Indicating Compliance:** Issuance of grading permit; field inspection sign-off; submittal of compliance documentation prepared by qualified paleontologist

**Geology and Soils**

No project design features provided.

**Greenhouse Gas Emissions**

**F-1:** The Project would include a number of Project design features (PDFs) that implement an array of strategies that address most of the source categories identified by the State for potential GHG reductions. These include:

- Renovation of a two-story 206,517-square-foot concrete building in lieu of being removed for new construction. This move results in a building with a lower embodied energy than new construction.
- Designing the residential tower to both provide views and limit heat gain through shading or other devices.
- Construction debris will be recycled with a target rate of 90 percent.
- Pollution control will occur during construction by limiting dust and moisture build up.
- All adhesives, coatings, paint and other finishes installed in interior spaces will be low- or no-VOC (volatile organic compounds).
- Electric Vehicle charging spots will be provided (no less than 3 percent of the total number of parking spaces provided).
- Bicycle parking will be provided (both short-term and long-term) to encourage tenants to utilize alternative modes of transportation.

- Building will be provided with conduit and rooftop space for a potential photovoltaic solar panel array and will have a 'cool roof' to reduce the heat island effect.
- Majority of the landscape will be drought tolerant and low-water use type. The irrigation design will be water-conserving type with moisture sensors.
- All plumbing fixtures will be low-flow or ultra-low flow. Building will be designed to be 'grey-water ready'.
- If carpet is provided, it will meet the Carpet and Rug Institute's Green Label Plus Program or be Greenguard certified.
- Resilient flooring provided will meet UL Greenguard Gold or other green certification program.
- All composite wood products will meet the low VOC limits specified by the California Air Resources Board.
- Educational materials will be provided for the residential tenant occupants that include:
  - Information from local utility, water and water recovery providers on methods to further reduce resource consumption, including recycle programs and locations.
  - Information on-site on public transportation and/or carpool options available in the area.

**Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

**Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

**Monitoring Phase:** Pre-construction; construction; pre-occupancy

**Monitoring Frequency:** Once at Project plan check; once during field inspection; once prior to issuance of Certificate of Occupancy

**Action Indicating Compliance:** Plan approval; field inspection sign-off; issuance of Certificate of Occupancy

**Hazards and Hazardous Materials**

No project design features provided.

**Land Use and Planning**

No project design features provided.

**Noise**

No project design features provided.

**Population and Housing**

No project design features provided.

**Public Services – Fire Protection**

No project design features provided.

**Public Services – Police Protection**

**K-1:** During construction, the Project Applicant will implement appropriate temporary security measures, including perimeter fencing, lighting, and security patrols during non-construction hours (e.g. nighttime hours, weekends, and holidays).

**Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety

**Monitoring Agency:** City of Los Angeles Department of Building and Safety

**Monitoring Phase:** Construction

**Monitoring Frequency:** Periodic field inspection

**Action Indicating Compliance:** Field inspection sign-off

**Public Services – Schools**

No project design features provided.

**Public Services – Parks**

No project design features provided.

**Public Services – Libraries**

No project design features provided.

**Transportation/Traffic**

**L-1:** **Construction Traffic Management Plan.** A detailed Construction Traffic Management Plan, including street closure information, detour plans, haul routes, and staging plans would be prepared and submitted to the City, including its Department of Transportation, for review and approval. The Construction Traffic Management Plan would formalize how construction would be carried out and identify specific actions that would be required to reduce effects on the surrounding community. The Construction Traffic Management Plan shall be based on the nature and timing of specific construction activities and other projects in the vicinity, and will include the following elements as appropriate:

- Providing for temporary traffic control during all construction activities within public rights-of-way to improve traffic flow on public roadways (e.g., flagmen);
- Scheduling of construction activities to reduce the effect on traffic flow on surrounding arterial streets;
- Rerouting construction trucks to reduce travel on congested streets to the extent feasible;
- Prohibiting construction-related vehicles from parking on surrounding public streets;
- Providing safety precautions for pedestrians and bicyclists through such measures as alternate routing and protection barriers;
- Accommodating all equipment on-site; and
- Obtaining the required permits for truck haul routes from the City prior to issuance of any permit for the Project.
- Providing off-site truck staging in a legal area furnished by the construction truck contractor. Haul trucks would be radioed in from the off-site staging area to minimize queuing along streets in the immediate vicinity of the Project Site.
- Ensuring that access will remain unobstructed for land uses in proximity to the Project Site during Project construction.

**Enforcement Agency:** City of Los Angeles Department of Transportation

**Monitoring Agency:** City of Los Angeles Department of Transportation

**Monitoring Phase:** Pre-construction; construction

**Monitoring Frequency:** Once at Project plan check; periodic field inspection

**Action Indicating Compliance:** Plan approval; field inspection sign-off

**Tribal Cultural Resources**

No project design features provided.

**Utilities and Service Systems – Water**

No project design features provided.

**Utilities and Service Systems – Solid Waste**

No project design features provided.

**Utilities and Service Systems – Energy Conservation**

No project design features provided.