Appendix A:

Comment Letters Received in Response to the Draft EIR

Department of Toxic Substances Control

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

Matthew Rodriquez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

October 16, 2018

RECEIVED
CITY OF LOS ANGELES
OCT 20 2018

Mr. Adam Villani
City of Los Angeles, Department of City Planning
221 N Figueroa Street, Suite 1350
Los Angeles, CA 90012

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOUTHERN CALIFORNIA FLOWER MARKET (PROJECT)

Dear Mr. Villani:

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.

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.

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.

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.

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.

Sincerely,

Pete Cooke
Site Mitigation and Restoration Program - Chatsworth Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Dave Kereazis
Hazardous Waste Management Program, Permitting Division
CEQA Tracking
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Comment Letter No. A2

DATE: October 31, 2018

TO: Vincent P. Bertoni, Director of Planning
Department of City Planning

ATTN: Adam Villani, City Planner
Department of City Planning

FROM: Ali Poosti, Division Manager
Wastewater Engineering Services Division
LA Sanitation and Environment

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UNIT

SUBJECT: **SOUTHERN CALIFORNIA FLOWER MARKET - NOTICE OF COMPLETION AND AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT**

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**

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.

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-away 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/

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.

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.

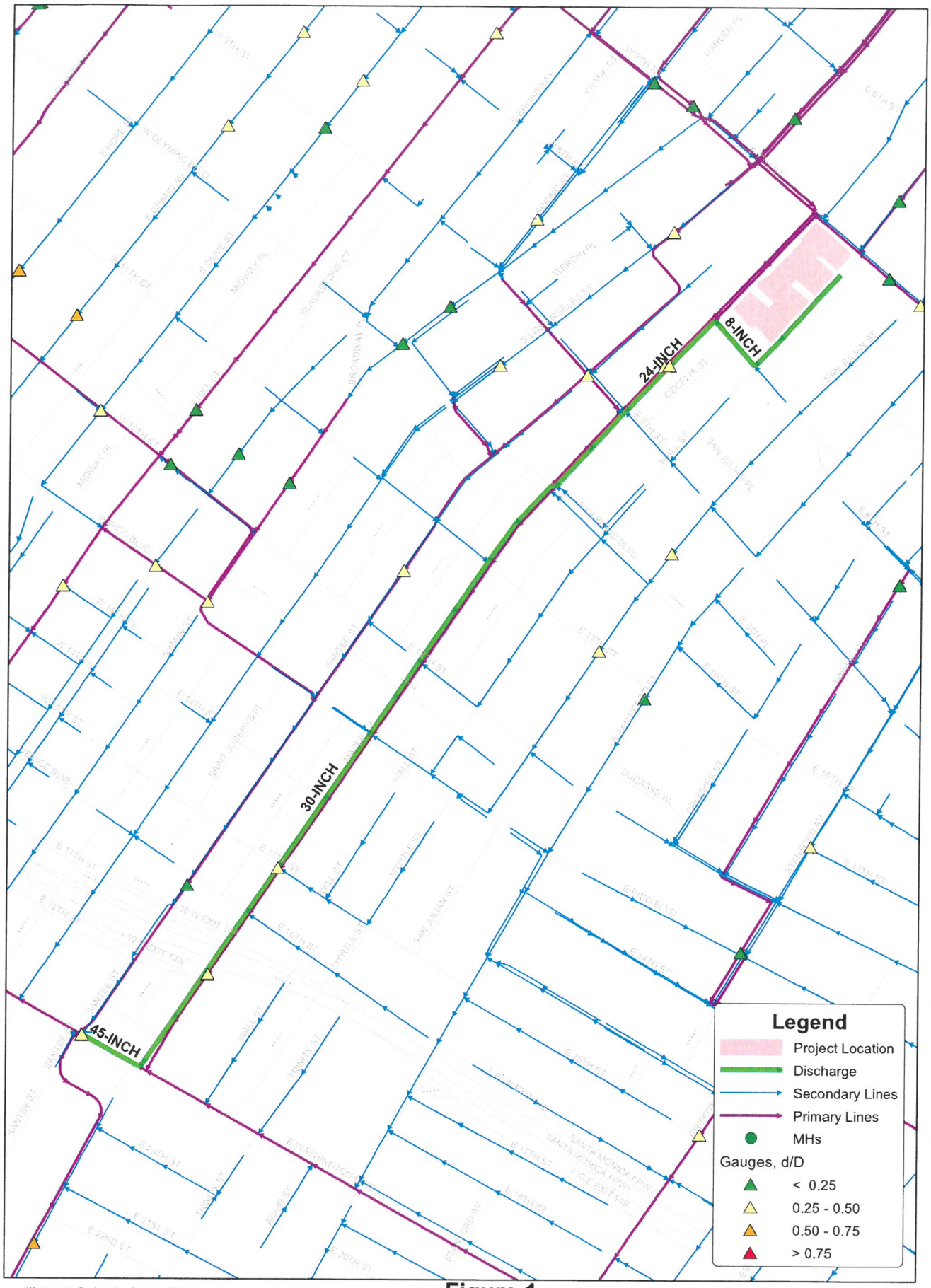
SOLID RESOURCE REQUIREMENTS

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.

CD/AP: mg

Attachment: Figure 1 - Sewer Map

c: Kosta Kaporis, LASAN
Cyrous Gilani, LASAN
Christopher DeMonbrun, LASAN



Wastewater Engineering Services Division
Bureau of Sanitation
City of Los Angeles

Figure 1
Southern California Flower Market
Sewer Map

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W E
S

0 155 310 620 930 1,240
Feet

Thomas Brother Data reproduced with permission granted by THOMAS BROS MAP

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 897-8391
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

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a California Way of Life.

November 1, 2018

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Mr. Adam Villani
Major Projects Section
City of Los Angeles
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

RE: Southern California Flower Market
SCH # 2017051068
Vic. LA-110/PM 22.45,
LA-10/PM 15.78
GTS # LA-2017-01961AL-DEIR

Dear Mr. Villani:

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.

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/

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.

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.

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.

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.

If you have any questions, please feel free to contact Alan Lin the project coordinator at (213) 897-8391 and refer to GTS # 07-LA-2017-01961AL-DEIR.

Sincerely,

Miya Edmonson
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

November 6, 2018

Adam Villani
City of Los Angeles
221 N. Figueroa St, Suite 1350
Los Angeles, CA 90012

Subject: Southern California Flower Market
SCH#: 2017051068

Dear Adam Villani:

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

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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UNIT

Document Details Report
State Clearinghouse Data Base

SCH# 2017051068
Project Title Southern California Flower Market
Lead Agency Los Angeles, City of

Type EIR Draft EIR

Description Project Applicant proposes to expand and redevelop the existing Flower Market facility between Maple Ave. and Wall St, south of 7th St., while maintaining the existing wholesale market. The existing property consists of two buildings, the north building (206,517 sq. ft.) and the south building (185,111 sq. ft.). 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.

Lead Agency Contact

Name Adam Villani
Agency City of Los Angeles
Phone 213-847-3688 **Fax**
email
Address 221 N. Figueroa St, Suite 1350
City Los Angeles **State** CA **Zip** 90012

Project Location

County Los Angeles
City Los Angeles, City of
Region
Lat / Long 34° 02' 29.2" N / 118° 15' 01.1" W
Cross Streets Wall St., Maple Ave.
Parcel No. 5145-004-012, -033, -034, -035
Township **Range** **Section** **Base**

Proximity to:

Highways I-10, SR-110, I-5, US 101
Airports
Railways Metro, Metrolink, BNSF
Waterways LA River
Schools LAUSD, private
Land Use Currently developed as the Southern CA Flower Market/M2-2D/Light Manufacturing

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; State Water Resources Control Board, Division of Drinking Water; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Baldwin Hills Conservancy; Department of Toxic Substances Control

Date Received 09/20/2018 **Start of Review** 09/20/2018 **End of Review** 11/05/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

#2017051068

Department of Toxic Substances Control

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

Matthew Rodriquez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

October 16, 2018

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Governor's Office of Planning & Research

OCT 22 2018

STATE CLEARINGHOUSE

Mr. Adam Villani
City of Los Angeles, Department of City Planning
221 N Figueroa Street, Suite 1350
Los Angeles, CA 90012

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOUTHERN CALIFORNIA FLOWER MARKET (PROJECT)

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Sincerely,

Pete Cooke
Site Mitigation and Restoration Program - Chatsworth Office

cc: Governor's Office of Planning and Research
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P.O. Box 3044
Sacramento, California 95812-3044

Dave Kereazis
Hazardous Waste Management Program, Permitting Division
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a California Way of Life.

November 1, 2018

Governor's Office of Planning & Research
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221 North Figueroa Street, Suite 1350
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Sincerely,

Miya Edmonson
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Connect Create Collaborate

Adam Villani <adam.villani@lacity.org>

Regarding the Southern California Flower Market, ENV-2016-3991-EIR

2 messages

Hack, Alexandra <Alexandra.Hack@aig.com> Thu, Sep 27, 2018 at 10:38 AM
To: "adam.villani@lacity.org" <adam.villani@lacity.org>
Cc: Scott Yamabe <scott@socalflowermarket.com>, "infoscflowermarket@gmail.com" <infoscflowermarket@gmail.com>

Adam Villani

Department of City Planning

200 N Spring St, Room 750

Los Angeles, CA 90012

Regarding the Southern California Flower Market, ENV-2016-3991-EIR

Dear Mr. Villani,

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.

Regards,

Alexandra Hack

777 S. Figueroa Street, 16th Floor

Los Angeles, CA 90017-5800

Office +1 213 533 3837 | Mobile +1 213 453 5083

alexandra.hack@aig.com | www.aig.com

IMPORTANT NOTICE

Nothing contained in this communication or in any discussions with you, any of your representatives, or any other party, constitute a binding agreement to provide any financing, buy, sell or modify any loan (or any interest therein), and no agreement or understanding of any nature is deemed to have been entered into by or be binding unless and until approved by investment committee and reduced to a written document signed by the party sought to be bound expressly stating that it is a commitment to lend, buy, sell or modify a loan (or interest therein). This and all other communications are subject to any signed discussions or pre-negotiations letter. Oral agreements, e-mails (including this e-mail), investment summaries, credit memoranda, memoranda of meetings, summaries of proposed terms, etc., have no effect whatsoever and are not binding on any party.

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Adam Villani <adam.villani@lacity.org> Thu, Oct 25, 2018 at 5:33 PM
To: Alexandra.Hack@aig.com

Thank you for your comment letter on the Southern California Flower Market Draft Environmental Impact Report. It has been entered into the public record and will be responded to in the Final Environmental Impact Report.

[Quoted text hidden]

--

Adam Villani, City Planner
Department of City Planning
Major Projects Section
T: (213) 847-3688
221 N. Figueroa St., Room 1350
Los Angeles, CA 90012

Connect Create Collaborate

Adam Villani <adam.villani@lacity.org>

Southern California Flower Market, ENV-2016-3991-EIR

2 messages

Ian O'Neill <ianoneill83@gmail.com> Thu, Sep 27, 2018 at 8:42 PM
To: adam.villani@lacity.org
Cc: scott@socalflowermarket.com, infoscflowermarket@gmail.com

Adam Villani
Department of City Planning
200 N Spring St, Room 750
Los Angeles, CA 90012

RE: Southern California Flower Market, ENV-2016-3991-EIR

Dear Mr. Villani,

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.

Regards,

Ian O'Neill

Connect Create Collaborate

Adam Villani <adam.villani@lacity.org>

Environmental Case No.: ENV-2016-3991-EIR

2 messages

Yu-Chun Wang <wang@blueoaklaw.com> Wed, Oct 10, 2018 at 11:04 AM
To: "adam.villani@lacity.org" <adam.villani@lacity.org>

Dear Mr. Villani,

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.

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.

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.

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.

Thank you.

Yu-Chun Wang, Esq.
BLUE OAK LAW
515 S. Flower Street, 18th Floor
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Telephone: 213-236-3518
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OCT 19 2018
MAJOR PROJECTS
UNIT

Adam Villani
Los Angeles City Planning
200 N Spring St, Room 750
Los Angeles, Ca 90012

October 10, 2018

Dear Adam,

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.

Regards,

Mark Chatoff
Owner, CFM

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californiaflowermall.com

Lee Properties, LTD.

12711 Ventura Boulevard
Suite 215
Studio City, California 91364
(818) 508-3360
(818) 508-3359 FX

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UNIT

October 19, 2018

Mr. Adam Villani
Department of City Planning
200 N Spring St, Room 750
Los Angeles, CA 90012

Dear Mr. Villani,

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.

Sincerely,

David Lee

FLORAL CRUSH
STUDIO

Adam Villani
Los Angeles City Planning
200 N Spring St, Room 750
Los Angeles, CA 90012

Southern California Flower Market ENV-2016-3991-EIR.

Dear Mrs. Adam Villani:

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.

Kind regards,

Danielle Gary
Owner/Resident – Cornell Building at Santee Village
Business Owner – Floral Crush Studio LLC

Comment Letter No. B7

日米文化会館
JACCC

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NOV 02 2018
MAJOR PROJECTS
UNIT

October 22, 2018

Mr. Adam Villani
Department of City Planning
200 N. Spring Street, Room 750
Los Angeles, CA 90012

Dear Mr. Adam Villani,

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.

Sincerely,

Daren Rikio Mooko
Interim President & CEO

MAYESH
EST.1978

Adam Villani, City Planner
Dept of City Planning
200 N Spring St, Rm 750
Los Angeles, CA 90012

Re: ENV-2016-3991-EIR

Dear Adam,

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.

Regards,

Patrick Dahlson CEO

Adam Villani
Los Angeles City Planning
200 N Spring St, Room 750
Los Angeles, CA 90012

POPPY + ROSE
LOS ANGELES

October 31, 2018

Dear Adam,

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.

Regards,

Diana Yin
Owner, Poppy + Rose

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Via Email and U.S. Mail

November 2, 2018

Adam Villani
City of Los Angeles
Department of City Planning
221 N. Figueroa St., Suite 1350
Los Angeles, CA 90012
adam.villani@lacity.org

Heather Bleemers, City Planner
City of Los Angeles
Department of City Planning
200 N. Spring St., Room 750
Los Angeles, CA 90012
heather.bleemers@lacity.org

Re: Comment on Draft Environmental Impact Report, Southern California Flower Market (ENV-2016-3991-EIR, SCH# 2017051068)

Dear Mr. Villani and Ms. Bleemers:

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").

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).

Sincerely,

Richard T. Drury

Greenberg Glusker

Elizabeth Watson
D: 310.201.7439
F: 310.201.2339
EWatson@ggfirm.com
File Number: 03687-00002

November 5, 2018

Via Email & US Mail

Adam Villani
City of Los Angeles, Department of City Planning
221 North Figueroa Street, Suite 1350
Los Angeles, CA 90012

Re: **Comments on the Draft Environmental Impact Report – Southern California Flower Market Project (Case No. ENV-2016-3991-EIR)**

Dear Mr. Villani:

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.

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 § 21100(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.

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 (1994)(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.

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.

II. 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)(1); *see also* 15126.2(a). The DEIR lacks an adequate analysis and discussion of impacts relating to noise, air quality, traffic and land use.

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 P12 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.

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.

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.

B. 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.

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.

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.

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.

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.

Sincerely,

Elizabeth Watson

PAPADIMOS GROUP

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5 November 2018

Elizabeth Watson
Greenberg Glusker Fields Claman & Machtinger LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067

SUBJECT: Southern California Flower Market – Los Angeles, California
Acoustic Review of Draft Environmental Impact Report (DEIR)

Dear Elizabeth:

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.

SECTION 4.I NOISE

1. Under *"Existing Conditions"* starting on Page 4.I-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.I-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 I.1). This would result in additional construction activities exceeding these thresholds of significance beyond what is identified in this current study.

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.I-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).

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.

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

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.

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 Infancia 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.

3. Under *"Mitigation Measures"* starting on Page 4.I-21

   a. **Measure I-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.I-6).

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.

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.

* * *

I trust that you will find this information useful, but please do not hesitate to contact our office if you require further assistance.

Submitted By:

Nathan Sibon
Associate

Reviewed By:

Chris Papadimos, INCE
Principal

Enclosures: Appendix A – Definitions of Common Acoustical Terms
Figure 1 – Noise Excerpt from CEQA Checklist
Curriculum vitae for Nathan Sibon and Chris Papadimos

APPENDIX A
DEFINITIONS OF COMMON ACOUSTICAL TERMS

Decibel, dB – A unit describing the amplitude of sound, defined as 20 times of the logarithm of the ratio of the sound pressure measured to the reference pressure (20 μPa).

A-weighted Sound Level, dBA – The sound pressure measured using the A-weighting filter network that de-emphasizes the very low and very high frequency components of the sound spectrum in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

Ambient Noise – The sound level in a given environment usually comprised of many sources in many directions near and far with no particular sound dominant. It is of the defined as L_{99} or the noise level exceeded 99% of the time.

Background Noise - The total noise from all sources other than the source of interest. It is often defined as L_{90} or the noise level exceeded 90% of the time.

Community Noise Equivalent Level, CNEL – The average A-weighted noise level in a 24-hour day, obtained after adding 5 dB to evening hours (7:00 pm to 10:00 pm) and 10 dB to sound levels measured in the night (between 10:00 pm and 7:00 am).

Day/Night Noise Level, L_{dn} (or DNL) – The average, 24-hour A-weighted noise level, obtained after adding 10 dB to levels measured at night (10:00 pm to 7:00 am).

Integrated or Equivalent Noise Level, L_{eq} – The energy average A-weighted noise level during the measurement period.

Sound level meter - An instrument that measures sound in dB. Various features are incorporated into such instrument including frequency bands, integration of sound over time and display of average, minimum, and maximum levels.

Sound pressure level - the ratio, expressed in decibels, of the mean-square sound pressure level to a reference mean-square sound pressure level that by convention has been selected to approximate the threshold of hearing (0.0002 μbar)

Frequency – The number of times per second that the oscillation of a wave of sound or that of a vibrating body repeats itself, expressed in Hertz (Hz).

Octave band - The frequency range of one octave of sound frequencies. The upper limit is always twice the frequency of the lower limit. Octave bands are identified by the geometric mean frequency or center between the lower limit and the upper limit.

FIGURE 1 – Noise Excerpt from CEQA Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	❒	❒	❒	❒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	❒	❒	❒	❒
XI. NOISE -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	❒	❒	❒	❒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	❒	❒	❒	❒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	❒	❒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	❒	❒	❒	❒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	❒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	❒	❒	❒	❒

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November 5, 2018

Elizabeth Watson
Greenberg Glusker Fields Claman & Machtinger LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, CA 90067

Subject: Comments on the Southern California Flower Market Project

Dear Ms. Watson,

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.

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").[1] 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.[2] 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.[3]

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

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

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

[3] 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.)

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.

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-1, 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.[4] 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.

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

[4] CalEEMod User's Guide, p. 14, *available at:* http://www.caleemod.com/

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.

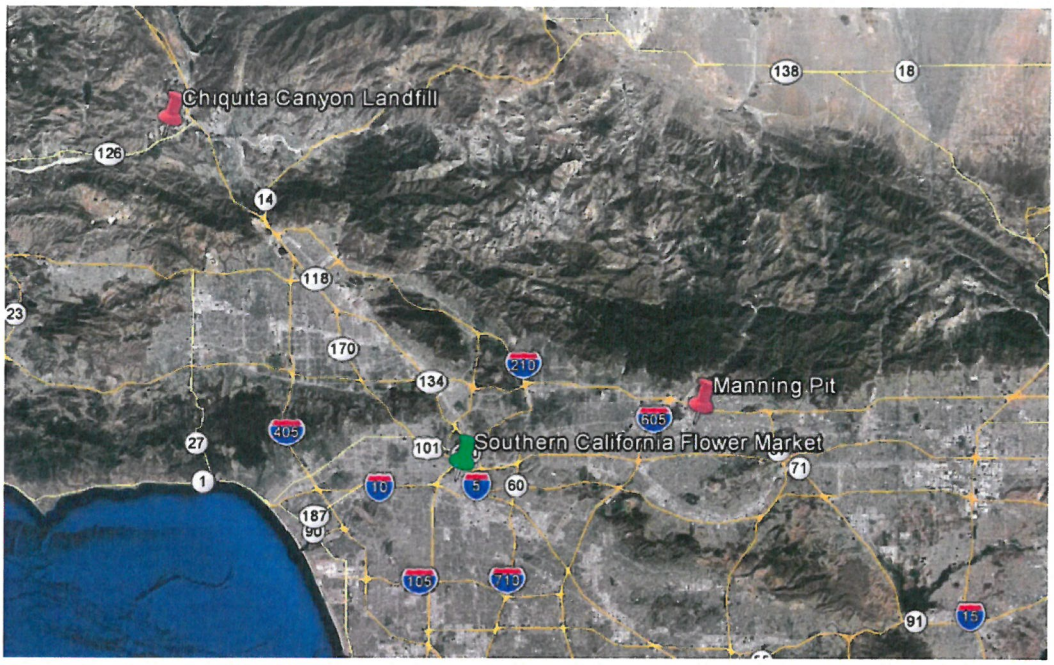
Failure to Accurately Estimate Emissions from Construction Hauling Truck Trips

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.

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.[5] Without the findings of such an assessment, the Project should not be approved.

[5] 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

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.I-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[6] *or* 11,550[7] 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 construction 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.

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 CalEEMod 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

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be used for or how many trips per day or how many hauling trips over the entire construction period are expected to occur.

[6] 140 hauling trips per day x 66 days = 9,240 total grading hauling trips

[7] 175 hauling trips per day x 66 days = 11,550 total grading hauling trips.

site specific information.[8] 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).

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number
Demolition	34	20.00	3.00	642.00
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	28	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.[9] 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[10] grading hauling truck trips are unaccounted for, resulting in an underestimation of the Project's construction-related emissions.

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

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

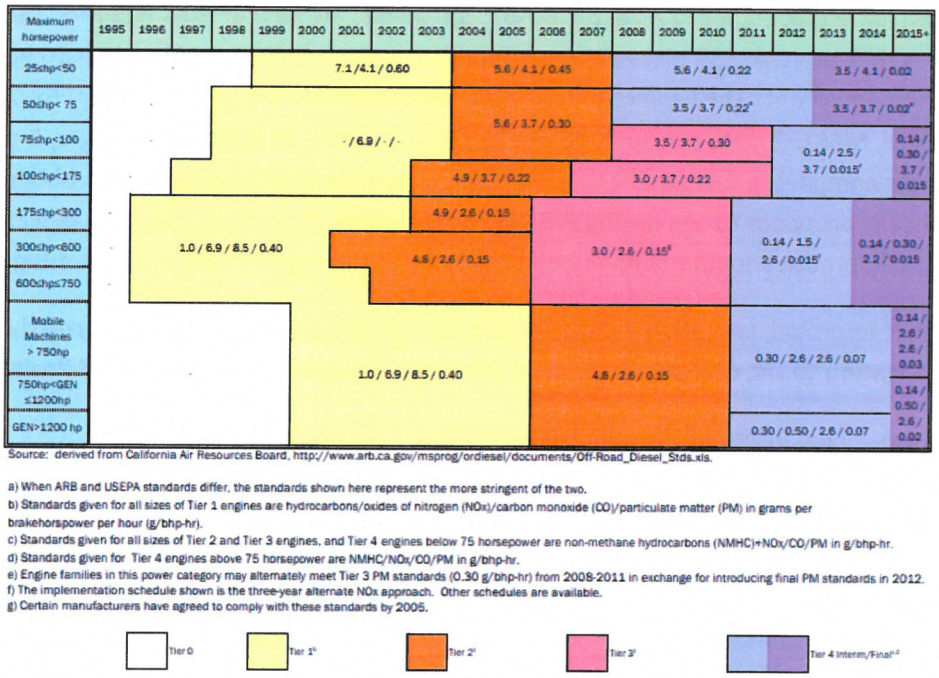
[9] CalEEMod User Guide, p. 1, 11, *available at:* http://www.caleemod.com/

[10] 11,550 grading hauling truck trips (DEIR's estimate) - 6,250 grading hauling truck trips (CalEEMod default) = 5,300 grading hauling trips unaccounted for

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.

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):[11]



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.

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

[11] "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

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.

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.

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. [12] These tiered emission standards, however, are only applicable to newly manufactured nonroad equipment. According to the U.S. EPA, "if products were built before EPA emission standards

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

started to apply, they are generally not affected by the standards or other regulatory requirements."[13] 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.[14] It is estimated that of the two million diesel engines currently used in construction, 31 percent were manufactured before the introduction of emissions regulations.[15]

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.[16] 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.[17] 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).[18]

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[13] "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

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

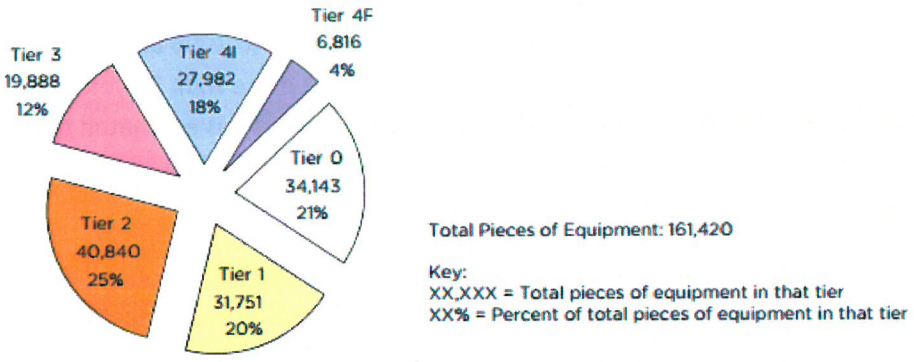
[15] Northeast Diesel Collaborative Clean Construction Workgroup, *available at:* http://northeastdiesel.org/construction.html

[16] 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.pdf

[17] "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

[18] "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.

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.I-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[19] 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

[19] (40 miles + 23 miles) / 2 = 31.5 miles

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.[20]

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).[21]

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).

[20] 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.

[21] 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 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 the 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.

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 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.

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)".[22]

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.[23] 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. [24] The SCAQMD does not state that the preparation of an HRA should be restricted to industrial or automotive repair land uses,

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

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

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

nor does it state that residential and commercial projects are exempt from this recommendation.[25] Seeing as Project construction is expected to occur over a 36-month period (p. 2-6), it is reasonable to assume 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.[26] 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.[27] 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). [28] 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.

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

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[25] *Ibid.*

[26] "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

[27] "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

[28] "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

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.I-6, p. 4.I-14).

In order to conduct our screening-level risk assessment we relied upon AERSCREEN, which is a screening-level air quality dispersion model.[29] The model replaced SCREEN3, and AERSCREEN is included in the OEHHA[30] and the California Air Pollution Control Officers Associated (CAPCOA)[31] 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.I-6, p. 4.I-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.

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

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.

[29] "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

[30] "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

[31] "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

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

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%.[32] 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/m^3 DPM at approximately 75 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.3715 µg/m^3 for construction. For Project operation, the single-hour concentration in AERSCREEN is approximately 10.79 µg/m^3 DPM at approximately 75 meters downwind. Again, multiplying this single-hour concentration by 10%, we get an annualized average concentration of 1.079 µg/m^3 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 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.[33] 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.[34] 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.[35] We used a cancer

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

[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

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

potency factor of 1.1 $(mg/kg\text{-}day)^{-1}$ 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 ($\mu g/m^3$)**	**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 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 50 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.[36] 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

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

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.

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.[37] According to this Interim Guidance, the SCAQMD proposes the use of a 3,000 metric tons of carbon dioxide equivalents per year (MT CO_2e/yr) threshold for mixed use developments, a 3,500 MT CO_2e/yr threshold for residential developments, and a 1,400 MT CO_2e/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 CO_2e/yr for all non-industrial projects.[38] 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.[39]

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 CO_2e/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.[40]

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

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

[39] 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 to 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.

[40] http://resources.ca.gov/ceqa/docs/FINAL_Text_of_Proposed_Amendemts.pdf

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 evidence relative to the methodology for developing the interim GHG significance thresholds, consistent with requirements set forth by CEQA.[41] 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.

Failure to Utilize GHG Reduction Targets Specified in Senate Bill 32

AB 32 requires California to reduce GHG emissions to 1990 levels by 2020.[42] 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.[43] "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."[44] 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[45] 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 $MTCO_2e$ ($MMTCO_2e$).[46] Therefore, by 2030 California will be required to

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

[42] HEALTH & SAFETY CODE § 38500 *et seq.*; AR 235, 470.

[43] *Ibid.*

[44] *Cleveland*, 3 Cal.5th at 519.

[45] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32

[46] http://www.arb.ca.gov/cc/inventory/data/bau.htm

reduce statewide emissions by 172 $MMTCO_2e$ (431 x 40%), which results in a statewide limit on GHG emissions of 259 $MMTCO_2e$. 2020 "business-as-usual" levels are estimated to be approximately 509 $MMTCO_2e$.[47] Therefore, in order to successfully reach the 2030 statewide goal of 259 $MMTCO_2e$, 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 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.

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).[48] 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)(1), a new project's emission should be compared against that existing baseline.[49] Hence, a "project should not subsidize or take credit for emissions reductions which would have occurred regardless of the project."[50] In short, as observed by the Court, newer developments must be more GHG-efficient. *See Newhall Ranch,* 62 Cal.4th at 226.

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[47] http://energyinnovation.org/wp-content/uploads/2015/04/CA_CapReport_Mar2015.pdf

[48] *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 LEED® 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").

[49] *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 that is in excess of what is required can be counted.").

[50] *Supra* fn 30.

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 Ca1.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.

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.

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 CO_2e/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 CO_2e/year of GHG emissions. This greatly exceeds the SCAQMD's recommended threshold of 3,000 MT CO_2e/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 CO_2e/year screening-level threshold, a more detailed review of the Project's GHG emissions is warranted.[51] SCAQMD proposed per capita efficiency targets to conduct the detailed review. SCAQMD proposed a 2020 efficiency target of 4.8 MTCO_2e per year per service population (MT CO_2e/sp/year) for project-level analyses and 6.6 MT CO_2e/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 CO_2e/sp/year and an efficiency threshold at the project level of 3.0 MT CO_2e/sp/year.[52] Therefore, per SCAQMD guidance, because the Project's GHG emissions exceed the SCAQMD's 3,000 MT CO_2e/year screening-level threshold, the Project's emissions should be compared to the proposed 2020 efficiency target of 4.8 MT CO_2e/sp/year and the 2035 efficiency target of 3.0 MT CO_2e/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

[51] 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
[52] 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

supported by the project".[53] 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 $MTCO_2e$/sp/year. When we compare the Project's per service population GHG emissions to the SCAQMD 2020 efficiency threshold of 4.8 MT CO_2e/sp/year and the 2035 efficiency target of 3.0 MT CO_2e/sp/year, we find that the Project would result in a significant GHG impact (see table below).

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 CO_2e/sp/yr for 2020 and 3.0 MT CO_2e/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.

Sincerely,

Paul Rosenfeld

Paul E. Rosenfeld, Ph.D.

Hadley Nolan

Hadley Nolan

[53] "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.

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Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist

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Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on VOC filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld is the Co-Founder and Principal Environmental Chemist at Soil Water Air Protection Enterprise (SWAPE). His focus is the fate and transport of environmental contaminants, risk assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling, oil spills, boilers, incinerators and other industrial and agricultural sources relating to nuisance and personal injury. His project experience ranges from monitoring and modeling of pollution sources as they relate to human and ecological health. Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum, chlorinated solvents, pesticides, radioactive waste, PCBs, PAHs, dioxins, furans, volatile organics, semi-volatile organics, perchlorate, asbestos, PFOA, PFOS, unusual polymers, MtBE, fuel oxygenates and odor. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist\

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES **B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY** *JUNE 2016*

PROJECT EXPERIENCE

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

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

ACCOMPLISHMENTS

- **Academic Honoree,** Dean's List, University of California, Los Angeles ***MAR 2013, MAR 2014, JAN 2015, JAN 2016***

Tom Brohard and Associates

November 5, 2018

Ms. Elizabeth Watson, Attorney at Law
Greenberg Glusker Fields Claman & Machtinger LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067

SUBJECT: Southern California Flower Market – Traffic and Parking Issues

Dear Ms. Watson:

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.

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.

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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.

   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."

      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.
      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.
      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.
      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.
      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).

   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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard, PE
Principal





Enclosure

Tom Brohard, PE

Licenses: 1975 / Professional Engineer / California – Civil, No. 24577
1977 / Professional Engineer / California – Traffic, No. 724
2006 / Professional Engineer / Hawaii – Civil, No. 12321

Education: 1969 / BSE / Civil Engineering / Duke University

Experience: 45+ Years

Memberships: 1977 / Institute of Transportation Engineers – Fellow, Life
1978 / Orange County Traffic Engineers Council - Chair 1982-1983
1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer for the City of Indio. He also currently provides "on call" Traffic and Transportation Engineer service to the City of San Fernando. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower ..... 1997 - 1998
- Bell Gardens ..... 1982 - 1995
- Big Bear Lake ..... 2006 - 2015
- Huntington Beach ..... 1998 - 2004
- Lawndale ..... 1973 - 1978
- Los Alamitos ..... 1981 - 1982
- Oceanside ..... 1981 - 1982
- Paramount ..... 1982 - 1988
- Rancho Palos Verdes ..... 1973 - 1978
- Rolling Hills ..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates ..... 1973 - 1978, 1984 - 1991
- San Marcos 1981
- Santa Ana ..... 1978 - 1981
- Westlake Village ..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over $10 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

In his service to the City of Indio since May 2005, Tom has accomplished the following:

- Oversaw preparation and adoption of the 2008 Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain conditions.

- Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street and on Monroe Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installations in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of both $2 million projects to install traffic signals and widen three of four ramps at these two interchanges under Caltrans encroachment permits.

- Reviewed traffic signal, signing, striping, and work area traffic control plans for the County's $45 million I-10 Interchange Improvement Project at Jefferson Street.

- Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvements of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.

- Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 50 traffic signal installations and modifications.

- Reviewed and approved over 1,500 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.

- Oversaw preparation of a City-wide traffic safety study of conditions at all schools.

- Obtained $47,000 grant from the California Office of Traffic Safety and implemented the City's Traffic Collision Database System. Annually reviews "Top 25" collision locations and provides traffic engineering recommendations to reduce collisions.

- Prepared over 1,100 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.

- Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 500 street segments.

- Reviewed and approved traffic impact studies for more than 35 major projects and special events including the annual Coachella and Stagecoach Music Festivals.

- Developed and implemented the City's Golf Cart Transportation Program.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.