

Appendix G

Regulatory Framework



Appendix G: Regulatory Framework

This Appendix provides a compendium of the regulatory framework for each of the environmental topics addressed in this Draft EIR. The regulatory framework for each of the environmental topics follows the order of the impact analysis sections presented in Chapter IV of this Draft EIR.

A. Land Use

(1) State Legislation

(a) Senate Bill 292

In September 2011, the California Legislature approved SB 292, pertaining specifically to the Proposed Project. SB 292 provides expedited judicial review for litigation challenging the EIR or the Proposed Project, bypassing the Superior Court and going straight to the Court of Appeal. Further, the bill mandates that the Court of Appeal issue a decision in just under 6 months, rather than the typical, approximately 2-year timeframe to complete litigation. SB 292 provides that the lead agency need not consider certain comments filed after the close of the comment period for the Draft EIR.

SB 292 also provides for greater public participation in the CEQA process, including an informational public workshop 10 days after the Draft EIR is circulated for public comment, a public hearing to take public comments on the Draft EIR within no later than 10 days before the close of the public comment period, and non-binding mediation for any party requesting it. The mediation is intended to help disputes over the Draft EIR before the Final EIR is released.

Under SB 292, the Proposed Project is required to minimize traffic congestion and global climate change impacts that may result from private automobile trips to the Event Center. Specifically, the Proposed Project must: (1) achieve and maintain carbon neutrality by reducing to zero the net emissions of greenhouse gases from private automobile trips to the Event Center; and (2) achieve and maintain a vehicle trip ratio (defined as the total annual number of private automobiles arriving at the Event Center for spectator events divided by the total annual number of spectators at the events) that is no more than 90 percent of the trip ratio at any other stadium serving a team in the National Football League. The bill also includes provisions for the implementation and reporting of

these requirements. See Appendix C to this Draft EIR for the full statutory language of SB 292.

(2) Regional Plans

(a) Southern California Association of Governments

The Southern California Association of Governments (SCAG) is comprised of six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura) and 190 cities in Southern California. SCAG is the authorized regional agency for inter-governmental review of projects of regional significance¹ to promote consistency with regional plans. SCAG has determined that the Proposed Project is regionally significant.² SCAG currently uses the goals and policies of the 2004 Compass Blueprint Growth Visioning and the 2008 Regional Transportation Plan (RTP) to determine consistency with its regional plans.

(i) Southern California Compass Blueprint Growth Vision (CBGV)

The Southern California Compass Blueprint Growth Visioning Report (Compass Growth Vision), published by SCAG in June 2004, presents a comprehensive vision for growth in the six-county SCAG region, as well as the means of achieving that growth vision.³ The Compass Growth Vision is intended to provide planning guidance and mechanisms for improved mobility, livability, prosperity, and sustainability for all Southern Californians by reorienting development around existing and planned transportation infrastructure on two percent of the region's land area (2% Strategy). Growth in the Los Angeles Basin has previously occurred largely on rural lands on the outskirts of the developed areas. This pattern of development has resulted in urban sprawl, long commutes to work and

¹ Section 15206 of the State CEQA Guidelines defines a project that is considered regionally significant. A project is of regional significance if, in part, it includes a proposed local general plan, element, or general plan amendment for which an EIR was prepared, or has the potential for causing significant effects (e.g., traffic) on the environment extending beyond the city or county in which the project would be located. Some projects that are considered regionally significant also include (but are not limited to) those that propose more than 500 dwelling units, 500 hotel rooms, a shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space, and a proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet.

² Southern California Association of Governments. Correspondence from Lieb, Jacob, Manager, Environmental and Assessment Services, to Mr. Hadar Plafkin, City Planner, Los Angeles Department of City Planning, April 15, 2011.

³ Southern California Association of Governments, Southern California Compass Blueprint Growth Vision Report, June 2004, www.compassblueprint.org/vision/visionreport; www.compassblueprint.org/vision/principles.

congestion on the freeways in the region. The Compass Growth Vision notes that limitations on the amount of undeveloped land suitable for development may hinder the ability to accommodate new housing and jobs within the region under this historical land development pattern. The report identified that under current adopted general plans, only 29 percent of the SCAG 2030 growth projection for the coastal basin of Los Angeles and Orange counties could be accommodated through new development on vacant land. Instead, infill, or new development in already developed areas, will be relied upon to provide locations for nearly half of the anticipated new housing region-wide. The Compass Growth Vision concludes that the strategy of combining compact, mixed-use development with housing and jobs near major transportation infrastructure will prove to be of enormous benefit in accommodating future growth, while also recognizing that incremental and strategic changes in small parts of the region can yield great benefits to the region, as a whole, as well as to individual cities.⁴ These projected benefits of the Compass Growth Vision have been incorporated into SCAG's RTP.

The 2% Strategy calls for changes to current land use and transportation trends within the 2% Strategy Opportunity Areas identified in the plan. The 2% Strategy Opportunity Areas comprise approximately two percent of the land in Southern California and are made up primarily of local areas of regional importance that are currently, or are projected to be, major employment and residential centers, areas attracting large numbers of work commuters that are easily accessible by both highway and transit; city centers; rail transit stops; bus rapid transit corridors; and airports, ports, and industrial centers that are meaningful to the region's economy. Priority residential in-fill areas that have the potential to absorb a fair share of projected regional residential growth, and to provide regional and sub-regional transportation benefits, are also identified as areas of opportunity. Essentially, the entire Downtown Los Angeles area, including the Project Site, is identified as a 2% Strategy Opportunity Area.

The Compass Growth Vision provides the following four principles and related strategies to accommodate the growth projections in the RTP:

- *Principle 1. Improve mobility for all residents.* Under this principle, transit-oriented development (development that is readily accessible to public transit) is emphasized to promote a variety of travel choices (cars, rail, buses, bicycles, and walking).

⁴ Southern California Association of Governments, *Southern California Compass Blueprint Growth Vision Report*, June 2004, www.compassblueprint.org/files/scag-growthvision2004.pdf, accessed January 20, 2012.

- *Principle 2. Foster livability in all communities.* Strategies promote infill development and redevelopment to revitalize existing communities, promote developments that provide a mix of uses so that residents do not need to drive for all of their needs, and promote “people-scaled,” walkable communities.
- *Principle 3. Enable prosperity for all people.* Strategies under this principle call for the provision of a variety of housing types in each community to meet the housing needs of all income levels; the support of increased educational opportunities; and the assurance of environmental justice.
- *Principle 4. Promote sustainability for future generations.* Strategies include focusing development in urban centers and existing cities; developing strategies to accommodate growth that use resources efficiently, eliminate pollution, and significantly reduce waste; and using “green” development techniques.

(ii) *Regional Transportation Plan*

SCAG’s 2008 Regional Transportation Plan, adopted in May 2008, presents a long-term vision for the region’s transportation system through the year 2035. The RTP was produced through a balanced approach that considered system preservation, system operation and management, improved coordination between land use decisions and transportation investments, and strategic expansion. Specific issues and goals within the RTP address:

- Corridor preservation;
- Mobility and accessibility;
- Sustainability, including promoting transit-oriented development growth patterns;
- Environmental protection, which addresses air quality and energy efficiency;
- Transportation financing, security, and safety;
- Environmental justice and mitigation;
- Revenues and expenditures;
- Transportation conformity,
- Implementation, and monitoring; and
- Future connections and growth.

The RTP provides a basic policy and program framework for long-term investment in the regional transportation system in a coordinated, cooperative, and continuous manner. By law, transportation investments in the SCAG region that receive State or Federal transportation funds must be consistent with the RTP and must be included in the Regional Transportation Improvement Program (RTIP).

The RTP also includes population, household, and employment forecasts that are relied upon for preparation of the region's Air Quality Management Plan, RTIP, and the Regional Housing Needs Assessment. Consistency with the growth forecast at the City/Subregional⁵ level is one criterion that SCAG uses in exercising its Federal mandate to review "regionally significant" development projects for conformity with regional plans. The RTP population, household and employment growth forecasts for the City of Los Angeles Subregion between 2010 and 2020 are shown in Table 1 on page 6. Based on the forecasts, a total of 1,916,746 jobs are expected to exist within the City of Los Angeles Subregion by 2017 (i.e., the Project buildout analysis year). To arrive at this forecasted number, an estimated 47,141 additional jobs (+2.52 percent) would need to be added within the Subregion between 2011 and 2017. An analysis of the Proposed Project's consistency with the RTP employment forecasts is presented in Section IV.A, Land Use, of this Draft EIR. Project consistency with the RTP population and household forecasts is not provided as the Proposed Project would not result in a direct increase in residents or housing. RTP Goals which are pertinent to the Proposed Project are also listed and further discussed in section IV.A, Land Use, of this Draft EIR.

(b) South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) is responsible for developing plans for ensuring clean air in the South Coast Air Basin. In conjunction with SCAG, the SCAQMD has prepared an Air Quality Management Plan (AQMP) establishing a comprehensive regional air pollution control program including air pollution control strategies leading to the attainment of State and Federal air quality standards in the Basin. The current AQMP was adopted in 1997 and updated in 2007 by the SCAQMD and SCAG. The consistency of the Project with the AQMP is analyzed in detail in Section IV.F.1, Air Quality, of this Draft EIR.

⁵ There are 14 subregions within the SCAG Region, including the City of Los Angeles Subregion.

Table 1
SCAG Growth Forecasts for the City of Los Angeles Subregion, 2010–2020

Projection Year	Population	Households	Employment
2010 ^a	4,140,516	1,386,658	1,860,672
2011 ^b	4,155,229	1,398,362	1,869,605
2015 ^a	4,214,082	1,445,177	1,905,337
2017 ^b	4,245,305	1,469,732	1,916,746
2020 ^a	4,292,139	1,506,564	1,933,860
Change 2011–2017			
Number Change	90,076	71,370	47,141
Percent Change	2.17%	5.10%	2.52%
^a SCAG regional forecast adopted for the 2008 Regional Transportation Plan Update. ^b SCAG forecasts are provided in 5-year increments; thus, the projections for 2011 (Proposed Project baseline) and 2017 (Proposed Project buildout analysis year) were interpolated based on the average annual growth rate between 2010 and 2015 and between 2015 and 2020, respectively. Source: Southern California Association of Governments, Integrated Growth Forecast, Adopted 2008 RTP Growth Forecast, July 20, 2009; Matrix Environmental, 2011.			

(c) Los Angeles County Metropolitan Transportation Authority

Within Los Angeles County, the Los Angeles County Metropolitan Transportation Authority (Metro) is responsible for planning and managing vehicular congestion and coordinating regional transportation policies. Metro prepared the 2009 Congestion Management Plan for Los Angeles County (CMP), in accordance with Section 65089 of the California Government Code. The CMP is intended to address vehicular congestion relief by linking land use, transportation, and air quality decisions. Further, the program seeks to propose transportation projects that are eligible to compete for state gasoline tax funds and to develop a partnership among transportation decision-makers to devise appropriate transportation solutions that include all modes of travel. Proposition 111, which was passed by the electorate in 1990, provides state gasoline tax revenue for transportation improvements and requires cities, counties, and other eligible agencies to implement the requirements of the CMP. The Proposed Project's Traffic Impact Analysis, which is presented in greater detail in Section IV.B, Transportation, of this Draft EIR, was prepared in accordance with the requirements set forth in the Los Angeles County CMP and the City of Los Angeles Department of Transportation Guidelines.

(3) City of Los Angeles Plans and Policies

(a) *General Plan*

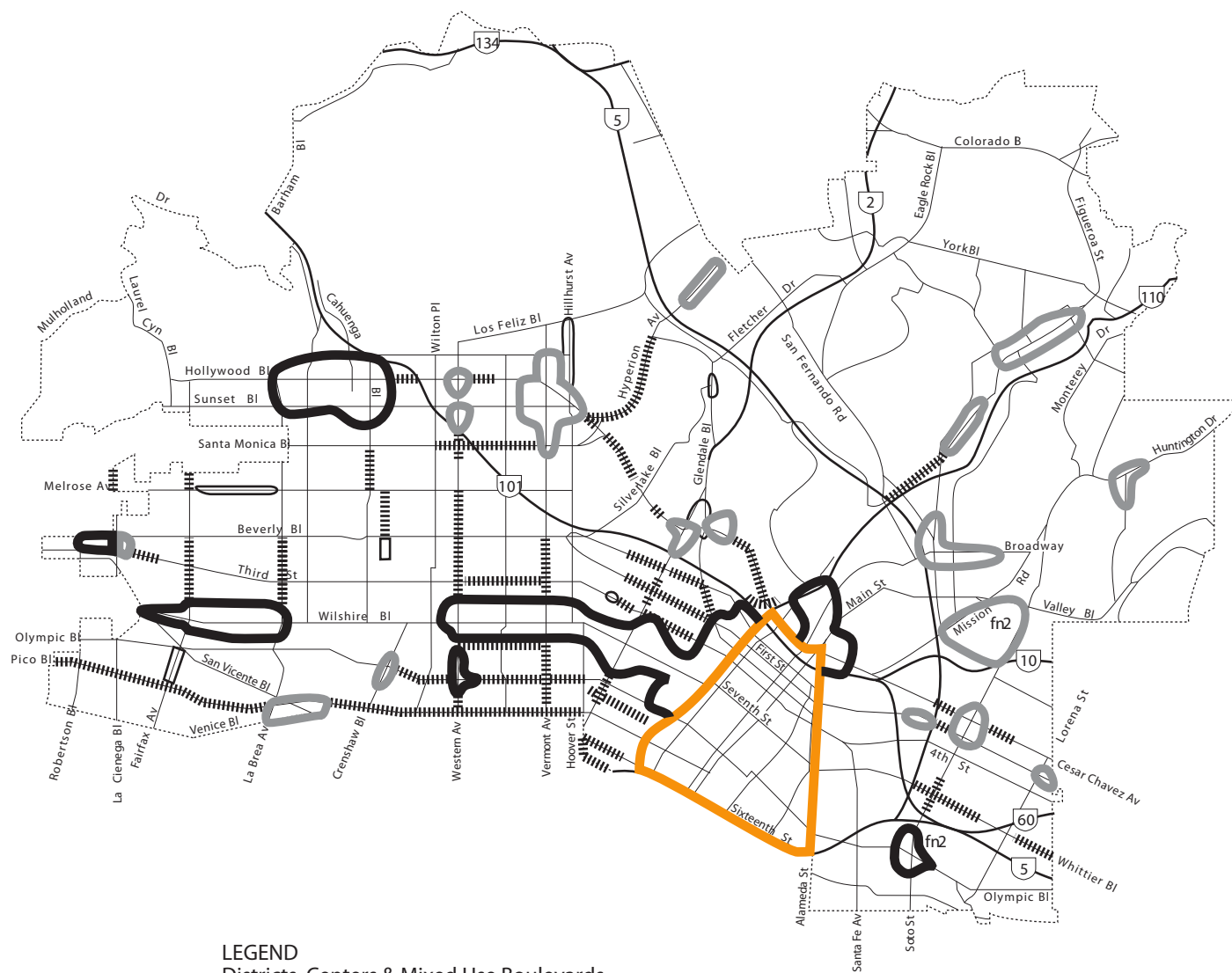
(i) *General Plan Framework Element*

The Framework Element of the City of Los Angeles General Plan (Framework Element) serves as a guide for the City's overall long-range growth and development policies. The Framework Element was originally adopted in December 1996 and readopted in August 2001. The Framework Element refines the previously adopted Concept Los Angeles plan. The central theme of the Framework Element is to focus growth toward centers and away from single-family neighborhoods. The Framework Element contains Long Range Land Use Diagrams for all regions of the City which designate land uses that are encouraged in each of these regions and accompanying text with policies and objectives to achieve the vision of the General Plan. These land use diagrams depict where various types of districts, centers and mixed use boulevards should be located. The Project Site, as shown in Figure 1 on page 8, is located within the Framework Element's Metro Land Use Diagram.⁶ This Land Use Diagram identifies the Project Area as being within the Downtown Center. The text, policies and objectives of the Framework Element are provided in a series of chapters which are described below. A list of the specific policies applicable to the Proposed Project and an analysis of the Proposed Project's consistency with these policies is provided in Section IV.A, Land Use, of this Draft EIR.

Land Use—The Framework Element establishes land use categories whose specific locations are determined in 35 Community Plans. In general, these categories continue the residential and industrial designations that have been used in the past and provide new categories for selected areas of the City that, in general, have been previously designated for commercial uses. These include: Neighborhood Districts; Community Centers; Regional Centers; Mixed-Use Boulevards; Industrial Districts; and Downtown Center. The Framework General Plan's Land Use Diagram designates the Proposed Project site as being part of the Downtown Center. The Downtown Center is defined as:

...an international center for finance and trade that serves the population of the five county metropolitan region. Downtown is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation facilities and

⁶ City of Los Angeles General Plan Framework Figure 3-1 Long Range Land Use Diagram, 2-19-03.



LEGEND

Districts, Centers & Mixed Use Boulevards

 Neighborhood District

 Community Center

 Regional Center

 **Downtown Center**
An international center for finance and trade that serves the population of the five county metropolitan region. Downtown is the largest government center in the region and the location for major cultural and entertainment facilities, hotels, professional offices, corporate headquarters, financial institutions, high-rise residential towers, regional transportation facilities and the Convention Center. The Downtown Center is generally characterized by a floor area ratio up to 13:1 and high rise buildings.

 Mixed Use Boulevard

Source: City of Los Angeles General Plan Framework Element, 2009.

the Convention Center. The Downtown Center is generally characterized by a floor area ratio up to 13:1 and high rise buildings.⁷

Housing—The Framework Element elaborates on the City’s adopted Housing Element to ensure the provision of housing for all income levels for the City’s existing and future residents. Because the Proposed Project is not residential or mixed-use in nature, these policies are not directly applicable to the Proposed Project.

Urban Form and Neighborhood Design—According to the Framework Element, good urban design results in physical places and spaces that are considered livable and enjoyable to be in. Elements contributing to urban design range from the overall scale of development in various areas of the City to detailed designs at the pedestrian level. The Urban Form and Neighborhood Design Chapter defines “urban form” as: (a) the “general pattern of building height and development intensity;” and (b) the “structural elements” that define the City physically, such as natural features, transportation corridors (including the planned fixed rail transit system), open space, public facilities, as well as activity centers and focal elements. This chapter of the Framework Element describes options to improve community and neighborhood livability; the establishment of local development standards through community plan amendments; and visually differentiation of the districts, centers, and boulevards that comprise Los Angeles.

The Framework Element suggests that new developments define their adjacent streets according to their function and character, including “pedestrian priority segments,” “transit priority segments,” and “vehicle priority segments.” It proposes development standards and guidelines that raise the quality of development citywide to enhance neighborhood character through street designs, including the use of street trees. The Framework Element calls for the City to enhance pedestrian activity in areas to be designated by the community plans as pedestrian districts, including the siting of buildings along sidewalks, design of the ground elevation of buildings to promote visual interest to the pedestrian, locating parking to the rear or other areas away from the primary pedestrian areas, and the inclusion of streetscape amenities.

Open Space and Conservation—The Framework Element’s open space and conservation objectives are oriented around the conservation of critical resources, provision of outdoor recreational opportunities, minimization of public risks from environmental hazards, and the use of open space to enhance community and neighborhood character. Key objectives applicable to the Proposed Project call for the

⁷ City of Los Angeles, *General Plan Framework Element, Chapter 3, Land Use*.

consideration of the urban forms of open space in pedestrian districts, community plazas, and similar elements and the promotion of the joint use of open space with public facilities.

Economic Development—The Framework Element’s economic development policies are designed to facilitate job growth by emphasizing that Los Angeles plays a proactive role in the retention and attraction of businesses in order to have a sufficient job base to maintain and enhance the quality of life.

Transportation -- The primary goals of the Framework Element’s Transportation Chapter, which are also set forth in the Transportation Element of the General Plan, are to provide adequate accessibility to commerce, work opportunities, and essential services, and to maintain acceptable levels of mobility for all those who live, work, travel, or move goods in Los Angeles. Attainment of these goals requires a comprehensive program of physical infrastructure improvements, traffic management techniques, and behavioral changes that reduce vehicle trips. These are linked to an integrated hierarchy of movement modes that encompasses pedestrians, bicycles, automobiles, local shuttles, buses, and rail transit. Specific policies addressed in the analysis below call for the following:

- Expansion of the Metro rail system (Policy 2.12);
- Increasing bus service along high-demand routes (Policy 2.14);
- Use of automated traffic surveillance and control systems by the City to enhance traffic flow (Policy 2.22);
- Provision of high-occupancy vehicle (carpool) lanes by the City on arterials (Policy 2.23);
- Implementation of shared parking, peripheral parking, and parking price strategies (Policy 2.24);
- Enhancing pedestrian circulation and bicycle access (Policies 3.12 and 3.14); and
- Encouraging public agencies to continue to expand the role of Union Station as the major regional hub for Amtrak, Metrolink, Metrorail, and, potentially, high-speed rail service (Policy 5.7).

City of Los Angeles 2010 Bicycle Plan

The City of Los Angeles 2010 Bicycle Plan (Bicycle Plan) was adopted March 1, 2011, and is a component (Chapter 9) of the City’s Transportation Element of the General Plan. The Bicycle Plan establishes long-range goals, objectives and policies at a citywide

level and contains a broad range of programs the City will undertake to become a more bicycle-friendly Los Angeles. Under the Bicycle Plan, the City intends to expand the 334 miles of existing bikeways to a 1,683 mile bikeway system over the next 35 years (by 2045). The 2010 Plan introduces three new bikeway Networks: the Backbone (719 miles); the Neighborhood Network (825 miles); and the Green Network (139 miles). The Backbone Network, comprised primarily of Class II bicycle lanes, will enable access to major employment centers, transit stations and stops, and educational, retail, entertainment, and other open space and recreational resources. The Neighborhood Network is comprised primarily of Bicycle-Friendly Streets (Class III bike routes on Local and Collector Streets with traffic calming treatments, signage and shared lane markings) that generally run parallel to the Backbone Network and are characterized by low traffic volumes and slower speeds. The Green Network enhances access through bicycle paths and shared use paths to the City's green open spaces, particularly river channels like the Los Angeles River.

The Bicycle Plan sets forth the following three overall goals:

- Goal 1: Increase the number and types of bicyclists who bicycle in the City;
- Goal 2: Make every street a safe place to ride a bicycle; and
- Goal 3: Make the City of Los Angeles a bicycle friendly community.

Each goal is supported by objectives under which a variety of policies and programs are provided. Program B under Policy 1.1.3 specifically applies to Downtown, and states, "Plan and implement series of interconnected bikeways within the downtown area to link bicyclists to employment, retail, residential, civic, cultural and recreational destinations. Downtown bikeways should be integrated with the existing Downtown Street Standards." The Downtown Bikeways Objective is to, "Increase bicycling within the downtown core by adding bikeway infrastructure and improving safety." The schedule to accomplish this objective is by 2014.

Although there are currently limited bicycle facilities in the area of the Proposed Project, a Class III bicycle route (signed route with no bike lanes) currently exists along the Project Site boundaries on Figueroa Street between Olympic and Exposition Boulevards as well as along Venice Boulevard from Figueroa Street westward to Crenshaw Boulevard. A 2.20-mile-long bike lane was recently installed in August 2011 along 7th Street from

Figueroa Street west to Catalina Street (just west of Vermont Avenue).⁸ There are 134 on-site bicycle parking spaces at L.A. LIVE. A proposed bike station is anticipated to be constructed in the vicinity of the Project Site. This planned facility, which would be implemented by the City with allocated funding, would provide space for bicycle parking and storage, and for bike rentals.

With respect to the Project Area, the Bicycle Plan identifies proposals for bike lanes on Pico Boulevard, Venice Boulevard, Washington Boulevard, Figueroa Street, Flower Street, Hill Street, Main Street and Seventh Street. The Plan also identifies proposals for a Bicycle Friendly Street on 11th Street and Hope Street in the area of the Project site. Specifically, the 2010 Designated Bikeways Plan (see Figure IV.A-5 in section IV.A, Land Use, of the Draft EIR) indicates upgrading the existing Class III Bike Routes along the southern boundary of the Project Site along Venice Boulevard and along the eastern boundary of the Project Site along Figueroa Street to Class II Bike Lanes, in addition to designating a Class II Bike Lane along Pico Boulevard that would traverse through the Project Site.

There are no specific dates or details on when such bike lanes would be implemented, with the exception of those contained in the Five-Year Implementation Strategy. Program 1.1.2 C of the 2010 Bicycle Plan, calls for the funding and construction of at least 200 miles of on-street bicycle facilities on the Backbone and Neighborhood Networks every five years (roughly 40 miles per year) until the two networks are complete. This Strategy details the sequencing and priorities for the selection and installation of certain new bikeway facilities. Bikeways that fill geographic gaps in either of the Networks and/or are in neighborhoods with low-income populations will be prioritized.

The first Five-Year Implementation Strategy covers fiscal years 2012–2016 and includes a total of 253 miles of bikeways. Of the 253 miles in the first Five-Year Implementation Strategy, almost 50 miles of bicycle lane projects are currently being analyzed.⁹ Types of treatments being considered include road diets (which entail reducing the number of vehicle lanes to include bicycle lanes), protected bicycle lanes, and shared lane markings. However, as explained in the Bicycle Plan Implementation Team Quarterly Report to the City Council (August 3, 2011), each project comes with its own unique set of conditions and constraints and must be individually evaluated for environmental impacts, publically vetted and designed prior to being installed. While some of the future bicycle

⁸ *Active Bikeways Projects (August to November) as of 11/20/2011, Attachment 2 of the Bicycle Plan Implementation Quarterly Report to City Council, December 14, 2011.*

⁹ *Bicycle Plan Implementation Team Quarterly Report (1st), August 3, 2011.*

lanes are evaluated in the Mitigated Negative Declaration that was conducted simultaneously with preparation of the 2010 Bicycle Plan, many future bicycle lanes will require additional analysis (particularly impacts on traffic) pursuant to CEQA. Lanes that can be accommodated within the existing roadway width under existing traffic conditions, with no impacts to traffic capacity will require no additional environmental analysis. Lanes that cannot be accommodated in the current street width without potentially significantly impacting traffic and/or parking in the area will require further study. These lanes may require physical alternation to the roadway configuration in order to be implemented. Of the 50 miles of projects currently being analyzed, a single EIR will be prepared for those projects that are determined to have impacts beyond established thresholds

At this point there is not enough information to analyze the Five-Year Implementation Strategy lanes in detail to verify their feasibility and a route alignment study may be needed to determine the best alignment within the general corridor. As each bikeway that is identified as a future bicycle lane is prioritized in the Five-Year Implementation Strategy, a preliminary analysis will be conducted to evaluate whether further environmental review will be necessary. (Bicycle Plan, page 114.) In some cases the analysis may determine that the originally selected roadway is not well suited for a bicycle lane. In these cases an alternative roadway within the same general corridor may be considered or alternative solutions may be considered that would facilitate bicycle activity on the designated corridor without the inclusion of a bicycle lane. (Bicycle Plan, page 115.)

Within the area of the Proposed Project, the following planned bicycle facilities are on the Priority 1 list, which are planned to be implemented by 2016:

- | | | |
|-------------------------|-----------|--|
| • Spring Street | Bike Lane | Between Cesar Chavez Boulevard and 9th Street, ¹⁰ |
| • Main Street | Bike Lane | Between Cesar Chavez Boulevard and 16th Street; |
| • Venice Boulevard | Bike Lane | Between Western Avenue and Main Street; |
| • South Figueroa Street | Bike Lane | Between Olympic Boulevard and Exposition Boulevard; |

¹⁰ As noted below, the Spring Street Bike Lane between Cesar Chavez Boulevard and 9th Street was implemented in November 2011.

- | | | |
|-------------------|-----------|--|
| • 7th Street | Bike Lane | Between Hoover Street and Hill Street; |
| • Figueroa Street | Bike Lane | Between US-101 and Olympic Boulevard;
and |
| • 1st Street | Bike Lane | Between Central Avenue and the Los
Angeles River. |

The 5-Year Priority 1 Program, which includes the above improvements, is not fully funded at this time. However, the Spring Street Bike Lane between Cesar Chavez and 9th Street was implemented in November 2011, and the Main Street Bike Lane from 9th Street to 16th Street is expected to be implemented in early 2012. There are currently no defined design plans as to how the other bike lanes will be accommodated on the streets, no scheduled program for when they will be implemented, and implementation would occur only as funding permits.

Infrastructure and Public Services—The Infrastructure and Public Services Chapter of the Framework Element addresses infrastructure and public service systems, many of which are interrelated and include wastewater, stormwater, water supply, solid waste, police, fire, libraries, parks, power, schools, telecommunications, street lighting, and urban forest. For each of the public services and infrastructure systems, basic policies call for monitoring service demands and forecasting the future need for improvements, maintaining an adequate system/service to support the needs of population and employment, and implementing techniques that reduce demands on utility infrastructure or services, where appropriate. Generally, these encompass a variety of conservation programs (e.g., reduced liquid and solid wastes and energy use, increased site permeability, watershed management, telecommunications, and others). Attention is also placed on the establishment of procedures for the maintenance and/or restoration of service after an emergency, including earthquakes. The Framework Element also calls for the City to develop a sustainable systems approach to public infrastructure planning, construction, and management that identifies opportunities to reduce the long-term cost to taxpayers of such activity.

(ii) Central City Community Plan

General Provisions

The Project Site is regulated by the City's Central City Community Plan, which is one of 35 Community Plans that comprise the City of Los Angeles General Plan Land Use Element. The City, on an ongoing basis, reviews and updates each of the 35 Community

Plans to reflect the changing nature of the planning issues that affect each of the City's diverse communities. At this time, the Central City Community Plan is one of 12 community plans that are undergoing revision.¹¹ Until such time that the updated community plan has been adopted by the City Council, the current Community Plan remains in effect. The Central City Community Plan Update is in its early stages and has not identified draft provisions that could be analyzed at this time. During this same time period, the Amended Central Business District Redevelopment Plan, administered by CRA/LA, which also regulated development activities in the Project area, was allowed to expire, as the goals of the redevelopment plan had been achieved. Nonetheless, the transfer of floor area provisions and design guidelines that were set forth in the expired redevelopment plan were deemed by the City to be of sufficient value in the ongoing planning efforts for the area that they have been formally incorporated into the Central City Community Plan.

The Central City Community Plan promotes an arrangement of land uses, infrastructure and services intended to enhance the economic, social and physical health, safety, welfare and convenience of the people who live, work, and invest in the community. The Community Planning Area, shown in Figure 2 on page 16, is located south of Sunset Boulevard/Cesar Chavez Avenue, north of the I-10 Santa Monica Freeway, east of the SR-110 Harbor Freeway and west of Alameda Street. It is bordered by the communities of Central City North, Silver Lake–Echo Park, Westlake, Southeast, and South Central Los Angeles.

The Central City Community Planning Area is the second smallest in the City, occupying less than 1 percent of the City's land (approximately 2,161 acres or 3.38 square miles). Its small geographic area includes the area serving as the governmental, financial and industrial hub of Los Angeles, and, as such, has a smaller, but continually growing, residential population compared to the rest of the City.

The Central City Community Plan was developed in the context of promoting a vision of a community that:

- Maximizes the development opportunities of the future rail transit system while minimizing adverse impacts;

¹¹ The Central City Community Plan is currently listed as a "Plan-On-Hold" on the Department of City Planning website, <http://cityplanning.lacity.org>, accessed September 19, 2011.



Source: City of Los Angeles Planning Department - Graphic Services Section, March, 2008.



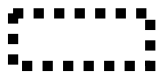
Figure 2
Central City Community Plan Area

- Plans the remaining commercial and industrial development opportunity sites for needed job-producing uses that improve the economic and physical condition of the Central City Community;
- Creates residential neighborhoods, while providing a variety of housing opportunities with compatible new housing;
- Improves the function, design, and economic vitality of the commercial districts; and
- Preserves and enhances the positive characteristics of existing uses which provide the foundation for community identity, such as scale, height, bulk, setbacks and appearance.

While the Convention Center and STAPLES Center serve as an important physical component within the Central City Community Plan area, the Community Plan itself identifies few objectives and policies that reference the Convention Center and STAPLES Center, and the ones that do exist directly address the creation of facilities and infrastructure that support the Convention Center and STAPLES Center. The Proposed Project's consistency with those objectives and policies is presented under the heading of "Project Impacts" of Section IV.A. Land Use of this Draft EIR.

The Community Plan includes several neighborhoods and districts. These include, among others, the Convention Center/Arena, within which the Project Site is located, the Financial Core, located immediately north of the Convention Center/Arena, and South Park to the east. The Community Plan also references other City-adopted plans, including the Citywide General Plan Framework, discussed above, and the Downtown Strategic Plan, which provides the vision, direction, and framework for the Downtown Los Angeles area(). The Project Site is located within the boundaries of the Downtown Strategic Plan and is thus subject to the provisions contained therein. In addition, the Los Angeles Sports and Entertainment District (LASED) Specific Plan is referenced in the Central City Community Plan as a guide to development north and east of the Project Site. Specifically, the Central City Community Plan states that the LASED Specific Plan area, (which includes L.A. LIVE) should be a sports, entertainment, and hotel destination that complements the existing Convention Center and STAPLES Center developments, as well as a downtown residential community that complements the South Park area to the east of the Project Site. (The geography of the LASED area is shown in the zoning map provided as Figure 5 on page 30).

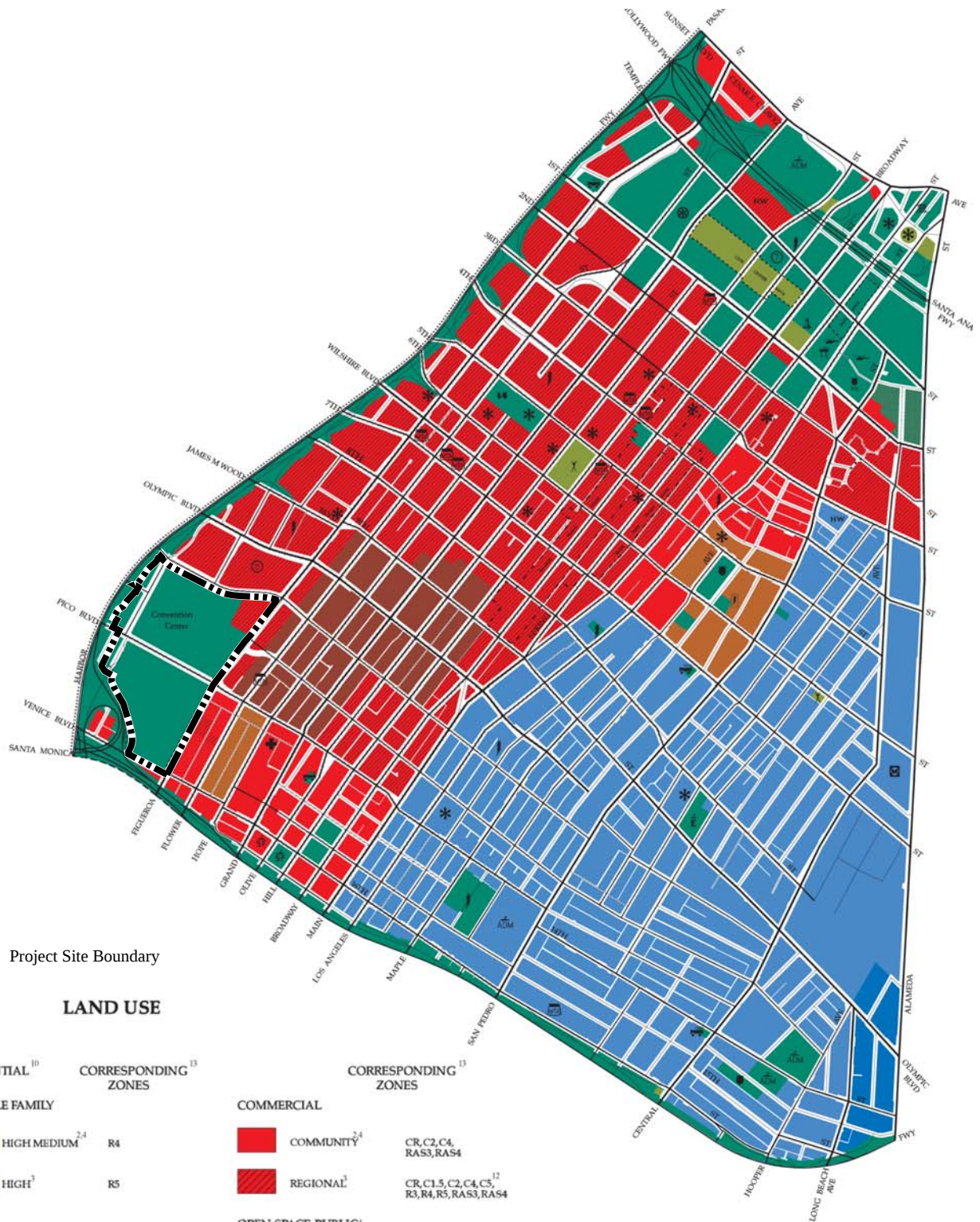
As mentioned, the Project Site is located in the Convention Center/Arena area of the Central City Community Plan, as shown in Figure 3 on page 18, and is designated for Public Facilities and Commercial development, as shown in Figure 4 on page 19. The



10 Minute Diamond as shown in the Los Angeles Shared Facilities and Enhancement Plan



Source: Central City Community Plan, 2009.



Source: Central City Community Plan, 2009.

Community Plan acknowledges that the Project area is located at the hub of the interstate freeway system and the developing Metro and light rail system. The plan states that development within this portion of the Community Plan area should focus on event and entertainment-related uses, as well as hotels. The Community Plan further recognizes that the proximity of the 7th Street Station encourages visitors and residents who do not want to drive to downtown, to use the option of taking the subway and walking south along Figueroa Street to the Project Site, thereby increasing the pedestrian activity along the streets. In addition to the 7th Street Station, the Pico Station would also be available for this purpose and is closer to the Project Site.

Central City Community Plan Downtown Design Guide

The Central City Community Plan, Chapter V, Urban Design, notes that the design of the buildings in the Downtown area has not adequately addressed the planning concepts of well-designed streets, squares, and parks that are essential for a pedestrian-friendly city. The Community Plan provides broad urban design objectives for each district in the Community Plan area. The urban design objectives for the Convention Center/Arena area call for the full development of all streets and parks to accommodate outdoor activities and to provide pedestrian linkages between the Convention Center/Arena area and other downtown neighborhoods and districts, and to implement the LASED Streetscape Plan. To address these issues at a much more comprehensive level, the Community Plan has incorporated, and regulates development in accordance with, the provisions of the document titled Downtown Design Guide: Design for a Livable Downtown (Design Guide).

The objective of the Design Guide is to enhance the area's urban form as it contributes to the vitality and economic viability of the Downtown area. The focus of the Design Guide is on the relationship of buildings to the street, including sidewalk treatment, the character of buildings as they adjoin the sidewalk, and connections to transit. Successful treatment of these features, coupled with particular attention to project details in the first 30 to 40 vertical feet above the street, forms the basis for providing high-quality development at a pedestrian-oriented human scale. New projects in the Downtown Design Guide Project Area must comply with the standards and guidelines in the Design Guide.

More specifically, the Design Guide includes both standards (requirements) and guidelines (suggestions), although an individual design need not comply with the stated standards and guidelines if it offers a superior approach and achieves all the main objectives of the Design Guide. The Design Guide itself contains Principles for Creating a Livable Downtown, including:

- Maintaining and enhancing employment opportunities;

- Providing transportation choices (foot, bicycle, transit, and auto);
- Providing shops and services within walking distance from residences;
- Designing safe and shared streets, which include usable outdoor space (referred to as outdoor rooms) for walking, bicycling and visual enjoyment; providing public gathering places for socializing (sidewalks, courtyards, plazas, and providing events and gatherings in these spaces), including public art in projects; and
- Contributing to and connecting with the cultural activities of Downtown. The specific categories of the Design Guide's standards and guidelines that are applicable to the Proposed Project are as follows: (1) sustainable design; (2) sidewalks and setbacks; (3) ground floor treatment; (4) parking and access; (5) building massing and street walls; (6) on-site open space; (7) architectural detail; (8) streetscape improvements; (9) signage; (10) public art; and (11) civic and cultural life.

(b) Downtown Strategic Plan

The City of Los Angeles adopted the Downtown Strategic Plan (Strategic Plan) in 1994. The Strategic Plan provides direction and guidance for the area's continued development and evolution. While its policies provide for both business retention and attraction, as well as to maintain the area's economic role in the regional economy, the Strategic Plan emphasizes the development of new services and housing opportunities to enliven the downtown area and capitalize on the diversity of the City's resident population. The Strategic Plan provides the following three specific strategies: (1) interrelating the three distinct composite areas of Downtown—The City, The Center City, and the Markets—by developing these areas individually and jointly to form a greater whole; (2) providing for continuity and change by taking into account existing constraints and opportunities and blending new construction with the historic fabric of the City; and (3) establishing physical frameworks for access, open space, and the built form.

The Strategic Plan divides Downtown Los Angeles into several districts, including the Civic Center, Bunker Hill, the Financial Core, South Park, and the Convention Center. Recommendations for these districts include the development of additional residential neighborhoods, a Convention Center hotel and linkages to form a hotel district in Downtown, build-out of the Civic Center, and increased office density, especially adjacent to transit nodes.

The Strategic Plan advocates improving regional access to and through Downtown by expanding the regional rail system and the transitway High Occupancy Vehicle (HOV) system serving Downtown. The Strategic Plan seeks to leverage this investment through the promotion of joint public/private development around transit stations, and the use of

innovative zoning incentives, such as allowing greater and more flexible densities in such areas. The strategies proposed within the Strategic Plan would also improve goods movement to and from the industrial areas of Downtown.

The Strategic Plan further recognizes that the Greater Downtown area is a high-profile international tourist destination which offers major attractions in the arts, culture, and sports; features unique ethnic neighborhoods and markets; and contains the City's most important historic landmarks. Objectives set forth in the Strategic Plan relating to tourism include restoring Los Angeles to its traditional image as a world magnet for tourist activity, addressing the needs of all visitors who visit Downtown for business, conventions, trade shows and tourism, and promoting sports venues in the Downtown area.

The Strategic Plan divides Downtown Los Angeles into several districts including the Civic Center, Bunker Hill, the Financial Core, South Park, and the Convention Center. Objectives addressing the Convention Center District include the desire to maintain the Convention Center as the region's preeminent, state-of-the-art facility; linking the Convention Center District with surrounding neighborhoods and districts and providing access to the retail and community activities of the Financial Core and South Park; fully developing all streets and parks to accommodate outdoor activities and provide pedestrian linkages between this district and the rest of Downtown; and providing Convention Center visitors with convenient transit access to all of Downtown's noteworthy retail and tourist attractions.

The Strategic Plan also recommends the preparation of a comprehensive convention accommodation strategy that combines a convention hotel with existing and proposed Downtown hotels to help satisfy room demand generated by the Convention Center. The next steps for this area, as envisioned by the Strategic Plan, include the provision of convention-supported activities adjacent to the Convention Center including entertainment, shopping, and other tourist attractions nearby to ensure a supportive environment for the facility.

Strategies for the Convention Center District specifically focus on increasing pedestrian activity between the Convention Center and the Financial Core via a well-developed, tree-lined, pedestrian-friendly Figueroa Street, thus eliminating the perception that the facility is isolated; increasing pedestrian activity between the Convention Center and South Park by a series of landscaped streets, with an emphasis on 12th Street; and making the Convention Center highly accessible to the rest of Downtown through the DASH Broadway Circulator and the Metro rail transit system. These concepts have been incorporated in the Streetscape Plan adopted by the City as an appendix to the LASED Specific Plan.

(c) Figueroa Corridor Economic Development Strategy

The Figueroa Corridor Economic Development Strategy (Corridor Strategy) was approved by the City of Los Angeles Community Redevelopment Agency in March 1998 to address conditions along Figueroa Street between Wilshire and Exposition Boulevards. This project is now under the oversight of the CRA/LA,¹² the successor agency to the Community Redevelopment Agency of the City of Los Angeles. The Corridor Strategy defines a means to improve the Figueroa Street Corridor economically and physically, and to reinforce its regional importance. The Corridor Strategy includes objectives to capture the strengths of the Corridor's resources and raise the awareness of the Corridor as a vital regional destination for business, education, culture and entertainment; create catalytic places and economic incentives that will stimulate development; to reposition Figueroa Street in the transportation network of Los Angeles by rebalancing the street to integrate pedestrian and transportation amenities with vehicular needs appropriate for a major civic boulevard; and reinforce the overall identity of the corridor and the unique character of individual districts.

The Corridor Strategy establishes six districts so as to allow for a focus on the unique key attributes of each district. The Proposed Project is within the Downtown Events Center District, which extends from Venice Boulevard, adjacent to the Project Site, north to 9th Street. The strategic economic focus for this area is on hotels, as well as event and entertainment-related uses, and improving the walking experience within the district by implementing strategic projects to establish linkages with Pico Station and other transit facilities within the Figueroa Corridor.

(d) City of Los Angeles Walkability Checklist¹³

The City of Los Angeles Walkability Checklist Guidance for Entitlement Review (Checklist) is part of a proactive implementation program for the 12 urban design principles contained in the Urban Form and Neighborhood Design Chapter of the General Plan Framework Element. City Planning Department staff use the Checklist in evaluating a project's entitlement applications and in making findings of conformance with the policies and objectives of the General Plan and the local community plan. The Checklist is also intended to be used by architects, engineers, and all community members to create

¹² CRA/LA is the Designated Local Authority (DLA) and successor to the Community Redevelopment Agency in response to Assembly Bill (AB) x1-26, which became effective on February 1, 2012.

¹³ Although not formally adopted as regulatory "plans," analysis of the Urban Design Principles and Walkability Checklist have been included in this discussion, recognizing the City's intent to acknowledge principles and strategies addressed in these policy documents in planning future development throughout the City.

enhanced pedestrian movement, and access, comfort, and safety, thereby contributing to improving the walkability of the City. The Citywide Planning Commission approved the Walkability Checklist in the summer of 2007 and directed that it be applied to all projects seeking discretionary approval for new construction. The final Checklist with graphics was completed in November 2008.¹⁴

In the field of urban design, walkability is the measure of the overall walking conditions in an area. Different factors have been identified with regard to enhancing walkability in the private versus public realms. Specific factors influencing walkability within the private realm (private areas of projects) include: building orientation; building frontages; signage and lighting; on-site landscaping; and off-street parking and driveways. Contributors influencing walkability within the public realm include sidewalks, crosswalks/street crossings, on-street parking, and utilities. Street connectivity, access to transit, aesthetics, landscaping, and street furniture are additional components that are discussed in the Walkability Checklist as they also influence the pedestrian experience.

The City Framework Element's Urban Design Form and Neighborhood Design Chapter recognizes that areas and communities within the City include a variety of unique elements. Thus, the Framework's 12 urban design principles should not be uniformly applied throughout the City. Similarly, not every Walkability Checklist guideline is appropriate for every project. The primary goal is to consider the applicable guidelines in the design of a project, thereby improving pedestrian access, comfort and safety in the public realm.

With regard to the public realm, the Walkability Checklist specifically encourages the design of sidewalks to ease pedestrian movement, completion of missing pedestrian connections, and the provision of street furniture and trees to provide shade. The Checklist promotes crosswalks/street crossings that are short, safe, easy to use and well marked. Large outdoor rooms should be formed that include the street and incorporate pedestrian amenities such as seating and water features. With regard to the private realm, the Walkability Checklist specifically encourages buildings that are oriented to the street to improve both neighborhood character and the pedestrian environment. Where buildings are set back from the street, building entrances should be readily visible from the street and oriented toward transit access, and paseos should be activated so they are visually interesting and safe. Pedestrian amenities should be included similar to the public realm. The safety of pedestrians is primary in the design of off-street parking facilities. Therefore,

¹⁴ City of Los Angeles Department of City Planning, *Walkability Checklist Guidance for Entitlement Review*, November 2008.

the Checklist proposes that driveways that mix vehicles with pedestrians should be avoided, and, similarly, vehicle access should be from the back of buildings to provide separation from, and protection of, the pedestrian environment. To further enhance walkability, on-site landscaping should contribute to the environment, add beauty and visual relief to the street and extend the sense of the public right-of-way. In addition to closely spaced street trees, canopy trees should also be planted. Building façades should both create and reinforce neighborhood identity and create a richer pedestrian environment. To create pedestrian interest, the Checklist proposes that bland walls should be avoided, that pedestrian entrances and substantial window areas should be included on the ground floor of retail uses and that pedestrian-oriented signage and uniform non-glare pedestrian lighting should be included in a project's design. Building signage and lighting should also strengthen the pedestrian experience, contribute to the neighborhood identity and offer visual coherence.

(e) Proposed Figueroa Corridor Streetscape Project

CRA/LA is currently planning the Figueroa Corridor Streetscape Project, which would extend from 7th Street south to Martin Luther King Boulevard and would thus border a portion of the Project Site. While plans are still being developed, the project “will study and eventually design a coordinated streetscape that will complement the existing buildings and businesses in the area while promoting pedestrian and bike activity.”¹⁵ Once implemented, such plans could transform the aesthetic quality of the corridor through shifts in the balance of travel modes along Figueroa Street, the addition of street trees and street furniture, and the possible addition of public right-of-way dedicated to pedestrian facilities, thus influencing the streetscape adjacent to the Project Site. CRA/LA conducted public workshops on the proposed plan in the Spring of 2011. Currently there is no final proposal or consensus plan, and no plan has been adopted.

(f) Citywide Design Guidelines

The Citywide Design Guidelines were adopted by the City Planning Commission for use in reviewing applications for commercial, multi-family, mixed use and industrial projects. The Commercial Guidelines, dated May 2011, serve to implement the 10 Urban Design Principles, a part of the Framework Element. These principles, listed below, are a statement of the City's vision for the future of Los Angeles, providing guidance for new development and encouraging projects to complement existing urban form in order to enhance the built environment in Los Angeles. They are intended to embrace the variety of

¹⁵ Community Redevelopment Agency of Los Angeles, <http://myfigueroa.com>, accessed September 8, 2011.

urban forms that exist within Los Angeles, from the most urban, concentrated centers to suburban neighborhoods. The 10 Principles of Urban Design listed in the Citywide Design Guidelines are as follows:

1. Develop inviting and accessible transit areas.
2. Reinforce walkability, bikeability and well-being.
3. Nurture neighborhood character.
4. Bridge the past and the future.
5. Produce great green streets.
6. Generate public open space.
7. Stimulate sustainability and innovation in our city.
8. Improve equity and opportunity.
9. Emphasize early integration, simple processes and maintainable solutions.
10. Ensure connections.

By offering more direction for proceeding with the design of a project, the Citywide Design Guidelines illustrate options, solutions, and techniques to achieve the goal of excellence in new design. The Guidelines are intended as performance goals and not zoning regulations or development standards, and therefore do not supersede regulations in the municipal code. As stated in the Design Guidelines, although each of the Citywide Design Guidelines should be considered in a proposed project, not all of them will be appropriate in every case, as each project will require a unique approach and “flexibility is necessary and encouraged to achieve excellent design” (page 5).

The Commercial Citywide Design Guidelines set forth six objectives, as discussed below.

Objective 1: Consider Neighborhood Context and Linkages in Building and Site Design

Objective 1 includes guidelines related to Site Planning, Building Orientation, Entrances, and Relationship to Adjacent Buildings. Relevant guidelines include creating a strong street wall (e.g., by locating building frontages at the required setback from the front property line) or activating the area with a courtyard or “outdoor room” adjacent to the street with pedestrian amenities such as plazas; providing direct paths of travel for

pedestrian destinations within large developments, especially near transit lines; activating mid-block passageways and pedestrian walkways so that they are safe and visually interesting spaces; and installing bicycle racks and lockers, especially where bike routes are existing or planned. Guidelines related to 'Entrances' include providing a logical sequence of entry and arrival as part of the site's design, and promoting pedestrian activity by placing entrances at grade level and unobstructed from view from the public right-of-way. Relevant guidelines for 'Relationship to Adjacent Buildings' include ensuring that new buildings are compatible in scale, massing, style, and/or architectural materials with existing structures in the surrounding neighborhood.

Objective 2: Employ High Quality Architecture to Define the Character of Commercial Districts

Objective 2 includes guidelines related to Pedestrian Scale, Building Façade and Form, and Building Materials. Pedestrian Scale guidelines promote maintaining a human scale rather than a monolithic or monumental scale, and state, "High-rise buildings in particular should take care to address pedestrian scale at the ground floor" and to differentiate the ground floor from upper floors with changes in massing and architectural relief. Building Façade and Form guidelines include varying and articulating the building façade to add scale and avoid large monotonous walls, including providing architectural treatments that add visual interest while avoiding dull and repetitive façades. They also promote integrating varied roof lines through the use of sloping roofs, modulated building heights, stepbacks, or innovative architectural solutions. With respect to Building Materials, guidelines promote using character-defining details in a manner that is true to a style of architecture or common theme, use of quality materials, and utilizing landscaping to add texture and visual interest at the street level.

Objective 3: Augment the Streetscape Environment with Pedestrian Amenities

Objective 3 guidelines are provided for Sidewalks and Crosswalks/Street Crossings for Large-Scale Developments. Sidewalk guidelines include providing a comfortable sidewalk on Major and Secondary Highways at least 10 feet in width, while sidewalks and parkway widths on Local and Collector streets may be narrower, but generally not less than 9 feet wide. The Guidelines promote creating a buffer zone between pedestrians, moving vehicles, and other transit modes by the use of landscaping and street furniture. The Guidelines also promote planting street trees at the minimum spacing permitted by the Division of Urban Forestry, installing tree guards for tree trunks in high pedestrian use areas, providing path lighting on sidewalks, and provision of pedestrian amenities (e.g., trash receptacles and sheltered benches). Objective 3 also provides guidelines related to Crosswalks/Street Crossings for Large-Scale Developments, which recommend incorporating features such as white markings, signage, and lighting so that pedestrian crossings are visible to moving vehicles, and emphasizing pedestrian safety and comfort at

crosswalks. On wide streets, the Guidelines recommend employing devices that decrease the crossing distance for pedestrians (e.g., mid-street crossing islands, curb extension/bump out, or a minimal curb radius).

Objective 4: Minimize the Appearance of Driveways and Parking Areas

Relevant guidelines under Objective 4 for Off-Street Parking and Driveways include: placing on-site parking to the side or rear of buildings so that parking does not dominate the streetscape; maintain continuity of the sidewalk by minimizing the number of curb cuts for driveways; provide sidewalk illumination; mitigate the impact of parking visible to the street with the use of planting and landscaped walls tall enough to screen headlights; blend parking structure façades with nearby buildings by incorporating architectural treatments such as arches or other architectural openings and varied building materials, decorative screening, climbing vines, or green walls to provide visual interest; and use architectural features, such as decorative gates and fences, in combination with landscaping to provide continuity at the street where openings occur due to driveways or other breaks in the sidewalk or building wall.

Objective 5: Include Open Space to Create Opportunities for Public Gathering

Objective 5 provides guidelines related to On-Site Landscaping and Plazas. These guidelines recommend that landscaping be architecturally integrated with the building and suitable to the functions of the space, with plant materials that complement the architectural style, uses, and form of the building. The guidelines also promote use of drought tolerant, native landscaping to limit irrigation needs and conserve water, as well as the use of canopy trees for shade and energy efficiency. Further, the guidelines promote facilitating stormwater capture, retention, and infiltration, by using permeable or porous paving materials and to collect, store, and reuse stormwater for landscape irrigation. For Plazas, guidelines promote incorporating shaded open space, such as plazas and courtyards that are easily accessible, comfortable, and are designed as “outdoor rooms.”

Objective 6: Improve the Streetscape by Reducing Visual Clutter

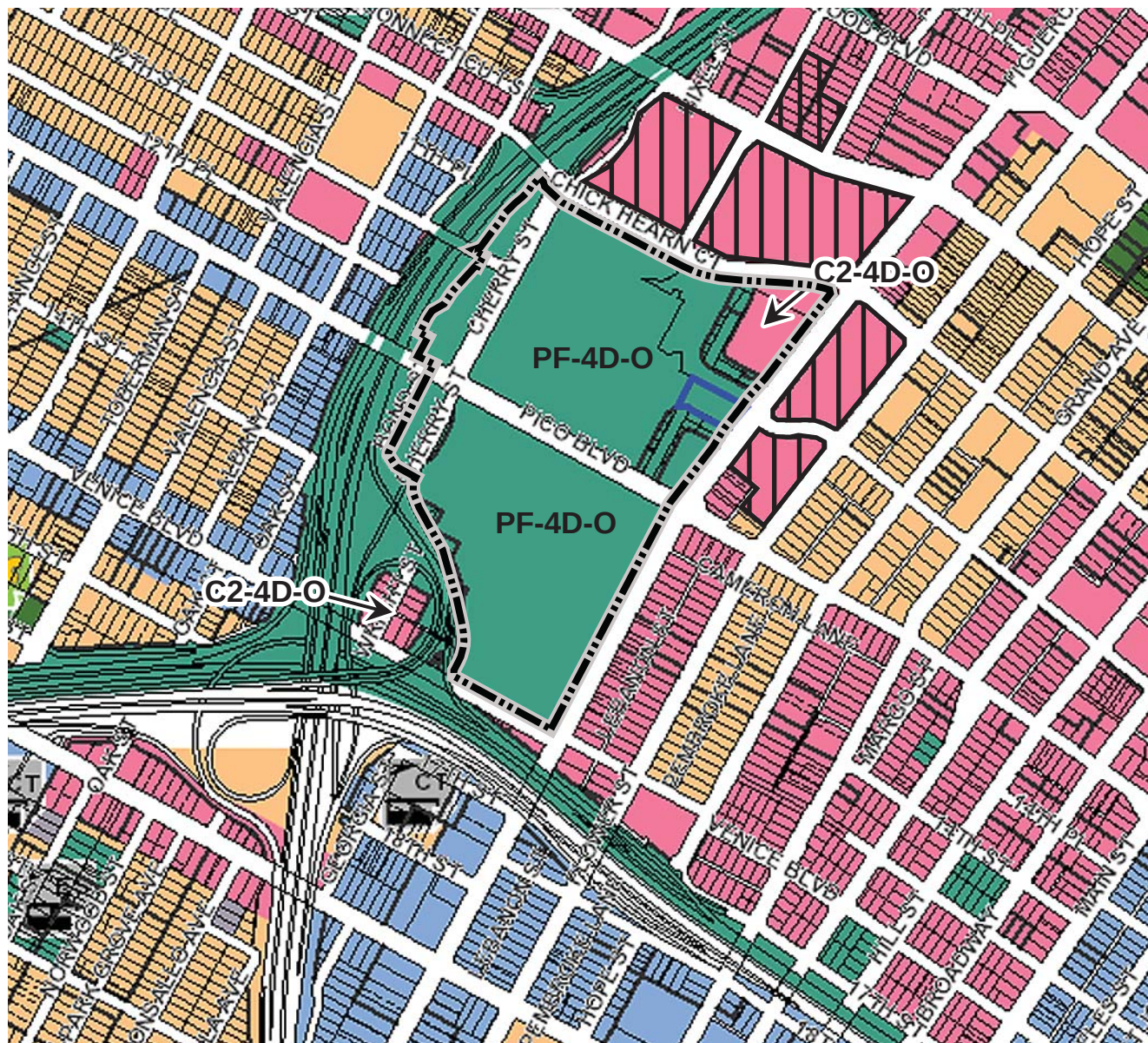
Objective 6 includes guidelines related to Building Signage Placement and Materials, and Lighting and Security. Signage guidelines including placing signage at a height and of a size that is visible to pedestrians and facilitates access to the building entrance and that is appropriate in scale and material to the building façade and architecture. They include provision of maps and signs in public spaces showing connections, destinations, and locations of public facilities such as nearby transit stops. Signage guidelines also include limiting the total number of colors used in any one sign and illuminating signs only to the minimum level required for nighttime readability. Lighting and Security guidelines state to use ornamental lighting to highlight pedestrian paths and

entrances and to use adequate, uniform, and glare-free lighting, such as dark-sky compliant fixtures, to avoid uneven light distribution, harsh shadows, and light spillage onto adjacent properties.

(4) City of Los Angeles Municipal Code

The development of the Proposed Project is also governed by the applicable land use and zoning requirements set forth in the Los Angeles Municipal Code (LAMC), particularly Chapter 1, General Provisions and Zoning. The City Zoning Code provides development standards for the various zoning districts in the City of Los Angeles. As shown in Figure 5 on page 30, the Project Site is zoned PF-4D-O, with the exception of the two most northeasterly parcels, which are zoned C2-4D-O. Each of these zoning designations is consistent with the Public Facilities and Commercial land use designations for the site provided in the Central City Community Plan.

The purpose of the “PF” Public Facilities Zone is to regulate the use and development of publicly owned land to implement the intent and purpose of the City’s General Plan. The existing Convention Center uses are classified as permitted uses in a PF zone; whereas, arenas, such as STAPLES Center, and stadia are classified as conditionally permitted uses in PF and C2 zones. The “4D” portions of both zoning designations specify the Height District that regulates this aspect of Project Site development. Height District 4 allows development up to 13 times the Project’s site area with no limitation on the height of the structure(s). However, the Project Site is subject to a “D” (or Development) restriction that imposes a limitation on floor area ratio (FAR). In the case of the Convention Center, the “D” limitation caps the Convention Center’s FAR at 3:1 for areas south of Pico Boulevard and 6:1 for the areas located north of Pico Boulevard. These limitations are also shown on the Central City Community Plan land use map. The “O” designation indicates the Project Site is located in an Oil Drilling District. In addition, there are no height limits on structures built as part of the Convention Center complex. With regard to STAPLES Center, a maximum floor area of 950,000 square feet is permitted, and the seating capacity cannot exceed 22,000. LAMC Section 14. sets forth the provisions for the transfer of floor area rights for areas located within the Central City Community Plan area. Separate procedures are established for transfers of less than 50,000 square feet and transfers of 50,000 square feet or greater. Pursuant to the LAMC provisions, floor area may be transferred from a Donor Site (the site from which the floor area rights are transferred) to a Receiver Site (the site which receives the floor area rights that are being transferred) subject to the following findings being made by the Los Angeles City Council: (1) the increase in floor area generated by the proposed transfer is appropriate with respect to location and access to public transit and other modes of transportation, compatible with other existing and proposed developments and the City’s supporting infrastructure, or otherwise appropriate for the long-term development of the



Generalized Zoning

- OS
- A, RA
- RE, RS, R1, RU, RZ, RW1
- R2, RD, RMP, RW2, R3, R4, R5
- CR, C1, C1.5, C2, C4, C5, CW, ADP, WC
- CM, MR, CCS, M1, M2, M3, SL
- P, PB
- PF
- HILLSIDE
- LASED

Schools/Parks

- CT Charter School
- ES Elementary School
- Project Site



Source: <http://www.zimas.lacity.org> and Thomas Brothers Maps, 2011.

Central City; (2) the transfer serves the public interest; and (3) the transfer is in conformance with the Community Plan and any other relevant policy documents previously adopted by the City Planning Commission or the City Council.

The Project Site's "D" limitation, as discussed above, caps the Convention Center's FAR 6:1 for the areas located north of Pico Boulevard. The Convention Center site subject to the "D" limitation, excluding the STAPLES Center site, includes 1,545,831 square feet of Project Site area north of Pico Boulevard, and 1,278,603 square feet of Project Site area south of Pico Boulevard. Based on the established "D" limitations, a total of 13,110,795 square feet of Floor Area could be developed (9,274,986 square feet north of Pico Boulevard and 3,835,809 square feet south of Pico Boulevard). A set aside of 5,200,000 square feet of Floor Area for the existing and future Convention Center has been made. As of this date, the Project Site has served as a Donor Site for 3,491,297 square feet of Floor Area. Thus, a total of 4,419,297 square feet of Floor Area is currently eligible for transfer to another development site pursuant to the LAMC.

Whereas no height limits apply to Convention Center structures, STAPLES Center cannot exceed 200 feet in height. No building setbacks from the adjoining public street are required throughout the Project Site except as required by LAMC 12.22.C3. Under various parking variances, the Convention Center is required to have available a total of 5,567 parking spaces when Kentia Hall is not used for exhibit hall purposes and 5,147 parking spaces when Kentia Hall is used for exhibit hall purposes. Parking requirements for STAPLES Center were established per the requirements of the Los Angeles Municipal Code and via a parking demand analysis. Under the various scenarios analyzed in the STAPLES Center EIR, the parking requirement for a capacity event ranged from 2,200 parking spaces to a high of 7,200 parking spaces. This analysis was for STAPLES Center and the existing Convention Center and did not take into account the Proposed Project. Sufficient parking was determined to be available in the area proximate to the STAPLES Center (including at the Convention Center) to meet the Municipal Code, as well as actual parking demand requirements at that time.

With respect to signage, existing LAMC Article 4.4 regulates the design, construction, installation, repair and maintenance of signs, and ensures reasonable protection to the visual environment by controlling the size, height, spacing and location of signs. Requirements are set forth for specific sign types including informational signs, monument signs, projecting signs, wall signs, illuminated architectural canopy signs, pole signs, roof signs, window signs, marquee signs, temporary signs, off-site signs, awning signs and murals. Under LAMC regulations, up to 112,590 square feet of signage is permitted at the Convention Center. However, STAPLES Center signage is regulated via City Ordinance No. 172,465, which establishes limitations on the number, location, height, sign area, and illumination of the various sign types placed on and around the STAPLES

Center. Per the provisions of the STAPLES Center Sign Ordinance, a total of approximately 35,576 square feet of various sign types and sizes, ranging from retail business signs to pole signs, are permitted. In addition, 10,000 square feet of aerial signs are permitted, as well as informational (e.g., wayfinding) signs as approved by the City.

Prior to issuance of the Notice of Preparation (NOP) regarding the Proposed Project, the City Council initiated a proposed signage ordinance (CPC Case Number 2009-0008-CA, which as of this date has not yet been adopted by the City Council) that would amend Article 4.4 (Sign Regulations) of Chapter 1 of the LAMC to: establish total sign area limits for properties; establish area and height limits for individual signs; generally prohibit off-site signs, digital displays and roof signs; create new relief provisions for certain deviations from the sign regulations; establish administrative civil penalties for violations of the sign regulations; enact new criteria for the establishment of sign districts; and enact related technical corrections and other measures to reduce visual clutter and otherwise mitigate the potential adverse impacts of signs on the visual environment. This proposed ordinance amendment follows a Citywide moratorium on various types of signage including off-site signs and supergraphics, which currently remains in effect.¹⁶

B.1 Transportation

(1) Local Plans

General Plan Framework Element, Transportation: The primary goals of the Framework Element's Transportation Chapter, which are also set forth in the Transportation Element of the General Plan, are to provide adequate accessibility to commerce, work opportunities, and essential services, and to maintain acceptable levels of mobility for all those who live, work, travel, or move goods in Los Angeles. Attainment of these goals requires a comprehensive program of physical infrastructure improvements, traffic management techniques, and behavioral changes that reduce vehicle trips. These are linked to an integrated hierarchy of movement modes that encompasses pedestrians, bicycles, automobiles, local shuttles, buses, and rail transit. Specific policies call for: the completion of the Metro rail system; increasing bus service along high-demand routes; use

¹⁶ Per LAMC Section 14.4.2, an off-site sign is defined as "a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located." A supergraphic sign is also defined therein as "a sign, consisting of an image projected onto a wall or printed on vinyl, mesh or other material with or without written text, supported and attached to a wall by an adhesive and/or by using stranded cable and eye-bolts and/or other materials or methods, and which does not comply with the following provisions of this Code: Sections 14.4.10; 14.4.16; 14.4.17; 14.4.18; and/or 14.4.20."

of automated traffic surveillance and control systems by the City to enhance traffic flow; provision of high-occupancy vehicle (carpool) lanes by the City on arterials; implementation of shared parking, peripheral parking, and parking price strategies; enhancing pedestrian circulation and bicycle access; and encouraging public agencies to continue to expand the role of Union Station as the major regional hub for Amtrak, Metrolink, Metrorail, and, potentially, high-speed rail service. Consistency of the Project with these policies is addressed in the analysis provided in Section IV.A, Land Use, of this Draft EIR.

(2) Regional Plans

SCAG's 2008 Regional Transportation Plan. This Plan, adopted in May 2008, presents a long-term vision for the region's transportation system through the year 2035. Specific issues and goals within the RTP address: corridor preservation; mobility and accessibility; sustainability, including promoting transit-oriented development growth patterns; environmental protection, which addresses air quality and energy efficiency; transportation financing, security, and safety; environmental justice and mitigation; revenues and expenditures; transportation conformity, implementation, and monitoring; and future connections and growth. The RTP provides a basic policy and program framework for long-term investment in the regional transportation system in a coordinated, cooperative, and continuous manner. By law, transportation investments in the SCAG region that receive State or federal transportation funds must be consistent with the RTP and must be included in the Regional Transportation Improvement Program (RTIP). Please refer to Table 3 in Section IV.A, Land Use, of this Draft EIR for a discussion of the Project's consistency with the RTP. As demonstrated therein, the Proposed Project would be consistent with the RTP goals.

Metropolitan Transportation Authority Congestion Management Plan. Within Los Angeles County, the Los Angeles County Metropolitan Transportation Authority (Metro) is responsible for planning and managing vehicular congestion and coordinating regional transportation policies. Metro prepared the 2010 Congestion Management Plan for Los Angeles County (CMP), in accordance with Section 65089 of the California Government Code. The CMP is intended to address vehicular congestion relief by linking land use, transportation and air quality decisions. The program also seeks to propose transportation projects eligible to compete for state gasoline tax funds and to develop a partnership among transportation decision-makers to devise appropriate transportation solutions that include all modes of travel. Proposition 111, passed by the electorate in 1990, provides state gasoline tax revenue for transportation improvements and requires cities, counties, and other eligible agencies to implement the requirements of the CMP. The Proposed Project's Transportation Study was prepared in accordance with the requirements set forth in the CMP and the LADOT Guidelines.

(3) Senate Bill 292

On September 9, 2011, the California Legislature approved Senate Bill (SB 292) pertaining specifically to the Proposed Project. This law added Section 21168.6.5 to the California Public Resources Code. As discussed in Section II.B (Project Description) of this EIR, SB 292 contains provisions related to legislative review and requires the Proposed Project to take steps to reduce traffic congestion and global climate change impacts that may result from private automobile trips to the Event Center. Specifically, the Proposed Project must: (1) achieve and maintain carbon neutrality by reducing to zero the net emissions of greenhouse gases from private automobile trips to the Event Center; and (2) achieve and maintain a vehicle trip ratio (defined as the total annual number of private automobiles arriving at the Event Center for spectator events divided by the total annual number of spectators at the events) that is no more than 90 percent of the trip ratio at any other stadium serving a team in the National Football League. The bill also includes provisions for the implementation and reporting of these requirements. For a more detailed description of SB 292, please see Section A.1 of this Appendix, above. A complete copy of SB 292 is provided in Appendix C to this Draft EIR.

B.2 Parking

(1) Existing Parking Regulations and Requirements

(a) Convention Center

Parking requirements for the Los Angeles Convention Center (Convention Center) have evolved over the years as the facility has been expanded, pursuant to various land use entitlements issued by the City of Los Angeles. The current parking requirement for the Convention Center is set by Zone Variance ZA-1995-62-ZV, as later clarified by ZA 98-0524 (ZAI). The total amount of parking on the site varies depending on the use of the “flex” space in the South Hall parking garage. This flex space is known as Kentia Hall and can be used either as part of the parking garage or as exhibit space. ZA-1995-62-ZV required a total of 5,465 spaces if Kentia Hall was used as exhibit space, and 5,880 spaces if Kentia Hall was used as parking. ZA-1995-62-ZV also anticipated that the parking requirement would be modified in the future as the Convention Center expanded. ZA-1995-62-ZV was later clarified by ZA 98-0524 (ZAI), which reduced the number of parking spaces required at the Convention Center. Due to the demolition of North Hall and the adjacent West Hall Blue lot as part of the construction of STAPLES Center, ZA 98-0524 (ZAI) was required as a condition of the STAPLES Center approvals. ZA 98-0524 (ZAI) clarified that a total of 5,147 parking spaces is required if Kentia Hall is used as exhibit space (effective ratio of 7.96 spaces per 1,000 square feet), and 5,567 parking spaces are required if Kentia Hall is used as parking (effective ratio of 5.98 spaces per 1,000 square

feet). The Convention Center currently has a total parking supply of 5,140 spaces when Kentia Hall is used as exhibit space and 5,558 spaces when Kentia Hall is used as parking.

(b) STAPLES Center

The code required parking for STAPLES Center is currently 2,200 spaces based on LAMC Section 12.21 A.4(i)(1), which requires 1 space per 10 seats in places of public assembly. Up to 1,195 of these spaces can be provided in the Convention Center West Hall and Cherry Street Garages through a shared parking arrangement with the Convention Center. The remainder is currently provided in the Olympic West Garage and other nearby locations.

(c) Los Angeles Sports and Entertainment District

Parking requirements for the LASED are set by the LASED Specific Plan which is comprised of two specific areas. The first area is the Olympic Properties (L.A. LIVE), which comprises the Olympic East parcel bounded by Figueroa Street, Olympic Boulevard, Georgia Street and Chick Hearn Court; the Olympic West parcel bounded by Olympic Boulevard, Georgia Street, Chick Hearn Court and LA Live Way; and the Olympic North parcel which is bounded by Olympic Boulevard, Georgia Street, Francisco Street, and James Wood Boulevard. The second area is the Figueroa Properties, including parts of three blocks between Figueroa Street and Flower Street and between 9th Street and Pico Boulevard.

The LASED Specific Plan allows placement of code parking anywhere within 1,500 feet of the Specific Plan area. For the purposes of this parking analysis, only the Olympic East and Olympic West parcels are included as they currently share and will continue to share parking with uses in the immediate vicinity of the Proposed Project (STAPLES Center and the Event Center). Additionally, the Olympic North parcel and the Figueroa parcels do not currently share parking with the Project Site and are not anticipated to do so in the future, and thus are not considered in this analysis as part of the Proposed Project's code required parking supply. The parking requirement under the LASED Specific Plan for the Olympic West and East parcels of L.A. LIVE is 3,583 spaces.

B.3 Pedestrian Circulation and Bicycle and Pedestrian Safety

There are no regulations at the local, regional, or Statewide levels that are specific to the analysis of bicycle and pedestrian safety. Such impacts are addressed through CEQA review, pursuant to guidance in the L.A. CEQA Thresholds Guide, as further discussed in Section IV.B.3., Pedestrian Circulation and Bicycle and Pedestrian Safety, of

this Draft EIR. For a discussion of the Los Angeles 2010 Bicycle Plan as it relates to the Land Use regulatory framework, see Section A.3.1 of this Appendix, above.

C. Aesthetics/Visual Resources

(1) General Plan Framework Element

As discussed in Section IV.A, Land Use, of this Draft EIR, the General Plan Framework provides direction regarding the City's vision for future development in the Project vicinity and includes an Urban Form and Neighborhood Design chapter to guide the design of future development. Although the General Plan Framework does not directly address the design of individual neighborhoods or communities, it embodies general neighborhood design policies and implementation programs that guide local planning efforts. The General Plan Framework also states that the livability of all neighborhoods would be improved by upgrading the quality of development and improving the quality of the public realm (Objective 5.5).¹⁷

As it relates to the evaluation of aesthetics and views, the Urban Form and Neighborhood Design Chapter establishes a goal of creating a livable city for existing and future residents with interconnected, diverse neighborhoods. "Urban Form" refers to the general pattern of building heights and development intensity and the structural elements that define the City physically, such as natural features, transportation corridors, activity centers, and focal elements. "Neighborhood Design" refers to the physical character of neighborhoods and communities within the City. With respect to neighborhood design, the Urban Form and Neighborhood Design Chapter encourages growth in areas that have a sufficient base of both commercial and residential development to support transit service.

Also within the General Plan Framework, the Open Space and Conservation Chapter calls for the use of open space to enhance community and neighborhood character. The policies of this chapter recognize that there are communities where open space and recreational resources are currently in short supply, and therefore suggests that pedestrian-oriented streets and small parks, where feasible, might serve as important resources for serving the open space and recreation needs of residents.

Applicable objectives from the Urban Form and Neighborhood Design Chapter and the Open Space and Conservation Chapter address such issues as pedestrian activity and

¹⁷ City of Los Angeles General Plan Framework, page 5-14.

orientation, transitions in building height, landscaping and landscape buffers, ground floor uses, sidewalks and other streetscape elements, and open space.

(2) Central City Community Plan

As discussed in Section IV.A, Land Use, of this Draft EIR, the Project Site lies within the Central City Community Plan area. Among other purposes, the Community Plan guides development to create a healthful and pleasant environment. Chapter III, Land Use Policies and Programs, includes a number of objectives and policies that address the visual aspects of new development. Chapter V, Urban Design, of the Community Plan acknowledges that the design of the buildings in the Downtown area has not adequately addressed the planning concepts of well-designed streets, squares, and parks that are essential for a pedestrian-friendly city. The Community Plan provides broad urban design objectives for each district in the Community Plan area. The urban design objectives for the Convention Center/Arena area, which comprises the Project Site, call for the full development of all streets and parks to accommodate outdoor activities and to provide pedestrian linkages between the Convention Center/Arena area and other downtown neighborhoods and districts, and to implement the LASED Streetscape Plan. To address these issues at a much more comprehensive level, the Community Plan has incorporated and regulates development in accordance with the provisions of the Downtown Design Guide: Design for a Livable Downtown, also discussed in Section IV.A, Land Use, of this Draft EIR.

(3) City of Los Angeles Walkability Checklist

As discussed in Section IV.A, Land Use, of this Draft EIR, the Walkability Checklist specifies urban design guidelines that are generally applicable to all projects requiring discretionary approval for new construction. The Walkability Checklist consists of objectives, goals, and implementation strategies regarding various design elements that are intended to improve the pedestrian environment, protect neighborhood character, and promote high quality urban form. Such topics as sidewalks, crosswalks/street crossings, on-street parking, utilities, building orientation, off-street parking and driveways, on-site landscaping, building façades, and building signage and lighting are addressed and should be considered in the design of a project.

(4) Citywide Design Guidelines

Please refer to Section IV.A, Land Use, of this Draft EIR, for a summary of the Citywide Design Guidelines (Commercial Guidelines), including a listing of the City's 10 Principles of Urban Design and extensive discussion of the six objectives within the Commercial Guidelines that would be applicable to the Proposed Project.

(5) Los Angeles Municipal Code

The LAMC sets forth regulations and standards regarding the allowable type, density, height, and design of new development projects. Specific development standards applicable to the Project Site are discussed in Section IV.A, Land Use, of this Draft EIR, as are the signage regulations set forth in the LAMC as well as in City Ordinance No. 172,465 regarding STAPLES Center signage. Additional LAMC requirements include regulations pertaining to the design of parking facilities, fences and walls. Refer to Section IV.D.2, Artificial Light and Glare, of this Draft EIR, for a discussion of LAMC requirements pertaining to lighting, including signage illumination.

(6) Proposed Figueroa Corridor Streetscape Project

Please refer to Section IV.A, Land Use, of this Draft EIR, above, for a summary of the Figueroa Corridor Streetscape Project, which would extend from 7th Street south to Martin Luther King Boulevard and would thus border a portion of the Project Site.¹⁸

(7) City of Los Angeles Cultural Affairs Commission

The Mayor-appointed Cultural Affairs Commission serves as an advisory body to the City's Cultural Affairs Department. The Cultural Affairs Commission approves the design of structures built on or over City property or impacting public land or right-of-way and accepts works of art to be acquired by the City. The Cultural Affairs Commission exercises its discretion in accordance with the June 2008 Public Art, Architecture, Landscape & Urban Design Review Guidelines. Projects submitted for review are subject to one of four categories of guidelines (public art, architecture, landscape architecture or urban design), but it is acknowledged that all the guidelines are mutually supportive and should be considered together in the design of any development within or affecting the public realm. The issues addressed within each category of guidelines include the following:

- Urban Design: Critical assessment of place; incremental development of a vibrant and hospitable public realm; pedestrian primacy; street envelope; building massing and site disposition; City lighting and streetscape amenities; new media; and mandatory preliminary early review.

¹⁸ CRA/LA is the Designated Local Authority (DLA) and successor to the Community Redevelopment Agency in response to Assembly Bill (AB) x1-26, which became effective on February 1, 2012.

- Landscape: Natural systems; urban plant ecology; open space networks and corridors; variety of gathering spaces; site boundaries; new media; and mandatory preliminary early review.
- Architecture: Encourage evocative design; ensure public realm improvement and activity; design buildings with ample open space and landscape; establish pedestrian-friendly site circulation; enhance defensible perimeters; provide façade interest; consider public lighting opportunities promote sustainability; integrate the public art component early; incorporate high quality signage, wayfinding and graphic components; and encourage and provide preliminary early review.
- Public Art: Artist-focused, expansive selection process; distinguish public artist selection from traditional design procurement; art panel qualifications; develop and expand the public artist pool; early artist selection; art and architecture process integration; artist independence; art maintenance; temporary public art projects; media and advanced technologies multiple sites and portable art; and articulation of artistic intent.

D.1 Natural Light (Shading)

There are no regulations at the local, regional, or Statewide levels that are specific to the analysis of shading. Shading impacts are addressed through CEQA review, pursuant to guidance in the L.A. CEQA Thresholds Guide, as further discussed in Section IV.D.1, Natural Light (Shading), of this Draft EIR.

D.2 Artificial Light and Glare

The following sections provide an overview of the standards and regulations that establish limitations on exterior lighting.

(1) International Commission on Illumination

The International Commission on Illumination (CIE)¹⁹ provides internationally recognized guidelines for the mitigation of light pollution. The CIE 112:1994 guide provides guidelines for evaluating glare for outdoor sports and area lighting systems. Specifically, the CIE 112:1994 guide provides a Glare Rating assessment specifically for outdoor sports lighting to determine the potential glare from an observer location. The Glare Rating scale

¹⁹ Based on the French title, *Commission Internationale de l'Eclairage*.

ranges from 10 to 90 with 10 being unnoticeable glare and 90 being unbearable glare. The recommended Glare Rating for sports lighting is a maximum of 55.

The CIE 150:2003 guide refers to the potentially adverse effects of outdoor lighting on both natural and man-made environments for people in most aspects of daily life, from residents, sightseers, and transport users to environmentalists and astronomers. The guide establishes luminous intensity and luminance level criteria based on environmental lighting zones.

(2) Illuminating Engineering Society of North America Handbook, Tenth Edition

Recommended limits for light trespass are provided for within the Illuminating Engineering Society of North America (IESNA) Recommended Practice Lighting for Exterior Environments (RP-33-99), and the IESNA Technical Memorandum on Light Trespass (TM-11-00). The recommendations set forth in both of these documents have been incorporated in the IESNA Handbook, 10th Edition.

The Handbook defines outdoor lighting conditions by classification into distinct categories. Appendix B of the Convention and Event Center Project EIR Lighting Technical Report (Lighting Report) included as Appendix K of this Draft EIR provides an overview of the exterior lighting zone categories. The Proposed Project is considered an exterior lighting zone category 3 (LZ3) for this analysis. The LZ3 zone is appropriate for most urban environments, as it designates areas with moderately high ambient lighting. These lighting zones provide the recommendations for the extent of control of light trespass that is considered necessary or desirable for a particular area. Excerpts of the IESNA Handbook pertaining to exterior lighting zone categories are provided in Appendix B of the Lighting Report included as Appendix K of this Draft EIR.

(3) The California Building Code and the California Electrical Code

The City of Los Angeles enforces the California Building Code and the California Electrical Code. These codes stipulate minimum light intensities for pedestrian pathways, circulation ways, and paths of egress.

(4) California Vehicle Code

The California Department of Motor Vehicles publication 2011 California Vehicle Code includes specific criteria for limiting the potential of impairing drivers' vision due to bright light sources within a driver's field of view. Section 21466.5, Light Impairing Drivers'

Vision, is included in Appendix D of the Lighting Report, included as Appendix K of this Draft EIR.

(5) California Outdoor Advertising Act

The Outdoor Advertising Act (Cal. Bus. & Prof. Code § 5200, et seq.) regulates outdoor advertising displays visible from California Highways by outlining qualitative criteria that aim to eliminate the potential for distractions through limiting the content and placement of signs. Provisions relevant to light and glare effects include the following:

- **Section 5403(e)** prohibits the placement of signs displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal in a location that is visible from a highway.
- **Section 5408(b)** prohibits the placement of illuminated signs in a manner that would interfere with the effectiveness of, or obscure any official traffic sign, device, or signal in a business area.
- **Section 5408(b)** also prohibits illumination of signs by flashing, intermittent, or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information) in a business area.
- **Section 5408(b)** also prohibits signs from causing beams or rays of light to be directed at the traveled ways if the light is of an intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle, in a business area.

It should be noted that the impairment of drivers' vision due to artificial light and glare is more thoroughly stipulated and quantitatively regulated by the California Vehicle Code. As such, the California Vehicle Code is the operative threshold for this analysis with respect to assessing artificial light and glare impacts to motorists.

(6) California Green Building Standards Code (2010)

The California Green Building Standards (CalGreen) code stipulates light level maximums, efficiency requirements for lighting, miscellaneous control requirements and light trespass requirements for electric lighting and daylighting.

The California Building Standard Commission (CBSC) has accepted a petition to modify the mitigation requirements of the CalGreen Code Section A5.106.8 regarding site lighting on an emergency basis. Requirements provided prior to the CBSC accepting this petition have not been applied to this analysis since Section A5.106.8 has been withdrawn.

A new standard has been drafted and is anticipated to be made available by July 2012. The new standard is expected to be codified by January 2013.

Cal Green (2010) Section A5.106.8 previously stipulated the following:

- Light trespass from a project shall not exceed 0.1 lux (0.01 foot-candle) 15 feet beyond the project site.
- All luminaires²⁰ that exceed 175 watts shall be shielded or full-cutoff luminaires shall be provided, except when illuminating surfaces of a building façade.
- Interior lighting shall be contained within each source.

The petition accepted by the CBSC contends that the restrictions set forth by the CalGreen Standards are unreasonable and may potentially compromise the ability of projects to provide levels of illumination required for safety. An overview of the accepted petition is provided in Appendix D of the Lighting Report, included as Appendix K of this Draft EIR.

(7) California Energy Commission Efficiency Standards, Title 24 (2008)

The California Energy Commission (CEC) stipulates allowances for lighting power and provides lighting control requirements for various lighting systems, with the aim of reducing energy consumption through efficient and effective use of lighting equipment. Title 24 (2008) Section 10-114 (b) denotes default zoning characteristics for urban areas. Under the stipulated zoning characteristics, all urban areas within California are currently zoned with a LZ3 designation. This LZ3 designation is the same as the IESNA exterior lighting zone as defined above.

(8) Los Angeles Municipal Code

The LAMC sets forth specific regulations regarding lighting. Relevant LAMC provisions include:

²⁰ A luminaire is a complete electric light unit.

- **Chapter 9, Article 3, Section 93.0117, Part (b)** limits the maximum amount of illuminance from an exterior light source to a residential property to a maximum of 21.5 lux (2.0 foot-candles).
- **Chapter 1, Article 4.4., Section 14.4.4 General Provisions, Part (e)** limits the maximum contribution from illuminated signage above ambient to 32.3 lux (3.0 foot-candles) as measured at the nearest property line zoned for residential use.
- **Chapter 1, Article 2, Section 12.21 General Provisions, paragraph A, Section 5, Part (k)** restricts light spill onto adjacent properties and provides minimum illuminance levels for safety within and around parking facilities.
- **Chapter 1, Article 7, Sec. 17.08 C** states that plans for street lighting shall be submitted to and approved by the Bureau of Street Lighting for subdivision maps.

The specific text for these code requirements, with the exception of Chapter 1, Article 7, Sec. 17.08 C, is provided in Appendix A of the Lighting Report, included as Appendix K of this Draft EIR.

(9) Proposed City of Los Angeles Sign Ordinance

The proposed citywide sign ordinance provides updates to provisions related to the following: Sign Districts, requests for deviation from the sign regulations, enforcement procedures and penalties, signs in partially enclosed spaces, digital sign regulations (including light restrictions for illuminated signage), hazards to traffic, and freeway exposure. The proposed sign ordinance also includes minor technical corrections and clarifications, and defines the “grandfathering” rules for how and whether the proposed new regulations will apply to proposed Sign Districts and Specific Plans that are currently in the review process. Under the proposed ordinance, the Convention and Event Center Specific Plan, which contains proposed signage regulations, qualifies as an “initiated or applied for specific plan” that can proceed under the City’s existing sign ordinance provisions and new provisions for signage within the Greater Downtown Housing Incentive Area, except that those proposed signage regulations must be reviewed as part of a Sign District.

On November 21, 2011, the City of Los Angeles Planning Department submitted revisions to the proposed sign ordinance to the Planning and Land Use Management Committee (PLUM) in response to direction received from the PLUM at its hearing on

August 9, 2011.²¹ At this time, the revisions are being reviewed by the PLUM prior to consideration of the proposed ordinance by the full City Council.

(10) Los Angeles Convention Center and STAPLES Center Signage Approval Ordinance

STAPLES Center signage is regulated via City Ordinance No. 172,465, which establishes limitations on the number, location, height, sign area, and illumination of the various sign types placed on and around the STAPLES Center. Ordinance No. 172,465 was adopted in 1999. In adopting this Ordinance, the City acknowledged the need for signage that effectively communicates event-related information to patrons of the area and other businesses and facilities located in and around downtown Los Angeles. In addition, it was also recognized that adequate signage is necessary for sponsorship agreements with various commercial enterprises, including, most prominently, food, beverage, and consumer products, in order to finance the construction and ongoing operation of the sports and entertainment complex. The Ordinance notes that selling advertising space is a well-established practice at large-scale sports and entertainment venues throughout the country, particularly those venues which host televised events, and has become central to the economic growth and success of those facilities. The provisions established by the Ordinance specifically provide for a variety of sign types, including naming sponsor signs, entrance sponsor signs, signs on freestanding structures, scrolling readerboards, retail business signs, pole signs, Convention Center/Arena identification signs, and parking area signs. For each type of sign, the Ordinance regulates the number, location, height, area, and permitted illumination. It should be noted that the Ordinance does not provide specific illumination criteria for signage. It only dictates which types of signs are permitted to be illuminated. It also specifies that scrolling readerboards shall consist of either white or red light bulbs on a black background. Other than these provisions, the Ordinance does not include any additional regulations pertaining to signage illumination, including restrictions on illuminance levels or intensities. The Proposed Project would comply with Ordinance No. 172,465 and would also adhere to the more stringent signage illumination thresholds established in Section IV.D.2., Artificial Light and Glare, of this Draft EIR.

²¹ City of Los Angeles Planning Department, *Proposed Sign Ordinance and Report*, October 5, 2011, http://cityplanning.lacity.org/Code_Studies/CitywideSignOrd/ProposedSignOrdNRpt10511.pdf, accessed October 6, 2011.

E. Noise

(1) Federal Noise Standards

The U.S. Department of Housing and Urban Development (HUD) provides noise standards for residential units developed under HUD funding. The HUD noise standards are included in Title 24 Part 51B of the Code of Federal Regulations (CFR). HUD has set a goal of 65 dBA L_{dn} (65 dBA CNEL for projects in California) as “acceptable” exterior noise standard for residential development and 45 dBA L_{dn} (45 dBA CNEL for projects in California) as a desirable maximum interior noise standard for residential units. While HUD noise standards do not apply to non-federally funded projects, they are generally consistent with standards used by other federal agencies, such as the Federal Aviation Administration, as well as the State of California and City of Los Angeles noise standards and building construction codes.

(2) State Noise Standards

The State of California has adopted noise compatibility guidelines for general land use planning purposes. The types of land uses addressed by the State standards and the acceptable noise categories for each land use are included in the State of California General Plan Guidelines, which are published and updated by the Governor’s Office of Planning and Research. The level of acceptability of the noise environment is dependent upon the activity associated with the particular land use. According to the State, an exterior noise environment up to 65 dBA CNEL is “normally acceptable” for multi-family residential and hotel uses, without special noise insulation requirements, while 75 dBA CNEL and 80 dBA CNEL are identified as “clearly unacceptable” noise levels for residential and hotel uses, respectively.

(3) City of Los Angeles Standards and Guidelines

The Noise Element of the City of Los Angeles General Plan (General Plan) establishes CNEL guidelines for land use compatibility and includes a number of goals, objectives, and policies for land use planning purposes. The City also has policies and regulations to control unnecessary, excessive, and annoying noise, as set forth in the LAMC Chapter XI, Noise Regulations. In addition, the L.A. CEQA Thresholds Guide (2006) provides guidelines for determining Project impacts and CNEL guidelines for land use noise compatibility. These plans and regulations are described below.

(4) City of Los Angeles Noise Element

The overall purpose of the Noise Element of a General Plan is to protect citizens from the harmful and annoying effects of exposure to excessive noise. The following City of Los Angeles Noise Element policies relate to the Project:

- Policy 2.2: Enforce and/or implement applicable city, state, and federal regulations intended to mitigate proposed noise producing activities, reduce intrusive noise, and alleviate noise that is deemed a public nuisance.
- Policy 3.1: Develop land use policies and programs that would reduce or eliminate potential and existing noise impacts.

(5) City of Los Angeles Noise Regulation

The City's noise regulations are provided in Chapter XI of the LAMC (Noise Regulations) establishes acceptable ambient sound levels to regulate intrusive noises (e.g., stationary mechanical equipment and vehicles other than those traveling on public streets) within specific land use zones. In accordance with the Noise Regulation, a noise level increase of 5 dBA (from regulated noise sources) over the existing ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation allows an additional 5 dBA increase for a noise lasting more than 5 but less than 15 minutes in any 1-hour period (for a total of a 10 dBA increase above the ambient noise level), and an additional 5 dBA increase (for a total of a 15 dBA increase above the ambient noise level) for noise sources lasting 5 minutes or less in any 1-hour period. The allowance for noise of short duration, as described in the LAMC, is provided as a negative adjustment to the measured sound level of the offending noise source. In addition, noise sources that are repeated impulsive have a 5 dBA penalty (i.e., 5 dBA added to the measured impulsive sound to determine a noise violation). Impulsive sound as described by the LAMC includes, but shall not be limited to, explosions, musical base drum beats, or the discharge of firearms.

Provisions of the City's Noise Regulations that are applicable to the Proposed Project's anticipated noise sources are as follows:

- Section 112.02. Air Conditioning, Refrigeration, Heating, Pumping, Filtering Equipment—This section limits the operation of building mechanical equipment so as not to exceed the ambient noise level on the premises of any other occupied property by more than five (5) decibels. This section is applicable to the Project's building mechanical ventilation equipment, including the central plant and exhaust systems.

- **Section 112.06. Places of Public Entertainment**—This section limits the sound level from amplified sound in any public entertainment area to 95 dBA, unless a conspicuous and legible sign is located outside such place, stating: “WARNING: SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT.” This section is applicable to the Project’s Event Center and outdoor plazas, where amplified sound systems would be used.
- **Section 114.03. Vehicles—Loading and Unloading**—This section limits the operation of loading and unloading between the hours of 10:00 P.M. and 7:00 A.M. of the following day, which causes any impulsive sound, raucous or unnecessary noise within 200 feet of any residential building. Loading and unloading, however, may occur between the hours of 6:00 A.M. to 11:00 P.M., if a permit is issued by the Department of Transportation. This section is applicable to the Project’s loading dock operations.
- **Section 114.06. Vehicle Theft Alarm Systems**—This section limits the duration of an audible vehicle theft alarm system. The audible sound from the vehicle alarm shall end five minutes from the first audible sound. This section is applicable to the Project’s parking garage operations.

The ambient noise, as defined by the Noise Regulations, is the measured noise level averaged over a period of at least 15 minutes. For purposes of determining whether or not a violation of the noise regulations is occurring, the sound level measurements of an offending noise are averaged over a minimum duration of 15 minutes, and compared with the baseline ambient noise levels. The baseline ambient noise level is the actual measured ambient noise level (without the offending noise source) or the City’s presumed ambient noise level as shown in Table 2 on page 48, whichever is greater. In cases in which the actual measured ambient noise level is not known, the City’s presumed ambient noise level is used as the baseline. As indicated in Table 2, the City’s presumed daytime (7:00 A.M. to 10:00 P.M.) minimum ambient equivalent noise level (L_{eq}) for properties zoned for residential use is 50 dBA, while the nighttime (10:00 P.M. to 7:00 A.M.) presumed minimum ambient noise level is 40 dBA. The presumed daytime minimum ambient noise level for properties zoned for commercial use is 60 dBA, while the nighttime presumed minimum ambient noise level is 55 dBA. The ambient noise levels in the Los Angeles downtown area typically exceed the City’s presumed ambient noise levels. Therefore, actual measured ambient noise levels in the vicinity of the Project Site would be used as baseline ambient noise levels to evaluate potential noise impacts.

In addition, LAMC Section 112.05 limits noise from construction equipment located within any residential zone or within 500 feet of a residential zone to 75 dBA (L_{eq}), measured at a distance of 50 feet from the source, unless compliance with this limitation is technically infeasible. Furthermore, the noise regulations prohibit construction activity that makes loud noises that could disturb persons occupying sleeping quarters in any dwelling

Table 2
City of Los Angeles Presumed Ambient Noise Levels

Zone	Daytime (7 A.M. to 10 P.M.) L_{eq} (dBA)	Nighttime (10 P.M. to 7 A.M.) L_{eq} (dBA)
Residential, School, Hospital, Hotels	50	40
Commercial	60	55
Manufacturing (M1, MR1, and MR2)	60	55
Heavy Manufacturing (M2 and M3)	65	65
<i>Source: LAMC, Section 111.03.</i>		

hotel or apartment or other places of residence between the hours of 9:00 P.M. and 7:00 A.M., Monday through Friday.²² The LAMC also prohibits construction activities Saturday before 8:00 A.M. and after 6:00 P.M., or national holiday nor at any time on Sunday. The Los Angeles Police Commission may grant a permit for extended construction hours outside the permitted hours.

(6) L.A. CEQA Thresholds Guide

The City has adopted local guidelines based, in part, on the community noise compatibility guidelines established by the State Department of Health Services for use in assessing the compatibility of various land use types with a range of noise levels. These guidelines are set forth in the L.A. CEQA Thresholds Guide (2006). Noise conditions for specific land uses are classified into four categories: “normally acceptable”; “conditionally acceptable”; “normally unacceptable”; and “clearly unacceptable.” As presented in Table 3 on page 49, a CNEL value of 70 dBA is the upper limit of what is considered a “normally acceptable” noise environment for educational uses. For more sensitive uses such as multi-family residential, the upper limit of what is considered “normally acceptable” is set at 65 dBA CNEL. In addition, the L.A. CEQA Thresholds Guide provides thresholds for determination of significance.

(7) Vibration Standards

There are no adopted City policies or standards for ground-borne vibration. In most circumstances common vibrations related to roadway traffic and construction activities pose no threat to buildings or structures. The following guidelines from federal and State agencies are utilized in assessing potential ground-borne vibration impacts due to Project construction and operation activities.

²² *Los Angeles Municipal Code, Section 41.40.*

Table 3
City of Los Angeles Land Use Compatibility for Community Noise

Noise Level (dBA)	Community Noise Exposure CNEL, dBA			
	Normally Acceptable ^a	Conditionally Acceptable ^b	Normally Unacceptable ^c	Clearly Unacceptable ^d
Single-Family, Duplex, Mobile Homes	50 to 60	55 to 70	70 to 75	Above 70
Multi-Family Homes	50 to 65	60 to 70	70 to 75	Above 70
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 to 70	60 to 70	70 to 80	Above 80
Transient Lodging—Motels, Hotels	50 to 65	60 to 70	70 to 80	Above 80
Auditoriums, Concert Halls, Amphitheaters	—	50 to 70	—	Above 65
Sports Arena, Outdoor Spectator Sports	—	50 to 75	—	Above 70
Playgrounds, Neighborhood Parks	50 to 70	—	67 to 75	Above 72
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 to 75	—	70 to 80	Above 80
Office Buildings, Business and Professional Commercial	50 to 70	67 to 77	Above 75	—
Industrial, Manufacturing, Utilities, Agriculture	50 to 75	70 to 80	Above 75	—
^a <i>Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.</i> ^b <i>Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.</i> ^c <i>Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and necessary noise insulation features included in the design.</i> ^d <i>Clearly Unacceptable: New construction or development should generally not be undertaken.</i> Source: L.A. CEQA Thresholds Guide, 2006.				

(a) Federal Vibration Standards

The Federal Transit Administration (FTA) has published a technical manual titled “Transit Noise and Vibration Impacts Assessment,” that provides ground-borne vibration impact criteria with respect to building damage during construction activities. Although the FTA technical manual was developed for transit projects, it is applicable to the Proposed Project as the vibration criteria are based on absolute ground vibration levels depending on the construction characteristics of the affected building (e.g., reinforced concrete, steel, or

non-engineered timber buildings). Furthermore, ground vibrations are typically generated by heavy construction equipment (e.g., large bulldozer, excavator, and vibratory roller), which are utilized in both transit projects and building/stadium projects. With respect to potential building damage, the FTA provides guidelines for evaluating potential ground-borne vibration damage applicable to various building categories. Table 4 on page 51 provides the FTA vibration criteria applicable to construction activities. According to the FTA guidelines, a vibration damage criterion of 0.20 inch per second PPV should be considered for non-engineered timber and masonry buildings. Structures or buildings constructed of reinforced-concrete, steel, or timber, have vibration damage criteria of 0.50 inch per second pursuant to the FTA guidelines. Fragile buildings of a historical nature have lower vibration tolerances, specifically a PPV of 0.12 inch per second, pursuant to FTA Vibration Damage Criteria.

In addition to the FTA Construction Vibration Damage Criteria listed in Table 4, the FTA guidance manual also provides vibration criteria (with respect to annoyance) for various sensitive uses, which are based on the frequency of vibration events, as indicated in Table 5 on page 51. The ground-borne vibration impacts are provided for three sensitive land-use categories: (1) Vibration Category 1—High Sensitivity, (2) Vibration Category 2—Residential, and (3) Vibration Category 3—Institutional. In addition, the FTA provides ground-borne vibration impact levels for auditorium/theater uses (applicable to the adjacent Nokia Theater at L.A. LIVE). The vibration impact criteria for sensitive uses adopted by the FTA were established primarily for rapid transit (rail) projects.

(b) State Vibration Guidelines

There are no State vibration standards applicable to the Proposed Project. The California Department of Transportation (Caltrans) provides guidelines/recommendations to limit ground-borne vibration based on the age and/or physical condition of the structures that are located in close proximity to construction activity. Caltrans has adopted guidelines for assessing vibration damage potential to various types of buildings, ranging from 0.08 to 0.12 inch per second peak particle velocity (PPV) for extremely fragile historic buildings, ruins, and ancient monuments to 0.50 to 2.0 inches per second PPV for modern industrial/commercial buildings.

(c) City Vibration Standards

The City of Los Angeles has not adopted any standards, guidelines, or thresholds relative to ground-borne vibration for construction or operations.

Table 4
FTA Construction Vibration Damage Criteria

Building Category	Construction Vibration Damage Criteria	
	PPV (inch per second)	RMS in decibels (VdB)
I. Reinforced-concrete, steel or timber (no plaster)	0.5	102
II. Engineered concrete and masonry (no plaster)	0.3	98
III. Non-engineered timber and masonry buildings	0.2	94
IV. Buildings extremely susceptible to vibration damage	0.12	90
Source: "Transit Noise and Vibration Impact Assessment" (FTA, 2006), Table 12-3.		

Table 5
FTA Ground-Borne Vibration Criteria for Sensitive Uses

Land Use Category	Ground-Borne Vibration Impact Levels, VdB (referenced 1 micro-inch per second)		
	Frequent Events ^a	Occasional Events ^b	Infrequent Events ^c
Category 1: Buildings where vibration would interfere with interior operations	65 ^d	65 ^d	65 ^d
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Auditoriums	72	80	80
^a "Frequent Events" are defined as more than 70 vibration events of the same source per day. ^b "Occasional Events" are defined as between 30 and 70 vibration events of the same source per day. ^c "Infrequent Events" are defined as fewer than 30 vibration events of the same source per day. ^d This criterion limit is based on the levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Source: "Transit Noise and Vibration Impact Assessment" (FTA, 2006), Table 8-1.			

F.1 Air Quality

The Project Site and vicinity are subject to federal, State, and local air quality laws and regulations. A number of plans and policies have been adopted by various agencies that address air quality concerns. Those laws, regulations, plans and policies that are relevant to the Proposed Project are discussed below.

(1) Criteria Pollutants

(a) Federal

The Federal Clean Air Act (CAA) was first enacted in 1955 and has been amended numerous times in subsequent years, with the most recent amendments in 1990. At the federal level, the United States Environmental Protection Agency (USEPA) is responsible for implementation of some portions of the CAA (e.g., certain mobile source and other requirements).²³ Other portions of the CAA (e.g., stationary source requirements) are implemented by state and local agencies.

The 1990 amendments to the CAA identify specific emission reduction goals for areas not meeting the National Ambient Air Quality Standards (NAAQS). These amendments require both a demonstration of reasonable further progress toward attainment and incorporation of additional sanctions for failure to attain or to meet interim milestones. The sections of the CAA which are most applicable to the Proposed Project include Title I (Nonattainment Provisions) and Title II (Mobile Source Provisions).

Title I provisions are implemented for the purpose of attaining NAAQS. Table 6 on page 53 shows the NAAQS currently in effect for each criteria pollutant and their relative attainment status. The NAAQS were amended in September 2006 to include an established methodology for calculating PM_{2.5}, as well as revoking the annual PM₁₀ threshold. The NAAQS were also amended in July 1997 to include an 8-hour standard for O₃ and to adopt a NAAQS for PM_{2.5}. The CAA provides deadlines for meeting the NAAQS within the Air Basin including the following: (1) 1-hour O₃ by the year 2010; (2) 8-hour O₃ by the year 2024; (3) PM₁₀ by the year 2006; and (4) PM_{2.5} by the year 2015. Although the deadline for PM₁₀ has passed, the Air Basin met the PM₁₀ standard in 2006 at all stations except for western Riverside.²⁴

²³ *The Air Pollution Control Act of 1955 was the first federal legislation involving air pollution, while the Clean Air Act of 1963 was the first federal legislation regarding air pollution control. The enactment of CAA authorized the development of comprehensive federal and state regulations to limit emissions from both stationary (industrial) sources and mobile sources. Four major regulatory programs affecting stationary sources were initiated: the NAAQS, State Implementation Plans (SIPs), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPs). The CAA has been amended several times, with the most recent amendments in 1990.*

²⁴ *South Coast Air Quality Management District, 2007 AQMP.*

Table 6
Ambient Air Quality Standards

Pollutant	Averaging Period	California Standard ^a	Federal Standard ^b	SCAQMD Attainment Status ^c	
				California Standard ^d	Federal Standard ^e
Ozone (O ₃)	1 hour	0.09 ppm (180 µg/m ³)	Revoked	Non-Attainment	—
	8 hour	0.07 ppm (137 µg/m ³)	0.075 ppm ^f (147 µg/m ³)	Non-Attainment	Non-Attainment (Extreme)
Respirable Particulate Matter (PM ₁₀)	24 hour	50 µg/m ³	150 µg/m ³	Non-Attainment	Non-Attainment (Serious)
	Annual	20 µg/m ³	Revoked	Non-Attainment	—
Fine Particulate Matter (PM _{2.5})	24 hour	—	35 µg/m ³	—	Non-Attainment (Serious)
	Annual	12 µg/m ³	15 µg/m ³	Non-Attainment	Non-Attainment
Carbon Monoxide (CO)	1 hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)	Attainment	Attainment
	8 hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)	Attainment	Attainment
Nitrogen Dioxide (NO ₂)	1 hour	0.18 ppm (339 µg/m ³)	0.10 ppm (188 µg/m ³)	Attainment	Attainment
	Annual	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)	—	Attainment
Lead (Pb)	30-day average	0.15 µg/m ³	—	Attainment	—
	Calendar quarter	—	1.5 µg/m ³	—	Attainment
Sulfur Dioxide (SO ₂)	1 hour	0.25 ppm (655 µg/m ³)	—	Attainment	—
	3 hour	—	0.5 ppm (1300 µg/m ³)	—	Attainment
	24 hour	0.04 ppm (105 µg/m ³)	0.14 ppm (365 µg/m ³)	Attainment	Attainment
	Annual	—	0.03 ppm (80 µg/m ³)	—	Attainment
Hydrogen Sulfide (H ₂ S)	1 hour	0.03 ppm (42 µg/m ³)	—	Unclassified	—
Vinyl Chloride	24 hour	0.01 ppm (26 µg/m ³)	—	Unclassified	—
Sulfates	24 hour	25 µg/m ³	—	Attainment	—

Table 6 (Continued)
Ambient Air Quality Standards

Pollutant	Averaging Period	California Standard ^a	Federal Standard ^b	SCAQMD Attainment Status ^c	
				California Standard ^d	Federal Standard ^e
Visibility-Reducing Particles	8 hour	Extinction coefficient of 0.23 per kilometer (visibility of 10 miles or more due to particles when relative humidity is less than 70 percent)	—	Unclassified	—
^a California standards based on CARB website (www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm). ^b Federal Standards based on USEPA website (http://epa.gov/air/criteria.html). ^c "Attainment" means that the regulatory agency has determined based on established criteria, that the Air Basin meets the identified standard. "Non-attainment" means that the regulatory agency has determined that the Air Basin does not meet the standard. ^d California standard attainment status based on CARB website (www.arb.ca.gov/desig/adm/adm.htm). ^e Federal standard attainment status based on USEPA websites (www.epa.gov/air/oaqps/greenbk/index.html and www.arb.ca.gov/desig/adm/adm.htm). ^f Effective May 27, 2008, the value became 0.075 ppm, although the 0.08 ppm standard has remained in effect during transition. Source: Matrix Environmental, 2012.					

Nonattainment designations are categorized into seven levels of severity: (1) basic, (2) marginal, (3) moderate, (4) serious, (5) severe-15, (6) severe-17, and (7) extreme.²⁵ On June 11, 2007, the USEPA reclassified the Air Basin as a federal "attainment" area for CO and approved the Air Basin's CO maintenance plan.²⁶ The Air Basin fails to meet national standards for O₃, PM₁₀, and PM_{2.5} and, therefore, is considered a federal "non-attainment" area for these pollutants.

Title II of the CAA pertains to mobile sources, such as cars, trucks, buses, and planes. Reformulated gasoline, automobile pollution control devices, and vapor recovery nozzles on gas pumps are a few of the mechanisms the USEPA uses to regulate mobile air

²⁵ The "-15" and "-17" designations reflect the number of years within which attainment must be achieved.

²⁶ "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: California, Final Rule." *Federal Register* 72 (11 May 2007):26718-26721.

emission sources. The provisions of Title II have resulted in tailpipe emission standards for vehicles, which have been strengthened in recent years to improve air quality. For example, the standards for NO_x emissions have been lowered substantially and the specification requirements for cleaner burning gasoline are more stringent.

(b) State

The California Clean Air Act (CCAA), signed into law in 1988, requires all areas of the state to achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practicable date. The California Air Resources Board (CARB), a part of the California Environmental Protection Agency (Cal EPA), is responsible for the coordination and administration of both state and federal air pollution control programs within California. In this capacity, the CARB conducts research, sets state ambient air quality standards, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. The CARB establishes emissions standards for motor vehicles sold in California, consumer products, and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. Table 6 on page 53 includes the CAAQS currently in effect for each of the criteria pollutants as well as other pollutants recognized by the State. As shown in Table 6, the CAAQS include more stringent standards than the national ambient air quality standards.

The CARB published the *Air Quality and Land Use Handbook* on April 28, 2005 (the "CARB Handbook"), to serve as a general guide for considering health effects associated with siting sensitive receptors proximate to sources of TAC emissions. The recommendations provided therein are voluntary and do not constitute a requirement or mandate for either land use agencies or local air districts. The goal of the guidance document is to protect sensitive receptors, such as children, the elderly, acutely ill, and chronically ill persons, from exposure to TAC emissions. Some examples of CARB's siting recommendations include the following: (1) avoid siting sensitive receptors within 500 feet of a freeway, urban road with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day; (2) avoid siting sensitive receptors within 1,000 feet of a distribution center (that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units per day, or where transport refrigeration unit operations exceed 300 hours per week); and (3) avoid siting sensitive receptors within 300 feet of any dry cleaning operation using perchloroethylene and within 500 feet of operations with two or more machines.

The California Renewables Portfolio Standard (RPS) program (2002, SB 1078) requires that 20 percent of the available energy supplies are from renewable energy sources by 2017. In 2006, SB 107 accelerated the 20 percent mandate to 2010, a goal that was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II. These mandates apply directly to investor-owned utilities. However, on April 12, 2011, California

Governor Jerry Brown signed into law a bill entitled Senate Bill 2X, which modifies California's RPS program to require that public and private utilities in California receive at least 33 percent of their electricity from renewable sources by the year 2020. This level of reduction is slightly less than the City's Department of Water and Power (LADWP) commitment to achieve 35 percent renewables by 2020.²⁷ In 2008, LADWP's renewable portfolio comprised approximately 8.5 percent of the power supply.

The California Green Building Standards Code, which is Part 11 of the California Code of Regulations, is commonly referred to as the CALGreen Code. The 2008 edition, the first edition of the CALGreen Code, contained only voluntary standards. The 2010 CALGreen Code is a code with mandatory requirements for state-regulated buildings, structures throughout California beginning on January 1, 2011. The 2010 CALGreen Code contains requirements for construction site selection, storm water control during construction, construction waste reduction, indoor water use reduction, material selection, natural resource conservation, site irrigation conservation and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning which is a process for the verification that all building systems, like heating and cooling equipment and lighting systems are functioning at their maximum efficiency.

(c) Regional

(i) South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) shares responsibility with CARB for ensuring that all state and federal ambient air quality standards are achieved and maintained throughout all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. The SCAQMD has jurisdiction over an area of approximately 10,743 square miles. This area includes all of Orange County and Los Angeles County except for the Antelope Valley, the non-desert portion of western San Bernardino County, and the western and Coachella Valley portions of Riverside County. The Air Basin is a subregion of the SCAQMD jurisdiction.

In order to meet the CAAQS and NAAQS, the SCAQMD has adopted a series of Air Quality Management Plans (AQMPs). The 2007 AQMP employs the most up-to-date science, primarily in the form of updated emissions inventories, ambient measurements, new meteorological episodes and new air quality modeling tools. Policies and measures currently contemplated by responsible agencies to achieve federal standards for healthful

²⁷ LADWP, *Renewables Portfolio Standard Workshop*, January 10, 2009.

air quality in the Basin are built upon the 2007 AQMP. It also incorporates a comprehensive strategy aimed at controlling pollution from all sources, including stationary sources, on-road and off-road mobile sources and area sources.

The 2007 AQMP builds upon improvements accomplished in previous plans and aims to incorporate all feasible control measures while balancing costs and socioeconomic impacts for the attainment of air quality standards. However, it highlights the significant amount of reductions needed and the urgent need to identify additional strategies, especially in the area of mobile sources, to meet all federal criteria pollutant standards within the timeframes allowed under the CAA.

The 2007 AQMP relies on a comprehensive and integrated control approach aimed at achieving the PM_{2.5} standard by 2015 through implementation of short- and mid-term control measures and achieving the 8-hour ozone standard by 2024 based on implementation of additional long-term measures. These reductions are expected to be achieved through implementation of new and advanced control technologies as well as improvement of existing control technologies. Control techniques requiring substantial levels of committed funding for implementation would also fall under this category of long-term emission reductions.

There are four components of the 2007 AQMP control measures: (1) the SCAQMD's Stationary and Mobile Source Control Measures; (2) CARB's Proposed State Strategy; (3) SCAQMD Staff's Proposed Policy Options to Supplement CARB's Control Strategy; and (4) Regional Transportation Strategy and Control Measures provided by the Southern California Association of Governments. Overall, the Plan includes 31 stationary and 30 mobile source measures. The SCAQMD's control strategy for stationary and mobile sources is based on the following approaches: (1) facility modernization; (2) energy efficiency and conservation; (3) good management practices; (4) market incentives/compliance flexibility; (5) area source programs; (6) emission growth management; and (7) mobile source programs.

The SCAQMD adopts rules and regulations to implement portions of the AQMP. Several of these rules may apply to construction or operation of the Project. For example, SCAQMD Rule 403 requires the implementation of best available fugitive dust control measures during active construction periods capable of generating fugitive dust emissions from on-site earth-moving activities, construction/demolition activities, and construction equipment travel on paved and unpaved roads.

Although the SCAQMD is responsible for regional air quality planning efforts, it does not have the authority to directly regulate the air quality issues associated with new development projects within the Air Basin, such as the Proposed Project. Instead, the

SCAQMD published the *CEQA Air Quality Handbook* in November 1993 to assist lead agencies, as well as consultants, project proponents, and other interested parties, in evaluating potential air quality impacts of projects proposed in the Air Basin. The *CEQA Air Quality Handbook* provides standards, methodologies, and procedures for conducting air quality analyses in EIRs and was used extensively in the preparation of this analysis. However, the SCAQMD is currently in the process of replacing the *CEQA Air Quality Handbook* with the *Air Quality Analysis Guidance Handbook*.

In order to assist the CEQA practitioner in conducting an air quality analysis in the interim while the *Air Quality Analysis Guidance Handbook* is being prepared, supplemental guidance/information is provided on the SCAQMD website (www.aqmd.gov/ceqa/hdbk.html) and includes: (1) EMFAC 2007 (v2.3) on-road vehicle emission factors; (2) background CO concentrations; (3) localized significance thresholds; (4) mitigation measures and control efficiencies; (5) mobile source toxics analysis; (6) off-road mobile source emission factors; (7) PM_{2.5} significance thresholds and calculation methodology; and (8) updated SCAQMD Air Quality Significance Thresholds. The SCAQMD also recommends using approved models to calculate emissions from land use projects, such as the URBEMIS 2007 model. These recommendations were followed in the preparation of this analysis.

The SCAQMD has also adopted land use planning guidelines in the *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (May 2005), which considers impacts to sensitive receptors from facilities that emit TAC emissions. SCAQMD's siting distance recommendations are the same as those provided by CARB (e.g., a 500-foot siting distance for sensitive land uses proposed in proximity of freeways and high-traffic roads, and the same siting criteria for distribution centers and dry cleaning facilities). The SCAQMD's document introduces land use related policies that rely on design and distance parameters to minimize emissions and lower potential health risk. SCAQMD's guidelines are voluntary initiatives recommended for consideration by local planning agencies.

(ii) *Southern California Association of Governments*

The Southern California Association of Governments (SCAG) is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties, and addresses regional issues relating to transportation, the economy, community development and the environment. SCAG coordinates with various air quality and transportation stakeholders in Southern California to ensure compliance with the federal and state air quality requirements, including the Transportation Conformity Rule and other applicable federal, State, and air district laws and regulations. As the federally designated Metropolitan Planning Organization for the six-county Southern California region, SCAG is required by law to ensure that transportation activities "conform" to, and

are supportive of, the goals of regional and state air quality plans to attain the NAAQS. In addition, SCAG is a co-producer, with the SCAQMD, of the transportation strategy and transportation control measure sections of the AQMP for the Basin. With regard to future growth, SCAG has prepared the Regional Transportation Plan (RTP) which provides population, housing, and employment projections for cities under its jurisdiction. The growth projections in the RTP are based on projections originating under County and City General Plans. The RTP growth projections are utilized in the preparation of the air quality forecasts and consistency analysis included in the SCAQMD's AQMP.

(d) Local

(i) City of Los Angeles General Plan

Local jurisdictions, such as the City of Los Angeles, have the authority and responsibility to reduce air pollution through its police power and decision-making authority. Specifically, the City is responsible for the assessment and mitigation of air emissions resulting from its land use decisions.

The Air Quality Element of the City of Los Angeles General Plan was adopted on November 24, 1992, and sets forth the goals, objectives and policies which guide the City in the implementation of its air quality improvement programs and strategies. The Air Quality Element acknowledges the interrelationships among transportation and land use planning in meeting the City's mobility and air quality goals.

The Air Quality Element establishes six goals:

- Good air quality in an environment of continued population growth and healthy economic structure;
- Less reliance on single-occupant vehicles with fewer commute and non-work trips;
- Efficient management of transportation facilities and system infrastructure using cost-effective system management and innovative demand-management techniques;
- Minimal impacts of existing land use patterns and future land use development on air quality by addressing the relationship between land use, transportation and air quality;
- Energy efficiency through land use and transportation planning, the use of renewable resources and less-polluting fuels and the implementation of

conservation measures including passive measures such as site orientation and tree planting; and

- Citizen awareness of the linkages between personal behavior and air pollution and participation in efforts to reduce air pollution.

In accordance with CEQA requirements and the CEQA review process, the City assesses the air quality impacts of new development projects, requires mitigation of potentially significant air quality impacts by conditioning discretionary permits, and monitors and enforces implementation of such mitigation. The City utilizes the SCAQMD's CEQA Handbook as the guidance document for the environmental review of plans and development proposals within its jurisdiction.

(ii) City of Los Angeles Green Building Code

On December 22, 2010, the Los Angeles City Council approved Ordinance No. 181,481, which amended Chapter IX of the LAMC by adding a new Article 9 to incorporate various provisions of the 2010 CALGreen Code. Projects filed on or after January 1, 2011, must comply with Ordinance No. 181,481 and comply with various provisions of the 2010 CALGreen Code.²⁸ The provisions of this code apply to the construction of every new building, every building alteration with a building permit valuation of over \$200,000 and every building addition throughout the City of Los Angeles. Specific mandatory requirements and elective measures are provided for three categories: (1) low-rise residential buildings; (2) nonresidential and high-rise residential buildings; and (3) additions and alterations to nonresidential and high-rise residential buildings. The City's checklists for each of the categories are provided in Appendix P of this Draft EIR. Some of the key measures for nonresidential and high-rise residential buildings include the following:

- Construction—A Storm Water Pollution Prevention Plan (SWPPP) conforming to the State Storm water NPDES Construction Permit or local ordinance, whichever is stricter, is required for project regardless of acreage disturbed;
- Construction—Construction waste reduction of at least 50 percent of construction debris;
- Construction—100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled;

²⁸ *City of Los Angeles Ordinance No. 181479.*

- Transportation Demand—Provide secure bicycle parking for 5 percent of motorized vehicle parking capacity;
- Transportation Demand—Provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles.
- Energy Conservation—Provide electric vehicle supply wiring for a minimum of 5 percent of the total number of parking spaces;
- Energy Conservation—A project must exceed the CEC requirements based on the 2008 Energy Efficiency Standards by 15 percent using an Alternative Calculation Method approved by the CEC.
- Energy Conservation—Each appliance provided and installed shall meet Energy Star if an Energy Star designation is applicable for that appliance;
- Renewable Energy—Provide future access, off-grid prewiring, and space for electrical solar systems;
- Water—A schedule of plumbing fixtures and fixture fittings shall be provided that will reduce the overall use of potable water within the building by at least 20 percent based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code; and
- Wastewater—Each building shall reduce wastewater by 20 percent based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code.

(2) Toxic Air Contaminates

The California Air Toxics Program (see www.arb.ca.gov/toxics/toxics.htm) was established in 1983, when the California Legislature adopted AB 1807 to establish a two-step process of risk identification and risk management to address potential health effects from exposure to toxic substances in the air. In the risk identification step, CARB and the Office of Environmental Health Hazard Assessment (OEHHA) determine if a substance should be formally identified, or “listed,” as a toxic air contaminant (TAC) in California. Since inception of the program, a number of such substances have been listed (see www.arb.ca.gov/toxics/id/taclist.htm). In 1993, the California Legislature amended the program to identify the 189 federal hazardous air pollutants as TACs.

In the risk management step, CARB reviews emission sources of an identified TAC to determine whether regulatory action is needed to reduce risk. Based on results of that review, CARB has promulgated a number of airborne toxic control measures (ATCMs), both for mobile and stationary sources (see www.arb.ca.gov/toxics/atcm/atcm.htm). In

2004, CARB adopted an ATCM to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter (PM) and other TACs. The measure applies to diesel-fueled commercial vehicles with gross vehicle weight ratings greater than 10,000 pounds that are licensed to operate on highways, regardless of where they are registered. This measure does not allow diesel-fueled commercial vehicles to idle for more than 5 minutes at any given time.

In addition to limiting exhaust from idling trucks, CARB recently promulgated emission standards for off-road diesel construction equipment such as bulldozers, loaders, backhoes and forklifts, as well as many other self-propelled off-road diesel vehicles. The regulation adopted by the CARB on July 26, 2007, aims to reduce emissions by installation of diesel particulate filters and encouraging the replacement of older, dirtier engines with newer emission controlled models. Implementation is staggered based on fleet size, with the largest operators to begin compliance in 2010. By 2020, CARB estimates that diesel particulate matter will be reduced by 74 percent and smog forming oxides of nitrogen by 32 percent, compared to what emissions would be without the regulation.

The AB 1807 program is supplemented by the AB 2588 Air Toxics “Hot Spots” program, which was established by the California Legislature in 1987. Under this program, facilities are required to report their air toxics emissions, assess health risks, and notify nearby residents and workers of significant risks if present. In 1992, the AB 2588 program was amended by SB 1731 to require facilities that pose a significant health risk to the community to reduce their risk through implementation of a risk management plan.

SCAQMD has adopted two rules to limit cancer and noncancer health risks from facilities located within its jurisdiction. Rule 1401 (New Source Review of Toxic Air Contaminants) regulates new or modified facilities, and Rule 1402 (Control of Toxic Air Contaminants from Existing Sources) regulates facilities that are already operating. Rule 1402 incorporates requirements of the AB 2588 program, including implementation of risk reduction plans for significant risk facilities.

F.2 Air Quality—Climate Change

In response to growing scientific and political concern with global climate change, Federal and State entities have adopted a series of laws to reduce emissions of greenhouse gasses (GHGs) to the atmosphere.

(1) Federal

(a) Federal Clean Air Act

The U.S. Supreme Court ruled in *Massachusetts v. Environmental Protection Agency*, 127 S.Ct. 1438 (2007), that CO₂ and other GHGs are pollutants under the federal Clean Air Act, which the USEPA must regulate if it determines they pose an endangerment to public health or welfare. On April 17, 2009, the USEPA issued a proposed finding that GHGs contribute to air pollution that may endanger public health or welfare. On April 24, 2009, the proposed rule was published in the Federal Register under Docket ID No.PA-HQ-OAR-2009-0171. The 60-day public comment period on the proposed rule ended June 23, 2009.

(b) Federal Corporate Average Fuel Economy Standards

The 2007 Energy Bill creates new federal requirements for increases in fleet-wide fuel economy for passenger vehicles and light trucks. The federal legislation requires a fleet-wide average of 35 miles per gallon to be achieved by 2020. The National Highway Traffic Safety Administration is directed to phase-in requirements to achieve this goal. Analysis by CARB suggests that attainment of this goal will require an annual improvement of approximately 3.4 percent between now and 2020.²⁹ California had petitioned the USEPA in December 2005 to allow more stringent standards and California executive agencies have repeated their commitment to higher mileage standards. On July 1, 2009, the USEPA granted California a waiver which will enable the state to enforce stricter tailpipe emissions on new motor vehicles. In addition, on May 19, 2009, President Barack Obama announced a new National Fuel Efficiency Policy aimed at increasing fuel economy and reducing GHG pollution.³⁰ The new National Fuel Efficiency Policy is expected to increase fuel economy by more than five percent by requiring a fleet-wide average of 35.5 miles per gallon by 2016 starting with model years 2012. However, federal fuel economy standards have not yet been promulgated establishing specific benchmarks.

²⁹ CARB comparison between Pavley Assembly Bill 1493 and the Federal 2007 CAFE standards (www.arb.ca.gov/cc/ccms/ab1493_v_cafe_study.pdf).

³⁰ The White House, Office of the Press Secretary, May 19, 2009 (www.whitehouse.gov/the_press_office/President-Obama-Announces-National-Fuel-Efficiency-Policy/).

(2) State

(a) State Assembly Bill 1493

Assembly Bill 1493, adopted September 2002, requires the development and adoption of regulations to achieve “the maximum feasible reduction of GHGs” emitted by noncommercial passenger vehicles, light-duty trucks, and other vehicles used primarily for personal transportation in the State. Although setting emission standards on automobiles is solely the responsibility of the USEPA, the Federal Clean Air Act allows California to set state-specific emission standards on automobiles if the State first obtains a waiver from the USEPA. As stated above, the USEPA granted California that waiver on July 1, 2009. A comparison between the AB 1493 standards and the Federal Corporate Average Fuel Economy was completed by CARB and is available at www.arb.ca.gov/cc/ccms/ab1493_v_cafe_study.pdf. The emission standards become increasingly more stringent through the 2016 model year. California is also committed to further strengthening these standards beginning in 2017 to obtain a 45 percent GHG reduction from 2020 model year vehicles.

(b) Executive Order S-1-07 (California Low Carbon Fuel Standard)

Executive Order S-1-07, the Low Carbon Fuel Standard (issued on January 18, 2007), requires a reduction of at least 10 percent in the carbon intensity of California’s transportation fuels by 2020. Regulatory proceedings and implementation of the Low Carbon Fuel Standard have been directed to CARB. The Low Carbon Fuel Standard has been identified by CARB as a discrete early action item in the Adopted *Climate Change Scoping Plan*. CARB expects the Low Carbon Fuel Standard to achieve the minimum 10 percent reduction goal; however, many of the early action items outlined in the *Climate Change Scoping Plan* work in tandem with one another. To avoid the potential for double-counting emission reductions associated with AB 1493 (see previous discussion), the *Climate Change Scoping Plan* has modified the aggregate reduction expected from the Low Carbon Fuel Standard to 9.1 percent.

(c) Executive Order S-3-05

Executive Order S-3-05, issued in June 2005, established GHG emissions targets for the State, as well as a process to ensure the targets are met. The order directed the Secretary for California EPA to report every two years on the State’s progress toward meeting the Governor’s GHG emission reduction targets. As a result of this executive order, the California Climate Action Team, led by the Secretary of the California EPA, was formed. The California Climate Action Team is made up of representatives from a number of State agencies and was formed to implement global warming emission reduction programs and reporting on the progress made toward meeting statewide targets established under the Executive Order. The California Climate Action Team reported

several recommendations and strategies for reducing GHG emissions and reaching the targets established in the Executive Order.³¹ The GHG targets are as follows:

- By 2010, reduce to 2000 emission levels;
- By 2020, reduce to 1990 emission levels; and
- By 2050, reduce to 80 percent below 1990 levels.

(d) California Global Warming Solutions Act of 2006 (AB 32)

The California Global Warming Solutions Act of 2006 (also known as AB 32) commits the State to achieving the following:

- 2000 GHG emission levels by 2010; and
- 1990 levels by 2020.

To achieve these goals, AB 32 mandates that CARB establish a quantified emissions cap, institute a schedule to meet the cap, implement regulations to reduce statewide GHG emissions from stationary sources, and develop tracking, reporting, and enforcement mechanisms to ensure that reductions are achieved. Many of the regulations required to meet the goals under AB 32 have been adopted and shall be implemented no later than January 1, 2012.³²

(e) Climate Change Scoping Plan

CARB approved a *Climate Change Scoping Plan* as required by AB 32.³³ The *Climate Change Scoping Plan* proposes a “comprehensive set of actions designed to reduce overall carbon GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and

³¹ California Climate Action Team, *Climate Action Team Report to Governor Schwarzenegger and the Legislature*, March 2006.

³² CARB’s list of discrete early action measures that can be adopted and implemented before January 1, 2010, was approved on June 21, 2007. The three adopted discrete early action measures are: (1) a low-carbon fuel standard, which reduces carbon intensity in fuels state-wide; (2) reduction of refrigerant losses from motor vehicle air conditioning system maintenance; and (3) increased methane capture from landfills, which includes requiring the use of state-of-the-art capture technologies.

³³ *Climate Change Proposed Scoping Plan* was approved by CARB on December 11, 2008.

enhance public health.”³⁴ The *Climate Change Scoping Plan* has a range of GHG reduction actions which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms such as a cap-and-trade system, and an AB 32 implementation regulation to fund the program.

The *Climate Change Scoping Plan* calls for a “coordinated set of solutions” to address all major categories of GHG emissions. Transportation emissions will be addressed through a combination of higher standards for vehicle fuel economy, implementation of the Low Carbon Fuel Standard, and greater consideration to reducing trip length and generation through land use planning and transit-oriented development. Buildings, land use, and industrial operations will be encouraged and, sometimes, required to use energy more efficiently. Utility energy supplies will change to include more renewable energy sources through implementation of the Renewables Portfolio Standard.³⁵ This will be complemented with emphasis on local generation, including rooftop photovoltaics and solar hot water installations. Additionally, the *Climate Change Scoping Plan* emphasizes opportunities for households and businesses to save energy and money through increasing energy efficiency. It indicates that substantial savings of electricity and natural gas will be accomplished through “improving energy efficiency by 25 percent.”

The *Climate Change Scoping Plan* identifies a number of specific issues relevant to the Project including:

- The potential of using the green building framework as a mechanism which could enable GHG emissions reductions in other sectors (e.g., electricity, natural gas), noting that green buildings “exceed minimum energy efficiency standards, decrease consumption of potable water, reduce solid waste during construction and operation, and incorporate sustainable materials. Combined, these measures can also contribute to healthy indoor air quality, protect human health, and minimize impacts to the environment.”³⁶
- The importance of increasing the supply and utilization of green power and lower carbon intensity energy sources. Broadly defined, this includes implementation of the utility-based Renewables Portfolio Standard (RPS) (2002, SB 1078)

³⁴ *Climate Change Scoping Plan*, CARB, December 2008, www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm.

³⁵ For a discussion of Renewables Portfolio Standard, refer to subsection 2(d), *California Renewables Portfolio Standard*.

³⁶ *Climate Change Scoping Plan*, CARB, December 2008, www.arb.ca.gov/cc/scopingplan/document/scopingplandocument.htm.

requiring that 20 percent of the available energy supplies are from renewable energy sources by 2017, use of Solar Hot Water Heating (pursuant to the SB 1470 goal), support for the Million Solar Roofs Program (including the California Solar Initiative and the New Solar Homes Partnership), and increased use of combined heat and power.

- The importance of supporting the Department of Water Resources' work to implement the Governor's objective to reduce per capita water use by 20 percent by 2020. Specific measures to achieve this goal include water use efficiency, water recycling, and reuse of urban runoff. The *Climate Change Scoping Plan* notes that water use requires significant amounts of energy, including approximately one-fifth of state-wide electricity.
- Encouraging local governments to set quantifiable emission reduction targets for their jurisdictions and use their influence and authority to encourage reductions in emissions caused by energy use, waste and recycling, water and wastewater systems, transportation, and community design.

Subsequent to adoption of the *Climate Change Scoping Plan*, a lawsuit was filed challenging CARB's approval of the *Climate Change Scoping Plan Functional Equivalent Document (Supplemental FED to the Climate Change Scoping Plan)*. On May 20, 2011 (Case No. CPF-09-509562), the court found that the environmental analysis of the alternatives in the *Supplemental FED to the Climate Change Scoping Plan* was not sufficient under CEQA. CARB staff prepared a revised and expanded environmental analysis of the alternatives and the *Supplemental FED to the Climate Change Scoping Plan* was approved on August 24, 2011. The *Supplemental FED to the Climate Change Scoping Plan* indicated that there is the potential for adverse environmental impacts associated with implementation of the various GHG emission reduction measures recommended in the *Climate Change Scoping Plan*.

As part of the *Supplemental FED to the Climate Change Scoping Plan*, CARB updated the projected 2020 "Business-As-Usual" (BAU) emissions inventory based on current economic forecasts (i.e., as influenced by the economic downturn) and reduction measures already in place. CARB staff derived the updated emissions estimates by projecting emissions from a past baseline estimate using three-year average emissions, by sector, for 2006-2008 and considering the influence of the recent recession and reduction measures that are already in place (e.g., Pavley I and Title 24). Considering the updated BAU estimate of 507 million metric tons CO₂e by 2020, a reduction of 80 million metric tons

CO₂e or 16 percent reduction below the estimated BAU levels would be necessary to return to 1990 levels (i.e., 427 million metric tons CO₂e) by 2020.^{37,38}

(f) California Renewables Portfolio Standard

The RPS program requires that 20 percent of the available energy supplies are from renewable energy sources by 2017. In 2006, SB 107 accelerated the 20 percent mandate to 2010, a goal that was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II. These mandates apply directly to investor-owned utilities. However, on April 12, 2011, California Governor Jerry Brown signed into law a bill entitled Senate Bill 2X, which modifies California's RPS program to require that public and private utilities in California receive at least 33 percent of their electricity from renewable sources by the year 2020. This level of reduction is consistent with LADWP's commitment to achieve 35 percent renewables by 2020. In 2008, LADWP's renewable portfolio comprised approximately 8.5 percent of the power supply.

(g) California Senate Bill 1368

SB 1368, a companion bill to AB 32, requires the California Public Utilities Commission (CPUC) and the California Energy Commission (CEC) to establish GHG emission performance standards for the generation of electricity. These standards will also generally apply to power that is generated outside of California and imported into the State. SB 1368 provides a mechanism for reducing the emissions of electricity providers, thereby assisting CARB to meet its mandate under AB 32. On January 25, 2007, the CPUC adopted an interim GHG Emissions Performance Standard, which is a facility-based emissions standard requiring that all new long-term commitments for baseload generation to serve California consumers be with power plants that have GHG emissions no greater than a combined cycle gas turbine plant. That level is established at 1,100 pounds of CO₂ per megawatt-hour. Further, on May 23, 2007, the CEC adopted regulations that establish and implement an identical Emissions Performance Standard of 1,100 pounds of CO₂ per megawatt-hour (see CEC Order No. 07-523-7).

³⁷ CARB, *Supplement to the AB 32 Scoping Plan FED, Table 1.2-2, Updated 2020 Business-as-Usual Emissions Forecast*, www.arb.ca.gov/cc/scopingplan/document/final_supplement_to_sp_fed.pdf.

³⁸ *The emissions and reductions estimates found in the Supplemental FED to the Climate Change Scoping Plan replace the estimates published in the 2008 Climate Change Scoping Plan. The estimates in the 2008 document are: 596 million metric tons CO₂e under 2020 BAU and a required reduction of 169 million metric tons CO₂e (28.4 percent).*

(h) California Senate Bill 97

California SB 97, passed in August 2007, is designed to work in conjunction with CEQA and AB 32. SB 97 required the Office of Planning and Research (OPR) to prepare and develop guidelines for the mitigation of GHG emissions or the effects thereof, including but not limited to, effects associated with transportation and energy consumption. The Resources Agency adopted the guidelines on December 30, 2009 and is also required to periodically update the guidelines to incorporate new information or criteria established by CARB pursuant to AB 32. SB 97 will apply retroactively to any environmental impact report, negative declaration, mitigated negative declaration, or other document required by the CEQA, which has not been finalized. Under SB 97, transportation projects funded under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, and projects funded under the Disaster Preparedness and Flood Prevention Bond Act of 2006 are exempted from analyzing the effects of GHGs in an environmental impact report, negative declaration, mitigated negative declaration, or other CEQA document.

OPR released a technical advisory on addressing climate change on June 19, 2008. This guidance document outlines suggested components to CEQA disclosure: quantification of GHG emissions from a project's construction and operation; determination of significance of the project's impact to climate change; and if the project is found to be significant, the identification of suitable alternatives and mitigation measures.

(i) California Senate Bill 375

There has also been California legislative activity acknowledging the relationship between land use planning and transportation sector GHG emissions. California SB 375 was signed by the Governor on September 30, 2008. This legislation links regional planning for housing and transportation with the GHG reduction goals outlined in AB 32. Reductions in GHG emissions would be achieved by, for example, locating housing closer to jobs, retail, and transit. Under the bill, each Metropolitan Planning Organization would be required to adopt a sustainable community strategy to encourage compact development so that the region will meet a target, created by CARB, for reducing GHG emissions.

(j) Title 24 Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings, located at Title 24, Part 6 of the California Code of Regulations and commonly referred to as "Title 24," were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow

consideration and possible incorporation of new energy efficiency technologies and methods.³⁹

The most recent update to Title 24 was adopted by the CEC on April 23, 2008. The requirement for when the 2008 standards must be followed is dependent on when the application for the building permit is submitted. If the application for the building permit is submitted on or after January 1, 2010, the 2008 standards must be met. The CEC adopted the 2008 changes to the Building Energy Efficiency Standards to respond to the mandates of AB 32 and to pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.

(k) California Green Building Standards

The California Green Building Standards Code, which is Part 11 of the California Code of Regulations, is commonly referred to as the CALGreen Code. The 2008 edition, the first edition of the CALGreen Code, contained only voluntary standards. The 2010 CALGreen Code is a code with mandatory requirements for State-regulated buildings and structures throughout California beginning on January 1, 2011. The 2010 CALGreen Code contains requirements for construction site selection, storm water control during construction, construction waste reduction, indoor water use reduction, material selection, natural resource conservation, site irrigation conservation and more. The code provides for design options allowing the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning which is a process for the verification that all building systems, such as heating and cooling equipment and lighting systems are functioning at their maximum efficiency.

(l) Senate Bill 292

On September 9, 2011, the California Legislature approved Senate Bill (SB) 292 pertaining specifically to the Proposed Project. This law added Section 21168.6.5 to the Public Resources Code. A copy of this statute is contained in Appendix C. As part of SB 292, the Proposed Project must take steps to reduce traffic congestion and global climate change impacts that may result from private automobile trips to the Event Center. Specifically, the Proposed Project must: (1) achieve and maintain carbon neutrality by reducing to zero the net emissions of greenhouse gases from private automobile trips to the Event Center; and (2) achieve and maintain a vehicle trip ratio (defined as the total annual number of private automobiles arriving at the Event Center for spectator events divided by the total annual number of spectators at the events) that is no more than

³⁹ See www.energy.ca.gov/title24/ for additional information.

90 percent of the trip ratio at any other stadium serving a team in the National Football League. The bill also includes provisions for the implementation and reporting of these requirements. For a more detailed discussion of SB 292, see Section A.1 of this Appendix, above.

(3) Regional

The SCAQMD adopted a “Policy on Global Warming and Stratospheric Ozone Depletion” on April 6, 1990. The policy commits the SCAQMD to consider global impacts in rulemaking and in drafting revisions to the Air Quality Management Plan. In March 1992, the SCAQMD Governing Board reaffirmed this policy and adopted amendments to the policy to include the following directives:

- Phase out the use and corresponding emissions of chlorofluorocarbons, methyl chloroform (1,1,1-trichloroethane or TCA), carbon tetrachloride, and halons by December 1995;
- Phase out the large quantity use and corresponding emissions of hydrochlorofluorocarbons by the year 2000;
- Develop recycling regulations for hydrochlorofluorocarbons (e.g., SCAQMD Rules 1411 and 1415);
- Develop an emissions inventory and control strategy for methyl bromide; and
- Support the adoption of a California GHG emission reduction goal.

SCAQMD released draft guidance regarding interim CEQA GHG significance thresholds. Within its October 2008 document, the SCAQMD proposed the use of a percent emission reduction target to determine significance for commercial/residential projects that emit greater than 3,000 metric tons per year. On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for stationary source/industrial projects where the SCAQMD is lead agency. However, the SCAQMD has yet to adopt a GHG significance threshold for land use development projects (e.g., residential/commercial projects) and has formed a GHG Significance Threshold Working Group to further evaluate potential GHG significance thresholds.⁴⁰

⁴⁰ Website www.aqmd.gov/ceqa/handbook/GHG/GHG.html.

(4) Local

(a) City of Los Angeles Green LA Action Plan

The City of Los Angeles has begun to address the issue of global climate change by publishing *Green LA, An Action Plan to Lead the Nation in Fighting Global Warming* (LA Green Plan). This document outlines the goals and actions the City has established to reduce the generation and emission of GHGs from both public and private activities. According to the LA Green Plan, the City of Los Angeles is committed to the goal of reducing emissions of CO₂ to 35 percent below 1990 levels. To achieve this, the City will:

- Increase the generation of renewable energy;
- Improve energy conservation and efficiency; and
- Change transportation and land use patterns to reduce dependence on automobiles.

(b) City of Los Angeles Green Building Code

On December 22, 2010, the Los Angeles City Council approved Ordinance No. 181,481, which amends Chapter IX of the LAMC by adding a new Article 9 to incorporate various provisions of the 2010 CALGreen Code. Projects filed on or after January 1, 2011 must comply with Ordinance No. 181,481 and comply with various provisions of the 2010 CALGreen Code.⁴¹ The provisions of this code apply to the construction of every new building, every building alteration with a building permit valuation of over \$200,000 and every building addition throughout the City of Los Angeles. Specific mandatory requirements and elective measures are provided for three categories: (1) low-rise residential buildings; (2) nonresidential and high-rise residential buildings; and (3) additions and alterations to nonresidential and high-rise residential buildings. The City's checklists for each of the categories are provided in Appendix P of this Draft EIR. Some of the key measures for nonresidential and high-rise residential buildings include the following:

- Construction—A Storm Water Pollution Prevention Plan (SWPPP) conforming to the State Storm water NPDES Construction Permit or local ordinance, whichever is stricter, is required regardless of acreage disturbed;

⁴¹ *City of Los Angeles Ordinance No. 181479.*

- Construction—Construction waste reduction of at least 50 percent of construction debris;
- Construction—100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled;
- Transportation Demand—Provide secure bicycle parking for 5 percent of motorized vehicle parking capacity;
- Transportation Demand—Provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles.
- Energy Conservation—Provide electric vehicle supply wiring for a minimum of five percent of the total number of parking spaces;
- Energy Conservation—A project must exceed the CEC requirements based on the 2008 Energy Efficiency Standards by 15 percent using an Alternative Calculation Method (ACM) approved by the CEC.
- Energy Conservation—Each appliance provided and installed shall meet Energy Star requirements if an Energy Star designation is applicable for that appliance;
- Renewable Energy—Provide future access, off-grid prewiring, and space for electrical solar systems;
- Water—A schedule of plumbing fixtures and fixture fittings shall be provided that will reduce the overall use of potable water within the building by at least 20 percent, based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code; and
- Wastewater—Each building shall reduce wastewater by 20 percent based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code.

(c) City of Los Angeles General Plan

The City of Los Angeles does not have a General Plan Element specific to Global Warming and GHG emissions. However, the following five goals from the Air Quality Element of the City of Los Angeles General Plan would also serve to reduce GHG emissions:

- Less reliance on single-occupant vehicles with fewer commute and non-work trips;

- Efficient management of transportation facilities and system infrastructure using cost-effective system management and innovative demand-management techniques;
- Minimal impacts of existing land use patterns and future land use development on air quality by addressing the relationship between land use, transportation and air quality;
- Energy efficiency through land use and transportation planning, the use of renewable resources and less-polluting fuels and the implementation of conservation measures including passive measures such as site orientation and tree planting; and
- Citizen awareness of the linkages between personal behavior and air pollution and participation in efforts to reduce air pollution.

(d) Traffic Study Policies and Procedures

The City of Los Angeles Department of Transportation (LADOT) has developed the Traffic Study Policies and Procedures (TSPP) in order to provide the public, private consultants, and City staff with standards, guidelines, objectives and criteria to be used in the preparation of a traffic impact study. In December of 2010, LADOT provided an update to the TSPP that emphasized the importance of sustainability, smart growth, and reduction of GHG emissions in addition to traditional mobility consideration when evaluating and mitigating impacts to the City's transportation system as a result of land use policy decisions. The updated edition of the TSPP prioritizes transportation demand management strategies and multi-modal strategies over automobile-centric solutions when mitigating project-related impacts to the City's transportation system. By acknowledging reduction of vehicle miles travelled as a policy goal, the TSPP stands as an implementing mechanism of the City's strategy to conform to the mandates and requirements of AB 32 and SB 375.

G. Geology and Soils

(1) State of California

(a) California Building Code

In 2010, the State of California adopted the 2010 California Building Code (CBC), with an effective date of January 1, 2011. The CBC incorporates by adoption the 2009 International Building Code (IBC). The CBC includes specific provisions for site work, demolition, and construction, which include excavation and grading, as well as provisions for foundations, retaining walls, and expansive and compressible soils. The CBC applies to

all occupancies in California, except where stricter standards have been adopted by local agencies. Specific CBC building and seismic safety regulations have been incorporated by reference in the Los Angeles Municipal Code with local amendments.

(b) Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Public Resources Code Section 2621) was passed into law following the 1971 San Fernando earthquake. The Alquist-Priolo Earthquake Fault Zoning Act provides a mechanism for reducing losses from surface fault rupture on a statewide basis. The intent of the Alquist-Priolo Earthquake Fault Zoning Act is to ensure public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. The Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones, known as earthquake fault zones, around the surface traces of active faults and to issue appropriate maps to assist cities and counties in planning, zoning, and building regulation functions. Maps are distributed to all affected cities and counties for the controlling of new or renewed construction and are required to sufficiently define potential surface rupture or fault creep. Local agencies must enforce the Alquist-Priolo Earthquake Fault Zoning Act in the development permit process, where applicable, and may be more restrictive than State law requires. According to the Alquist-Priolo Earthquake Fault Zoning Act, before a project can be permitted, cities and counties shall require a geologic investigation, prepared by a licensed geologist, to demonstrate that buildings will not be constructed across active faults. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back. Although setback distances may vary, a minimum 50-foot setback is required. The Alquist-Priolo Earthquake Fault Zoning Act and its regulations are presented in California Department of Conservation, CGS, Special Publications 42, *Fault-rupture Hazard Zones in California*.

(c) Seismic Hazards Mapping Act

The State of California passed the Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690–2699) to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong groundshaking, liquefaction, landslides, or other ground failure and seismic hazards caused by earthquakes. Under the Seismic Hazards Mapping Act, the Department of Conservation, Mines and Geology (now referred to as the California Geological Survey) is required to delineate seismic hazard zones, including amplified shaking hazard zones, liquefaction hazard zones, and earthquake-induced landslide hazard zones. Prior to the

approval of a project located in a seismic hazard zone, cities and counties shall then require a geotechnical report defining and delineating any seismic hazard.⁴² Each city and county is also required to submit one copy of each approved geotechnical report, including the mitigation measures, if any, that are to be taken, to the State Geologist within 30 days of its approval of the report.

State publications supporting the requirements of the Seismic Hazards Mapping Act include the California Geological Survey Special Publications 117a Guidelines for Evaluating and Mitigating Seismic Hazards in California. The objectives of these Guidelines are to assist in the evaluation and mitigation of earthquake-related hazards for projects within designated zones of required investigations and to promote uniform and effective statewide implementation of the evaluation and mitigation elements of the Seismic Hazards Mapping Act.

(2) City of Los Angeles

(a) Los Angeles General Plan Safety Element

The City's General Plan Safety Element, which was adopted in 1996, addresses public safety risks due to natural disasters including seismic events and geologic conditions, and sets forth guidance for emergency response during such disasters. The Safety Element also provides maps of designated areas within the City that are considered susceptible to earthquake-induced hazards such as fault rupture and liquefaction.

(b) Los Angeles Emergency Operations Organization

The City of Los Angeles Emergency Operations Organization (EOO) is an operational department of the City of Los Angeles responsible for the City's emergency preparations (e.g., planning, training and mitigation), response, and recovery operations. The EOO comprises all agencies of the City's government. The EOO centralizes command and information coordination to enable a unified chain-of-command to operate efficiently and effectively in managing the City's resources.

⁴² If the city or county finds that no undue seismic hazard exists, based on information resulting from studies conducted on sites in the immediate vicinity of the project and of similar soil composition to the project site, the geotechnical report may be waived.

(c) Los Angeles Municipal Code

Earthwork activities, including grading, are governed by the Los Angeles Building Code, which is contained in LAMC, Chapter IX, Article 1. Specifically, Section 91.7006.7 includes requirements regarding import and export of material; Section 91.7010 includes regulations pertaining to excavations; Section 91.7011 includes requirements for fill materials; Section 91.7013 includes regulations pertaining to erosion control and drainage devices; Section 91.7014 includes general construction requirements as well as requirements regarding flood and mudflow protection; and Section 91.7016 includes regulations for areas that are subject to slides and unstable soils. Additionally, the Los Angeles Building Code includes specific requirements addressing seismic design, grading, foundation design, geologic investigations and reports, soil and rock testing, and groundwater. The Los Angeles Building Code incorporates by reference the CBC, with City amendments for additional requirements. The City Department of Building and Safety is responsible for implementing the provisions of the Los Angeles Building Code.

H.1 Hydrology and Surface Water Quality

(1) Federal

(a) Clean Water Act

The Clean Water Act (CWA) was first introduced in 1948 as the Water Pollution Control Act. The CWA authorizes Federal, state, and local entities to cooperatively create comprehensive programs for eliminating or reducing the pollution of state waters and tributaries. The primary goals of the CWA are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. As such, the CWA forms the basic national framework for the management of water quality and the control of pollutant discharges. The CWA also sets forth a number of objectives in order to achieve the above-mentioned goals. These objectives include regulating pollutant and toxic pollutant discharges; providing for water quality that protects and fosters the propagation of fish, shellfish and wildlife; developing waste treatment management plans; and developing and implementing programs for the control of non-point sources of pollution.⁴³

Since its introduction, major amendments to the CWA have been enacted (e.g., 1961, 1966, 1970, 1972, 1977, and 1987). Amendments enacted in 1970 created the

⁴³ *Non-point sources of pollution are carried through the environment via elements such as wind, rain, or stormwater and are generated by diffuse land use activities (such as runoff from streets and sidewalks or agricultural activities) rather than from an identifiable or discrete facility.*

United States Environmental Protection Agency (USEPA), while amendments enacted in 1972 deemed the discharge of pollutants into waters of the United States from any point source unlawful unless authorized by a USEPA National Pollutant Discharge Elimination System (NPDES) permit. Amendments enacted in 1977 mandated development of a Best Management Practices (BMPs) Program at the state level. Amendments enacted in 1987 required the USEPA to create specific requirements for discharges.

In response to the 1987 amendments to the CWA and as part of Phase I of its NPDES permit program, the USEPA began requiring NPDES permits for: (1) municipal separate storm sewer systems (MS4) generally serving, or located in, incorporated cities with 100,000 or more people (referred to as municipal permits); (2) eleven specific categories of industrial activity (including landfills); and (3) construction activity that disturbs 5 acres or more of land. Phase II of the USEPA's NPDES permit program, which went into effect in early 2003, extended the requirements for NPDES permits to: (1) numerous small municipal separate storm sewer systems,⁴⁴ (2) construction sites of 1 to 5 acres, and (3) industrial facilities owned or operated by small municipal separate storm sewer systems. The NPDES permit program is typically administered by individual authorized states.

In 2008, the USEPA published draft Effluent Limitation Guidelines (ELGs) for the construction and development industry. On December 1, 2009, the USEPA finalized its 2008 Effluent Guidelines Program Plan.

In California, the NPDES stormwater permitting program is administered by the State Water Resources Control Board (SWRCB). The SWRCB was created by the Legislature in 1967. The joint authority of water distribution and water quality protection allows the Board to provide protection for the State's waters, through its nine Regional Water Quality Control Boards (RWQCBs). The RWQCBs develop and enforce water quality objectives and implement plans that will best protect California's waters, acknowledging areas of different climate, topography, geology, and hydrology. The RWQCBs develop "basin plans" for their hydrologic areas, issue waste discharge requirements, enforce action against stormwater discharge violators, and monitor water quality.⁴⁵

⁴⁴ A small municipal separate storm sewer system (MS4) is any MS4 not already covered by the Phase I program as a medium or large MS4. The Phase II Rule automatically covers on a nationwide basis all small MS4s located in "urbanized areas" as defined by the Bureau of the Census (unless waived by the NPDES permitting authority), and on a case-by-case basis those small MS4s located outside of urbanized areas that the NPDES permitting authority designates.

⁴⁵ USEPA. Clean Water Act, www.epa.gov/lawsregs/laws/cwa.html, accessed July 2011.

In addition to regulating non-stormwater discharges, the CWA sets forth water quality standards and criteria based on a water body's designated beneficial uses. Section 305(b) of the CWA requires preparation of a 303(d) list (list of water quality limited or impaired water bodies). This list identifies those water bodies that are not achieving water quality standards or receiving beneficial uses and for what pollutants. Once a water body is identified as impaired, a Total Maximum Daily Load (TMDL) for the constituent of concern (pollutant) must be developed for that water body. A TMDL specifies the maximum amount of a pollutant that a water body can receive and still meet water quality standards. Those facilities and activities that are discharging into the water body, collectively, must not exceed the TMDL. The USEPA oversees the 303(d) program and either the USEPA or the State Water Board establishes the TMDL schedule for individual constituents.

(b) Federal Antidegradation Policy

The Federal Antidegradation Policy requires states to develop statewide anti-degradation policies and identify methods for implementing them. See 40 Code of Federal Regulations (CFR) 131.12. Pursuant to the CFR, state anti-degradation policies and implementation methods shall, at a minimum, protect and maintain: (1) existing in-stream water uses; (2) existing water quality, where the quality of the waters exceeds levels necessary to support existing beneficial uses, unless the state finds that allowing lower water quality is necessary to accommodate economic and social development in the area; and (3) water quality in waters considered an outstanding national resource.

(2) State and Regional

(a) Porter-Cologne Water Quality Act (California Water Code)

The Porter-Cologne Water Quality Control Act established the legal and regulatory framework for California's water quality control. The California Water Code (CWC) authorizes the SWRCB to implement the provisions of the Clean Water Act, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants.

Under the CWC, the State of California is divided into nine RWQCBs, governing the implementation and enforcement of the CWC and CWA. The Project Site is located within Region 4, also known as the Los Angeles Region. Each RWQCB is required to formulate and adopt a Basin Plan for its region. This Plan must adhere to the policies set forth in the CWC and established by the SWRCB. The RWQCB is also given authority to include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

(b) California Antidegradation Policy

The California Antidegradation Policy, otherwise known as the *Statement of Policy with Respect to Maintaining High Quality Water in California* was adopted by the SWRCB (State Board Resolution No. 68-16) in 1968. Unlike the Federal Antidegradation Policy, the California Antidegradation Policy applies to all waters of the State, not just surface waters. The policy states that whenever the existing quality of a water body is better than the quality established in individual Basin Plans, such high quality shall be maintained and discharges to that water body shall not unreasonably affect present or anticipated beneficial use of such water resource.

(c) California Toxics Rule

In 2000, the USEPA promulgated the California Toxics Rule, which establishes water quality criteria for certain toxic substances to be applied to waters in the State. The USEPA promulgated this rule based on the USEPA's determination that the numeric criteria are necessary in the State to protect human health and the environment. The California Toxics Rule establishes acute (i.e., short-term) and chronic (i.e., long-term) standards for bodies of water such as inland surface waters and enclosed bays and estuaries that are designated by the Los Angeles RWQCB (LARWQCB) as having beneficial uses protective of aquatic life or human health such as the Ballona Creek.

(d) Board Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties

As required by the California Water Code, the LARWQCB has adopted a plan entitled "Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties" (Basin Plan). Specifically, the Basin Plan designates beneficial uses for surface waters and groundwater, sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's Anti-Degradation Policy, and describes implementation programs to protect all waters in the Los Angeles Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. Those of other agencies are referenced in appropriate sections throughout the Basin Plan.⁴⁶ The Basin Plan is a resource for the RWQCB and others who use water and/or discharge wastewater in the Los Angeles Region. Other agencies and organizations involved in environmental

⁴⁶ LARWQCB. *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/, accessed October 14, 2011.

permitting and resource management activities also use the Basin Plan. The Basin Plan also provides valuable information to the public about local water quality issues.

(e) Ballona Creek Watershed Management Master Plan

The Ballona Creek Watershed Management Master Plan is an outgrowth of the efforts of the Ballona Creek Watershed Task Force, a stakeholder group formed in 2001 by the Los Angeles County Department of Public Works, the Santa Monica Bay Restoration Commission, the City of Los Angeles, and Ballona Creek Renaissance to collectively set forth a strategy to develop pollution control and habitat restoration actions that could achieve an ecologically healthy watershed. The plan provides an assessment of existing environmental conditions, establishes goals and objectives to achieve an ecologically healthy watershed, identifies methods to achieve specific water quality improvements, recognizes opportunities for habitat restoration, develops a community-based watershed monitoring plan, and identifies existing and future funding sources for plan implementation. With regard to individual development projects, the plan calls for implementation of BMPs to reduce contaminants in dry weather flows and stormwater flows and to reduce the volume of stormwater flows.

(f) National Pollutant Discharge Elimination System Permit Program

The NPDES permit program was first established under authority of the CWA to control the discharge of pollutants from any point source into the waters of the United States. As discussed above, in California, the NPDES stormwater permitting program is administered by the SWRCB through its nine RWQCBs.

SWRCB Order No. 2009-0009-DWQ known as “The General Permit” was adopted on September 2, 2009. This NPDES permit establishes a risk-based approach to stormwater control requirements for construction projects by identifying three project risk levels. The main objectives of the General Permit are to:

1. Reduce erosion;
2. Minimize or eliminate sediment in stormwater discharges;
3. Prevent materials used at a construction site from contacting stormwater;
4. Implement a sampling and analysis program;
5. Eliminate unauthorized non-stormwater discharges from construction sites;
6. Implement appropriate measures to reduce potential impacts on waterways both during and after construction of projects; and

7. Establish maintenance commitments on post-construction pollution control measures.

California mandates requirements for all construction activities disturbing more than 1 acre of land to develop and implement a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP documents the selection and implementation of Best Management Practices for a specific construction project, charging Owners with stormwater quality management responsibilities. A construction site subject to the General Permit must prepare and implement a SWPPP that meets the requirements of the General Permit.^{47,48}

As discussed above, in response to the 1987 amendments to the CWA and as part of Phase I of its NPDES permit program, the USEPA began requiring NPDES permits for municipal separate storm sewer systems (MS4) generally serving, or located in, incorporated cities with 100,000 or more people (referred to as municipal permits). USEPA regulations require that MS4 permittees implement a program to monitor and control pollutants being discharged to the municipal system from both industrial and commercial projects that contribute a substantial pollutant load to the MS4.

On December 13, 2001, the LARWQCB adopted Order No. 01-182 under the CWA and the Porter-Cologne Act. This Order is the NPDES Permit or MS4 permit for municipal stormwater and urban runoff discharges within Los Angeles County. The requirements of this Order (the "Permit") cover 84 cities and most of the unincorporated areas of Los Angeles County. Under the Permit, the Los Angeles County Flood Control District (LACFCD) is designated as the Principal Permittee. The Permittees are the 84 Los Angeles County cities (including the City of Los Angeles) and Los Angeles County. Collectively, these are the "Co-Permittees." The Principal Permittee helps to facilitate activities necessary to comply with the requirements outlined in the Permit but is not responsible for ensuring compliance of any of the Permittees.

In compliance with the Los Angeles County MS4 Permit, the Co-permittees are required to implement a stormwater quality management program (SQMP) with the goal of accomplishing the requirements of the Permit and reducing the amount of pollutants in stormwater runoff. The SWQMP requires the County of Los Angeles and the 84 incorporated cities to:

⁴⁷ SWRCB. NPDES, www.swrcb.ca.gov/water_issues/programs/npdes/, accessed July 2011.

⁴⁸ USEPA. NPDES, <http://cfpub.epa.gov/npdes/>, accessed July 2011.

- Implement a public information and participation program to conduct outreach on stormwater pollution;
- Control discharges at commercial/industrial facilities through tracking, inspecting, and ensuring compliance at facilities that are critical sources of pollutants;
- Implement a development planning program for specified development projects;
- Implement a program to control construction runoff from construction activity at all construction sites within the relevant jurisdictions;
- Implement a public agency activities program to minimize stormwater pollution impacts from public agency activities; and
- Implement a program to document, track, and report illicit connections and discharges to the storm drain system.

The MS4 Permit contains the following provisions for implementation of the SQMP by the Co-permittees:

1. General Requirements:

- Each Permittee is required to implement the SQMP in order to comply with applicable stormwater program requirements.
- The SQMP shall be implemented and each Permittee shall implement additional controls so that discharge of pollutants is reduced.

2. Best Management Practice Implementation:

- Permittees are required to implement the most effective combination of BMPs for stormwater/urban runoff pollution control. This should result in the reduction of stormwater runoff.

3. Revision of the SQMP:

- Permittees are required to revise the SQMP in order to comply with requirements of the RWQCB while complying with regional watershed requirements and/or waste load allocations for implementation of TMDLs for impaired waterbodies.

4. Designation and Responsibilities of the Principal Permittee—The Los Angeles County Flood Control District is designated as the Principal Permittee who is responsible for:

- Coordinating activities that comply with requirements outlined in the NPDES Permit;
 - Coordinating activities among Permittees;
 - Providing personnel and fiscal resources for necessary updates to the SQMP;
 - Providing technical support for committees required to implement the SQMP; and
 - Implementing the Countywide Monitoring Program required under this Order and assessing the results of the monitoring program.
5. Responsibilities of Co-Permittees—Each co-permittee is required to comply with the requirements of the SQMP as applicable to the discharges within its geographical boundaries. These requirements include:
- Coordinating among internal departments to facilitate the implementation of the SQMP requirements in an efficient way;
 - Participating in coordination with other internal agencies as necessary to successfully implement the requirements of the SQMP; and
 - Preparing an annual Budget Summary of expenditures for the stormwater management program by providing an estimated breakdown of expenditures for different areas of concern, including budget projections for the following year.
6. Watershed Management Committees (WMCs):
- Each WMC shall be comprised of a voting representative from each Permittee in the WMA.
 - Each WMCs is required to facilitate exchange of information between co-permittees, establish goals and deadlines for WMAs, prioritize pollution control measures, develop and update adequate information, and recommend appropriate revisions to the SQMP.
7. Legal Authority:
- Co-permittees are granted the legal authority to prohibit non-stormwater discharges to the storm drain system including discharge to the MS4 from various development types.

Under the Los Angeles County Municipal NPDES Permit, Permittees are required to implement a development planning program to address stormwater pollution. These programs require project applicants for certain types of projects to implement Standard

Urban Stormwater Mitigation Plans (SUSMP) throughout the operational life of their projects. The purpose of SUSMP is to reduce the discharge of pollutants in stormwater by outlining BMPs which must be incorporated into the design plans of new development and redevelopment. A project is subject to SUSMP if it falls under one of the categories listed below:

1. Single-family hillside homes;
2. Ten or more unit homes (including single family homes, multifamily homes, condominiums, and apartments);
3. Automotive service facilities;
4. Restaurants;
5. 100,000 or more square feet of impervious surface in industrial/commercial development;
6. Retail gasoline outlet;
7. Parking lots with 5,000 square feet or more of surface area or with 25 or more parking spaces;
8. Redevelopment projects in subject categories that meet redevelopment thresholds; and
9. Location within or directly adjacent to or discharging directly to an environmentally sensitive area if the discharge is likely to impact a sensitive biological species or habitat and the development creates 2,500 square feet or more of impervious surface.

Permittees are required to adopt the requirements set forth herein in their own SUSMP. Additional BMPs may be required by ordinance or code adopted by the Permittee and applied in a general way to all projects or on a case by case basis.

(g) County of Los Angeles Hydrology Manual

The Project Site is located within the City of Los Angeles; drainage collection, treatment, and conveyance of surface water are regulated by the City. Per the City's Special Order No. 007-1299, December 3, 1999, the City has adopted the Los Angeles County Department of Public Works Hydrology Manual as its basis of design for storm drainage facilities. The Los Angeles County Department of Public Works' Hydrology Manual requires projects to have drainage facilities to meet the Urban Flood level of protection, which is defined as runoff from a 25-year frequency storm falling on a saturated

watershed. A 25-year frequency design storm has a probability of 1/25 of being equaled or exceeded in any year.

(3) Local

(a) City of Los Angeles Water Quality Compliance Master Plan for Urban Runoff

On March 2, 2007, City Council Motion 07-0663 was introduced by the City of Los Angeles City Council to develop a water quality master plan with strategic directions for planning, budgeting and funding to reduce pollution from urban runoff in the City of Los Angeles. The Water Quality Compliance Master Plan for Urban Runoff was developed by the Bureau of Sanitation, Watershed Protection Division in collaboration with stakeholders to address the requirements of this Council Motion. The primary goal of the Water Quality Compliance Master Plan for Urban Runoff is to help meet water quality regulations. Implementation of the Water Quality Compliance Master Plan for Urban Runoff is intended over the next 20 to 30 years to result in cleaner neighborhoods, rivers, lakes, and bays, augmented local water supply, reduced flood risk, more open space, and beaches that are safe for swimming.

The Water Quality Compliance Master Plan for Urban Runoff identifies and describes the various watersheds in the City, summarizes the water quality conditions of the City's waters, identifies known sources of pollutants, describes the governing regulations for water quality, describes the BMPs that are being implemented by the City and discusses existing TMDL Implementation Plans and Watershed Management Plans. Additionally, the Water Quality Compliance Master Plan for Urban Runoff provides an implementation strategy that includes the following three initiatives to achieve water quality goals:

- Water Quality Management Initiative, which describes how Water Quality Management Plans for each of the City's watershed and TMDL-specific Implementation Plans will be developed to ensure compliance with water quality regulations.
- The Citywide Collaboration Initiative, which recognizes that urban runoff collaborations of many City agencies. This initiative requires the development of City policies, guidelines, and ordinances for green and sustainable approaches for urban runoff management.
- The Outreach Initiative, which promotes public education and community engagement with a focus on preventing urban runoff pollution.

The Water Quality Compliance Master Plan for Urban Runoff includes a financial plan that provides a review of current sources of revenue, estimates costs for water quality compliance, and identifies new potential sources of revenue.

(b) City of Los Angeles Proposition O

On November 2, 2004, City of Los Angeles voters passed Proposition O. The \$500 million bond authorizes the City to fund projects that protect public health, capture stormwater for reuse and meet CWA requirements through removal and prevention of pollutants entering regional waterways. A number of projects targeted at improving water quality have been authorized using Proposition O funds, including but not limited to: the Temescal Canyon Park Stormwater BMP; Los Angeles Zoo Parking Lot; the Westchester Stormwater BMP; Echo Park Lake Rehabilitation Project; and the Hansen Dam Recreational Area Parking Lot and Wetlands Restoration.⁴⁹

In addition, Proposition O funds were used for the Catch Basin Screen Cover and Insert Project, which provided for the installation of catch basin inserts and screen covers throughout the City beginning in 2005 with completion on September 30, 2007 (Phase I and Phase II). Phase III began in the spring of 2008 and will retrofit approximately 34,000 remaining catch basins with opening screen covers.⁵⁰

(c) City of Los Angeles Stormwater Program

The City of Los Angeles supports the policies of the Construction General Permit through the *Development Best Management Practices Handbook, Part A Construction Activities*, 3rd Edition, and associated ordinances which the City of Los Angeles adopted in September 2004. The handbook and ordinances also have specific minimum BMP requirements for all construction activities and require dischargers whose construction projects disturb 1 acre or more of soil to prepare a SWPPP and file a Notice of Intent (NOI) with the SWRCB. The NOI informs the SWRCB of a particular project and results in the issuance of a Waste Discharger Identification number, which is needed to demonstrate compliance with the General Permit.

The City of Los Angeles supports the requirements of the Los Angeles County Municipal NPDES permit through the City of Los Angeles' *Development Best Management*

⁴⁹ City of Los Angeles Stormwater Program, Proposition O, www.lapropo.org/index.htm, accessed August 4, 2009.

⁵⁰ City of Los Angeles Stormwater Program, What's New, www.lapropo.org/sitefiles/news.htm, accessed October 18, 2011.

Practices Handbook, Part B Planning Activities, 3rd Edition, which the City of Los Angeles adopted in June 2004. The Handbook provides guidance for developers in complying with the requirements of the Development Planning Program regulations of the City's Stormwater Program. Compliance with the requirements of this manual is required by City of Los Angeles Ordinance No. 173,494.

The City of Los Angeles implements the requirement to incorporate stormwater BMPs into the SUSMP through the City's plan review and approval process. During the review process, project plans are reviewed for compliance with the City's General Plans, zoning ordinances, and other applicable local ordinances and codes, including stormwater requirements. Plans and specifications are reviewed to ensure that the appropriate BMPs are incorporated to address stormwater pollution prevention goals. The SUSMP provisions that are applicable to new commercial developments include, but are not limited to, the following:⁵¹

- Peak Storm Water Runoff Discharge Rate: Post-development peak stormwater runoff discharge rates shall not exceed the estimated pre-development rate for developments where the increased peak stormwater discharge rate will result in increased potential for downstream erosion;
- Provide storm drain system Stenciling and Signage (only applicable if a catch basin is built on-site);
- Properly design outdoor material storage areas to provide secondary containment to prevent spills;
- Properly design trash storage areas to prevent off-site transport of trash;
- Provide proof of ongoing BMP Maintenance of any structural BMPs installed;
- Design Standards for Structural or Treatment control BMPs:
 - Conserve natural and landscaped areas;
 - Provide planter boxes and/or landscaped areas in yard/courtyard spaces;
 - Properly design trash storage areas to provide screens or walls to prevent off-site transport of trash;

⁵¹ *City of Los Angeles Stormwater Program. SUSMP Requirements for Industrial/Commercial Development, www.lastormwater.org/siteorg/businesses/susmp/industrial.htm, accessed October 18, 2011.*

- Provide proof on ongoing BMP maintenance of any structural BMPs installed;
- Post-construction treatment control BMPs are required to incorporate, at minimum, either a volumetric or flow based treatment control design or both, to mitigate (infiltrate, filter or treat) stormwater runoff.

In addition, project applicants subject to the SUSMP requirements must select source control and, in most cases, treatment control BMPs from the list approved by the RWQCB. The BMPs must control peak flow discharge to provide stream channel and overbank flood protection, based on flow design criteria selected by the local agency. Further, the source and treatment control BMPs must be sufficiently designed and constructed to collectively treat, infiltrate, or filter stormwater runoff from one of the following:

- The 85th-percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998);
- The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook—Industrial/Commercial, (1993);
- The volume of runoff produced from a 0.75-inch storm event, prior to its discharge to a stormwater conveyance system; or
- The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” (0.75-inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

Per the City’s SUSMP Infiltration Requirements and Guidelines, the order of preference specified below shall be followed in determining the appropriate type of SUSMP improvement for the Project Site:

1. Infiltration Systems (Design based on the volume of stormwater);
2. Bio-Filtration/Retention Systems (Design based on flow of stormwater);
3. Storm Water Capture and Re-Use (Optional, subject to County Health Department approval);
4. Mechanical/Hydrodynamic Units; and

5. Combination of Any of the Above.

(d) Los Angeles Municipal Code

Earthwork activities, including grading, are governed by the Los Angeles Building Code, which is contained in LAMC, Chapter IX, Article 1. Section 64.70 of the LAMC sets forth the City's Stormwater and Urban Runoff Pollution Control Ordinance. The ordinance prohibits the discharge of the following into any storm drain system:

- Any liquids, solids, or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive, or radioactive, or by interaction with other materials could result in fire, explosion, or injury.
- Any solid or viscous materials, which could cause obstruction to the flow or operation of the storm drain system.
- Any pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance.
- Any noxious or malodorous liquid, gas, or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life, or inhibits authorized entry of any person into the storm drain system.
- Any medical, infectious, toxic, or hazardous material or waste.

Additionally, unless otherwise permitted by a NPDES permit, the ordinance prohibits industrial and commercial developments from discharging untreated wastewater or untreated runoff into the storm drain system. Furthermore, the ordinance prohibits trash or any other abandoned objects/materials from being deposited such that they could be carried into the storm drains. Lastly, the ordinance not only makes it a crime to discharge pollutants into the storm drain system and imposes fines on violators, but also gives City public officers the authority to issue citations or arrest business owners or residents who deliberately and knowingly dump or discharge hazardous chemicals or debris into the storm drain system.

Any proposed drainage improvements within the street right of way or any other property owned by, to be owned by, or under the control of the City requires the approval of a B-permit (LAMC Section 62.105). Under the B-permit process, storm drain installation plans are subject to review and approval by the City of Los Angeles Department of Public Works Bureau of Engineering. Additionally, any connections to the City's storm drain system from a property line to a catch basin or a storm drain pipe requires a storm drain permit from the City of Los Angeles Department of Public Works, Bureau of Engineering.

(e) Low Impact Development

In October 2011, the City of Los Angeles passed an ordinance (Ordinance No. 181899) amending City of Los Angeles Municipal Code Chapter VI, Article 4.4, Sections 64.70.01 and 64.72 to expand the applicability of the existing SUSMP requirements by imposing rainwater Low Impact Development (LID) strategies on projects that require building permits. LID is a stormwater management strategy with goals to mitigate the impacts of increased runoff and stormwater pollution as close to its source as possible. LID promotes the use of natural infiltration systems, evapotranspiration, and reuse of stormwater. The goal of these LID practices is to remove nutrients, bacteria, and metals from stormwater while also reducing the quantity and intensity of stormwater flows. Through the use of various infiltration strategies, LID is aimed at minimizing impervious surface area. Where infiltration is not feasible, the use of bioretention, rain gardens, green roofs, and rain barrels that will store, evaporate, detain, and/or treat runoff may be used. LID prioritizes the selection of BMPs used for a project in the following order:

1. Infiltration Systems;
2. Stormwater Capture and Use;
3. High Efficiency Biofiltration/Bioretention Systems; or
4. Combination of any of the above.⁵²

The intent of the City of Los Angeles LID standards is to:

- Require the use of LID standards and practices in future developments and redevelopments to encourage the beneficial use of rainwater and urban runoff;
- Reduce stormwater/urban runoff while improving water quality;
- Promote rainwater harvesting;
- Reduce offsite runoff while providing increased groundwater recharge;
- Reduce erosion and hydrologic impacts downstream; and
- Enhance the recreational and aesthetic values in our communities.

⁵² City of Los Angeles. "Low Impact Development Best Management Practices Handbook." June 2011.

H.2 Water Resources—Groundwater

(1) Federal Regulations

(a) Clean Water Act

As discussed in Section IV.H.1, Hydrology and Surface Water Quality, of this Draft EIR, the United States Environmental Protection Agency (USEPA) regulates water quality under the Clean Water Act (CWA). The primary goals of the CWA are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. As such, the CWA forms the basic national framework for the management of water quality and the control of pollutant discharges. The CWA also sets forth a number of objectives in order to achieve the above-mentioned goals. These objectives include regulating pollutant and toxic pollutant discharges; providing for water quality that protects and fosters the propagation of fish, shellfish and wildlife; developing waste treatment management plans; and developing and implementing programs for the control of non-point source (NPS) pollution.⁵³ Although these goals and objectives set forth by the CWA primarily target surface water conditions, these goals and objectives also address the protection of groundwater resources. Similarly, the National Pollutant Discharge Elimination System (NPDES) permit requirements set forth by the CWA also help to promote groundwater quality.

(b) Safe Drinking Water Act

The Federal Safe Drinking Water Act (SDWA), established in 1974, sets drinking water standards throughout the country and is administered by the USEPA. The drinking water standards established in the SDWA, as set forth in the Code of Federal Regulations (CFR), are referred to as the National Primary Drinking Water Regulations (Primary Standards, Title 40, CFR Part 141) and the National Secondary Drinking Water Regulations (Second Standards, 40 CFR Part 143). California also passed its own Safe Drinking Water Act in 1986 that authorizes the State's Department of Health Services (DHS) to protect the public from contaminants in drinking water by establishing maximum contaminants levels (MCLs), as set forth in the CCR, Title 22, Division 4, Chapter 15, that are at least as stringent as those developed by the USEPA.

⁵³ *Non-point sources of pollution are carried through the environment via elements such as wind, rain, or stormwater and are generated by diffuse land use activities (such as runoff from streets and sidewalks or agricultural activities) rather than from an identifiable or discrete facility.*

(2) State and Regional Regulations

(a) Porter-Cologne Water Quality Control Act (California Water Code)

The Porter-Cologne Water Quality Control Act established the legal and regulatory framework for California's water quality control. The California Water Code authorizes the State Water Resources Control Board (SWRCB) to implement the provisions of the CWA, including the authority to regulate waste disposal and require cleanup of discharges of hazardous materials and other pollutants.

Under the CWC, the State of California is divided into nine Regional Water Quality Control Boards (RWQCB) governing the implementation and enforcement of the CWC and CWA. The Project Site is located within Region 4, also known as the Los Angeles Region. Each RWQCB is required to formulate and adopt a Basin Plan for its region. This Plan must adhere to the policies set forth in the CWC and established by the SWRCB. The RWQCB is also given authority to include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

(b) California Water Plan

The California Water Plan (Water Plan) provides a framework for water managers, legislators, and the public to consider options and make decisions regarding California's water future. The Water Plan, which is updated every five years, presents basic data and information on California's water resources including water supply evaluations and assessments of agricultural, urban, and environmental water uses to quantify the gap between water supplies and uses. The Water Plan also identifies and evaluates existing and proposed statewide demand management and water supply augmentation programs and projects to address the State's water needs. The goal for the Water Plan Update is to meet CWC requirements, receive broad support among those participating in California's water planning, and be a useful document for the public, water planners throughout the state, legislators and other decision-makers. Recent legislation relating to the Water Plan includes SB 1341 (Burton), SB 672 (Machado), SB 1062 (Poochigian), AB 2587 (Mathews), and Porter-Cologne Water Quality Control Act. This legislation addresses making public all assumptions and estimates, reporting regarding regional and local water projects, formulating strategies and an advisory committee for Water Plan, and the consideration of scenarios that include substantial continued agricultural production.

(c) Board Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties

As required by the CWC, the LARWQCB has adopted a plan entitled "Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles

and Ventura Counties” (Basin Plan). Specifically, the Basin Plan designates beneficial uses for surface waters and groundwater, sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State's Anti-degradation Policy, and describes implementation programs to protect all waters in the Los Angeles Region. In addition, the Basin Plan incorporates (by reference) all applicable State and Regional Board plans and policies and other pertinent water quality policies and regulations. Those of other agencies are referenced in appropriate sections throughout the Basin Plan.⁵⁴ The Basin Plan is a resource for the LARWQCB and others who use water and/or discharge wastewater in the Los Angeles Region. Other agencies and organizations involved in environmental permitting and resource management activities also use the Basin Plan. The Basin Plan also provides valuable information to the public about local water quality issues.

(d) Water Master Service for the Central Basin

The Project Site is underlain by the Los Angeles Coastal Plain's Central Subbasin (“Central Basin”). Groundwater rights in the Central Basin are adjudicated. In 1965, the Superior Court of Los Angeles County appointed the California Department of Water Resources (DWR) as the Watermaster for the Central Basin. Every groundwater pumper reports its extractions each month to the Watermaster, who computes the amount pumped thus far in the current fiscal year and the amount that can legally be pumped during the remainder of the fiscal year. An updated copy of its account is provided to each pumper every month. At the end of the year, the Watermaster prepares an annual report for the court. To ensure that meter readings are accurate, the Watermaster field staff tests the accuracy of the water meter on every active well at least once every two years. Follow-up tests on repaired meters and initial tests on new meters are scheduled whenever necessary.

(e) Water Replenishment District of Southern California

The Water Replenishment District of Southern California (WRD) was formed by special election in 1959 for the purpose of protecting the groundwater resources of the Central and West Coast groundwater basins in Southern Los Angeles County. The WRD manages groundwater for nearly four million residents in 43 cities through clean water projects and water supply programs. The 420-square-mile service area uses approximately 250,000 acre-feet of groundwater per year. WRD programs include the

⁵⁴ LARWQCB. *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*, www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/, accessed October 14, 2011.

preparation of annual Engineering Survey and Report for hydrogeology in the Central and West Coast Basins, Spreading Grounds, Regional Groundwater Monitoring, Replenishment Operations, Safe Drinking Water Program for the treatment of contaminated groundwater, and Seawater Barrier Improvements.

(3) Local Regulations

(a) *Low Impact Development (LID)*

In October 2011, the City of Los Angeles adopted a Low Impact Development (LID) Ordinance amending Chapter VI Article 4.4 Section 64.70.01 and 64.72 of the Los Angeles Municipal Code. As discussed further in Section IV.H.1, Hydrology and Surface Water Quality, of this Draft EIR, the City of Los Angeles LID Ordinance is a stormwater management strategy with goals to mitigate the impacts of increased runoff and stormwater pollution as close to its source as possible. For a more detailed discussion of the LID Ordinance, see Section H.1(3)(e), Hydrology and Surface Water Quality of this Appendix, above.

I.1 Cultural Resources—Historical Resources

Historical resources fall within the jurisdiction of several levels of government. The framework for the identification and, in certain instances, protection of historic resources is established at the Federal level, while the identification, documentation, and protection of such resources are often undertaken by state and local governments. As described below, the principle federal, State, and local laws governing and influencing the preservation of historic resources of national, State, regional, and local significance include the National Historic Preservation Act of 1966, as amended; the California Environmental Quality Act (CEQA); the California Register of Historical Resources; and the City of Los Angeles Cultural Heritage Ordinance (Los Angeles Administrative Code, Section 22.130).

(1) National Register of Historic Places

The National Register of Historic Places (National Register) is the nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, as amended, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the country's historic and archaeological resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. The National Register is administered by the National Park Service. Currently there are more than 75,000 listings that make up the National Register, including all historic areas in the National Park System,

over 2,300 National Historic Landmarks, and properties which have been listed because they are significant to the nation, a state or a community.⁵⁵

As stated in 36 Code of Federal Regulations (CFR) §60.4, in order to be considered for listing in the National Register, a resource must meet the criteria for evaluation:

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting any or all of the criteria listed above, a property nominated for listing on the Historic Register must possess historic integrity. Historic integrity is defined as “the ability of a property to convey its significance”⁵⁶ and as “the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period.”⁵⁷ The National Register recognizes seven aspects or qualities that comprise integrity: location, design, setting, materials, workmanship, feeling, and association. These qualities are defined as follows:

- *Location* is the place where the historic property was constructed or the place where the historic event occurred.

⁵⁵ Website www.cr.nps.gov/places.htm.

⁵⁶ *National Register Bulletin 15. How to apply the National Register Criteria for Evaluation.* Washington D.C.: National Park Service, U.S. Department of the Interior, 1997, p. 44.

⁵⁷ *National Register Bulletin 16. How to complete the National Registration Form.* Washington D.C.: National Park Service, U.S. Department of the Interior, 1997, p. 4.

- *Design* is the combination of elements that create the form, plan, space, structure, and style of a property.
- *Setting* is the physical environment of a historic property.
- *Materials* are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- *Feeling* is a property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property.

Evaluation of integrity may be a somewhat subjective judgment; however, it must be founded on “an understanding of a property’s physical features and how they relate to its significance.”⁵⁸ While integrity is important in evaluating and determining significance, a property’s physical condition, whether it is in a deteriorated or pristine state, has relatively little influence on its significance. A property that is in good condition may lack the requisite level of integrity to convey its significance due to alterations or other factors. Likewise, a property in extremely poor condition may still retain substantial integrity from its period of significance and clearly convey its significance.

The National Register has provisions for evaluating certain kinds of properties not usually considered for listing in the National Register, such as those that have achieved significance within the past 50 years. These properties can be eligible for listing if they meet special requirements, called Criteria Considerations, in addition to meeting the regular requirements which are, being eligible under one or more of the four Criteria and possessing integrity.⁵⁹ One of the Criteria Considerations, Criteria Consideration G, is

⁵⁸ *National Park Service, Department of the Interior How to Apply the National Register Criteria for Evaluation (Washington, DC 1998) 44.*

⁵⁹ *Part VII of National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation provides guidelines for determining which properties must meet these special requirements and for applying each Criteria Consideration. More thoroughly detailed information regarding the application of Criteria Consideration G is offered in a bulletin specifically dedicated to this kind of property; see National Park Service, National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Last Fifty Years (Washington D.C.: National Park Service, undated).*

specifically designed for properties that have achieved significance in the past 50 years and that it is important to properly identify and recognize them prior to their reaching the usual 50 year cut-off for eligibility. For properties that have achieved significance within the last 50 years, National Register guidance states:

Justifying the importance of properties that have achieved significance in the last fifty years...*The rationale or justification for exceptional importance should be an explicit part of the statement of significance. It should not be treated as self-explanatory...*It must discuss the context used for evaluating the property. It must demonstrate that the context and the resources associated with it can be judged to be “historic.” It must document the existence of sufficient research or evidence to permit a dispassionate evaluation of the resource.⁶⁰ (Emphasis theirs).

(2) State Level

(a) California Register of Historical Resources

The California Register of Historical Resources (California Register) is very similar to the National Register of Historic Places program. The California Register was enacted in 1992, and its regulations became official January 1, 1998. The California Register is administered by the Office of Historic Preservation (OHP).

The California Register was established to serve as an authoritative guide to the state’s significant historical and archaeological resources (Public Resources Code Section 5024.1). State law provides that in order for a property to be considered eligible for listing in the California Register, it must be significant under any of the following four criteria (which parallel National Register criteria):

5. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
6. Is associated with the lives of persons important in our past.
7. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values.

⁶⁰ National Park Service, *National Register Bulletin 22: Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Last Fifty Years* (Washington D.C.: National Park Service, undated), 9.

8. Has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, a historic resource eligible for listing in the California Register must meet one or more of the criteria of significance described above and retain enough of its historic character or appearance to be recognizable as a historic resource and to convey the reasons for its significance. As described above, integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. The resource must also be judged with reference to the particular criteria under which it is proposed for eligibility. California Register regulations contained in Title 14, California Code of Regulations, Chapter 11.5 provide in Section 4852 (c) that “it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register.” .

The California Register also includes properties which have been formally *determined eligible for listing in*, or are *listed in* the National Register; are registered State Historical Landmark Number 770, and all consecutively numbered landmarks above Number 770; are points of historical interest, which have been reviewed and recommended to the State Historical Resources Commission for listing; and are city and county-designated landmarks or districts (if criteria for designation are determined by OHP to be consistent with California Register criteria).

(b) California Environmental Quality Act

The purpose of CEQA is to evaluate whether a proposed project may have an adverse effect on the environment and, if so, if that effect can be reduced or eliminated by pursuing an alternative course of action or through mitigation. For purposes of CEQA, Public Resources Code Section 21084.1 defines a historical resource as:

a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource

Section 15064.5(a)(3) of the State CEQA Guidelines also provides additional guidance on this subject:

any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

Generally, CEQA utilizes the *Secretary of Interior's Standards* as a means of evaluating when proposed projects might be found to have less than significant impacts on historical resources.

(3) Local Level—City of Los Angeles Cultural Heritage Ordinance

Sec. 22.171.7 of Los Angeles Administrative Code defines criteria for designation of a Historic-Cultural Monument (HCM). For ease in applying local eligibility, the following numbers are assigned to the criteria, which align to a large degree with National and California register. Eligible for HCM designation are:

9. Historic structures or sites in which the broad cultural, economic or social history of the nation, state or community is reflected and exemplified; identified with important events in the main currents of national, state, or local history; or
10. Historic sites, building or structures identified with personages in the main currents of national, state or local history; or
11. Historic sites, buildings or structures that embody the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period style or method of construction or a notable work of a master builder, designer, or architect whose individual genius influenced his age.

I.2 Cultural Resources—Archaeological Resources

Federal, State, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and the CEQA are the basic federal and state laws governing preservation of historic and archaeological resources of national, regional, State and local

significance. As archaeological resources are also considered historic, regulations applicable to historic resources are also applicable to archaeological resources and are discussed and analyzed herein and in Section IV.I.2 Cultural Resources-Archaeological Resources of this Draft EIR. Whereas federal agencies must follow federal archaeological regulations, most projects by private developers and landowners do not require this level of compliance. As the Proposed Project does not require a federal permit and would not use federal money, federal archaeological regulations are not applicable to the Proposed Project.

(1) State

State archaeological regulations affecting the Proposed Project include the statutes and guidelines contained in CEQA (Public Resources Code Sections 21083.2 and 21084.1) and Section 15064.5 of the State CEQA Guidelines. CEQA requires lead agencies to carefully consider the potential effects of a project on archaeological resources. Several agency publications, such as the series produced by the Governor's Office of Planning and Research, provide advice on procedures to identify such resources, evaluate their importance, and estimate potential effects.

CEQA recognizes that archaeological resources are part of the environment, and a project that "may cause a substantial adverse change in the significance of an historical resource [including archaeological resources] is a project that may have a significant effect on the environment" (Public Resources Code Section 21084.1). For purposes of CEQA, archaeological resources are also classified as historical resources. As such, a historical [archaeological] resource is any object, building, structure, site, area, place, record, or manuscript listed in or eligible for listing in the California Register of Historic Resources (Public Resources Code Section 21084.1).

A resource is eligible for listing in the California Register of Historic Resources and considered a "historical resource" under CEQA if it meets any of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. See State CEQA Guidelines Section 15064.5(a)(3).

Archaeologists assess sites based on all four criteria but usually focus on the fourth criterion, above. The California Code of Regulations also provides that cultural resources of local significance are eligible for listing in the California Register of Historic Resources (CCR Title 14, Section 4852).

In addition to “historical resources,” CEQA also considers project impacts to “unique archaeological resources.” As used in CEQA, “a unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person. See Public Resources Code Section 21083.2(g).

In addition to having significance, resources must have integrity for the period of significance. The “period of significance” is the date or span of time within which notable events transpired at a site, or the period that notable individuals made their important contributions to a site. Integrity is the ability of that property to convey its significance.

CEQA requires the lead agency to: consider whether the project would have a significant effect on unique archaeological resources or resources eligible for listing in the California Register of Historic Resources, and to avoid these resources when feasible or to mitigate any effects to less than significant levels. See Public Resources Code 21083.2 and 21084.1).

(2) Local

The City of Los Angeles guidelines for the protection of archaeological resources are set forth in Section 3 of the City of Los Angeles General Plan Conservation Element (Conservation Element). As stated therein, it is the policy of the City of Los Angeles that the City's archaeological resources be protected for research and/or educational purposes. Section 5 of the Conservation Element recognizes the City's responsibility for identifying and protecting its cultural and historical heritage. The Conservation Element establishes the policy to continue to protect historic and cultural sites and/or resources potentially affected by proposed land development, demolition or property modification activities, with

the related objective to protect important cultural and historical sites and resources for historical, cultural, research, and community educational purposes.⁶¹

(3) Native American Consultation

California Government Code Section 65352.3 requires local governments to consult with California Native American tribes identified by the California Native American Heritage Commission prior to the adoption or amendment of a general plan or specific plan. The State Office of Planning and Research's technical advice series strongly recommends that agencies solicit the concerns of Native Americans and other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associates and societies as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity, and provides for the sensitive treatment and disposition of those remains.

J.1 Public Services—Police Protection

There are several local plans, regulations and programs that include policies, requirements and guidelines regarding police protection services in the City of Los Angeles. These local plans and guidelines include the Los Angeles General Plan Framework, the Central City Community Plan, the City of Los Angeles Charter and Administrative and Municipal Codes, as well as LAPD's Design Out Crime Guidelines.

(1) Los Angeles General Plan Framework Element

The City of Los Angeles General Plan Framework Element, adopted in December 1996 and readopted in August 2001, sets forth general guidance regarding land use issues for the entire City of Los Angeles and defines Citywide policies regarding land use, including infrastructure and public services. Goal 9I of the Infrastructure and Public Services Chapter of the General Plan Framework specifies that every neighborhood have the necessary police services, facilities, equipment, and manpower required to provide for the public safety needs of that neighborhood.⁶² Objective 9.13 and Policy 9.13.1 require the monitoring and reporting of police statistics and population projections for the purpose of evaluating existing and future police protection needs. Objective 9.14 requires that

⁶¹ *City of Los Angeles General Plan, Conservation Element. September, 2001, pages II-4, II-5, and II-8, www.planning.lacity.org/cwd/gnlpln/consvelt.pdf.*

⁶² *The Framework Element of the Los Angeles General Plan, Chapter 9: Infrastructure and Public Services, <http://cityplanning.lacity.org/Cwd/Framwk/chapters/09/09.htm>, accessed September 14, 2011.*

adequate police services, facilities, equipment, and personnel are available to meet such needs. Further, Objective 9.15 requires police services to provide adequate public safety in emergency situations by maintaining mutual assistance agreements with other local law enforcement agencies, State law enforcement agencies, and the National Guard. The City's General Plan Safety Element recognizes that most jurisdictions rely on emergency personnel (police, fire, gas, and water) to respond to and handle emergencies.

Presently, the LAPD operates under a Computer Statistics (COMPSTAT) Plus program that implements the General Plan Framework goal of assembling statistical population and crime data to determine necessary crime prevention actions. COMPSTAT Plus is based on the COMPSTAT program that was created in 1994 by then Police Commissioner of the New York Police Department and former LAPD Chief William J. Bratton. The COMPSTAT system implements a multi-layer approach to police protection services through statistical and geographical information system analysis of growing trends in crime through its specialized crime control model. COMPSTAT Plus represents an enhanced application of the COMPSTAT principles of inspection and accountability, as well as the use of more in-depth auditing methods, mentorship, and close collaboration. Use of COMPSTAT, and more recently, COMPSTAT Plus, by the LAPD has effectively and substantially reduced the occurrence of crime in Los Angeles communities through accurate and timely intelligence regarding emerging crime trends or patterns.

(2) City of Los Angeles Charter and Administrative and Municipal Codes

The law enforcement regulations and the powers and duties of the LAPD are outlined in the City of Los Angeles Charter Article V, Section 570; the City of Los Angeles Administrative Code, Chapter 11, Section 22.240; and the Los Angeles Municipal Code (LAMC), Chapter 5, Article 2.

Article V, Section 570 of the City Charter gives power and duty to the LAPD to enforce the penal provisions of the Charter and City ordinances, as well as State and Federal law. The Charter also gives responsibility to the LAPD to act as peace officers, as defined by State law, and the power and duty to protect lives and property in case of a disaster or public calamity. Chapter 11, Section 22.240 of the Los Angeles Administrative Code requires the LAPD to adhere to the State of California standards described in Section 13522 of the California Penal Code. Section 13522 charges the LAPD with the responsibility of enforcing all LAMC Chapter 5 regulations related to fire arms, illegal hazardous waste disposal, and nuisances (e.g., excessive noise), and with providing support to the Department of Building and Safety Code Enforcement inspectors and the Fire Department in the enforcement of the City's Fire, Building, and Health Codes. The

LAPD is also given the power and the duty to protect residents and property, and to review and enforce specific security related mitigation measures with regard to new development.

(3) Central City Community Plan

The Central City Community Plan identifies two objectives for police services: (1) to provide adequate police facilities and personnel to correspond with population and service demands in order to provide adequate police protection; and (2) to inform developers, design professionals, and the public of the possible reduction of criminal opportunities when crime prevention principles are developed during the initial planning stages of a development. To achieve these objectives, project applicants with major development projects should consult with the LAPD as part of the review of the project to determine service demands. Businesses are encouraged to cooperate and coordinate with Business Improvement District security patrols and community-based policing methods that are appropriate for the District. Project designers are encouraged to incorporate the design guidelines set forth in the City's Crime Prevention Through Environmental Design "Design Out Crime" Guidelines.

(4) Design Out Crime Guidelines

The City of Los Angeles has championed an initiative called "Design Out Crime," injecting into City government the techniques of Crime Prevention Through Environmental Design (CPTED). While the concepts of CPTED are well accepted, the City of Los Angeles is one of the first major cities in the nation to institutionalize them into their government operations, through an innovative interdepartmental review process. The Police Department's Crime Prevention Unit consults with private developers to incorporate CPTED techniques into projects, and the Police Department participates in the City's Permit Processing Network, an inter-agency task force that reviews complex development projects.

The CPTED operates on the following three key concepts:

- Natural surveillance: The placement of physical features, activities, and people in a way that maximizes visibility.
- Natural access control: Restricting or encouraging people to come into a space through the placement of entrances, exits, fencing, landscaping, and lighting.
- Territorial reinforcement: The use of physical attributes to define ownership and separate public and private space.

J.2 Public Services—Fire Protection

(1) State of California

The California Building Code (CBC), which includes fire safety standards, is codified in Title 24 of the California Code of Regulations (CCR). The 2010 CBC incorporates, by adoption, the 2009 edition of the International Building Code of the International Code Council with California amendments.⁶³ The building standards in the CBC apply to all locations in California, except where more stringent standards have been adopted by state agencies and local governing bodies. The California Fire Code (CFC) is part of the CBC. Fire safety requirements in the CFC include the installation of fire sprinklers in all high-rise buildings, and establishment of fire resistance standards for fire doors, building materials, and particular types of construction.

(2) City of Los Angeles

(a) Los Angeles City Charter

Section 520 of the Los Angeles City Charter, states that the LAFD's duty is to control and extinguish injurious or dangerous fires and to remove that which is liable to cause those fires. It also requires the LAFD to enforce all ordinances and laws relating to the prevention or spread of fires, fire control, and fire hazards within the City; as well as conduct fire investigations and protect lives and property in case of disaster or public calamity.

(b) Los Angeles General Plan Framework

The City of Los Angeles General Plan Framework Element (Framework), adopted in December 1996 and readopted in August 2001, provides a comprehensive, long-range strategy for accommodating long-term growth in the City. The Infrastructure and Public Services Chapter of the Framework sets forth goals, objectives, and policies for fire protection and EMS in the City. The objectives and policies established to support the Infrastructure and Public Services Chapter ensure that every neighborhood has the necessary level of fire protection service, EMS, and infrastructure. Under the Framework, the City standard for response distance from the fire station to the destination location is

⁶³ *California Building Code, Title 24, Part 2*, http://publicecodes.citation.com/st/ca/st/b200v10/st_ca_ca_st_b200v10_volume1cvr.htm, February 7, 2012.

1.5 miles.⁶⁴ This is consistent with the specifications for response distances within the LAMC.

(c) General Plan Safety Element

The General Plan Safety Element (Safety Element), adopted on November 26, 1996, contains policies related to the City's response to hazards and natural disasters, including fires. The fire response policies of the Safety Element set forth requirements, procedures, and standards to facilitate effective fire suppression and emergency response capabilities. For example, Policy 2.1.6 requires the LAFD to revise regulations and procedures to include the establishment of minimum standards for the location and expansion of fire facilities based on fire flow, intensity and type of land use, life hazard, occupancy, and degree of hazard.

(d) Central City Community Plan

The Project Site is located in the Convention Center/Arena area of the Central City Community Plan and is designated for Public Facilities and Commercial development. The Community Plan acknowledges that the Project area is located at the hub of the interstate freeway system and the developing Metro and light rail system. The plan states that development within this portion of the Community Plan area should focus on event and entertainment-related uses, as well as hotels. The key objective and associated policy for fire protection services are listed below.

Objective 6.1: To ensure that fire facilities and protective services are sufficient for the existing and future population and land uses of Central City.

Policy 6.1.1: Coordinate with the Fire Department as part of the review of significant development projects and General Plan Amendments affecting land use to determine the impact on service demands.

(e) Los Angeles Municipal Code

The LAMC includes provisions for new construction projects within the City. It contains, by reference, the CBC building construction standards, including the CFC, as well as reflects the policies of the General Plan Safety Element. The LAMC sets forth regulatory requirements pertaining to the prevention of fires, the investigation of fires and life safety hazards, the elimination of fire and life safety hazards in any building or structure

⁶⁴ City of Los Angeles General Plan Framework, page 9-5.

(including buildings under construction), the maintenance of fire protection equipment and systems, and the storage, use, and handling of hazardous materials.⁶⁵

The LAMC addresses access, fire flow requirements, and hydrants. LAMC Section 57.09.03 requires the provision of an approved, posted fire lane whenever any portion of an exterior wall is more than 150 feet from the edge of a roadway, while LAMC Section 57.09.06 establishes fire flow standards. Fire flow requirements, as determined by the LAFD, vary by project sites as they are dependent on land use (e.g., higher intensity land uses require higher flow from a greater number of hydrants), life hazard, occupancy, and fire hazard level. Typically, the fire flow required for a commercial or industrial use is between 6,000 to 9,000 gallons per minute (gpm) flowing from four to six adjacent hydrants simultaneously. In contrast, the fire flow required for a high density commercial or industrial use typically is 12,000 gpm available to any block. A minimum residual water pressure of 20 psi is required to remain in the water system on top of required gpm flow.

In addition to fire flow, the LAMC also addresses land use-based requirements for fire hydrant spacing and type. Commercial uses require one hydrant per 80,000 square feet of land with 300-foot distances between hydrants and either 2.5-inch by 4-inch or 4-inch by 4-inch double fire hydrants. Regardless of land use, every first story of a residential, commercial and industrial building must be within 300 feet of an approved hydrant.

Section 57.09.07 of the LAMC sets forth the response distance for high density commercial uses (including principal business districts), as 0.75 mile to an engine company, and one mile to a fire station with a truck company. Where a response distance is greater than that which is allowable, all structures must be constructed with automatic fire sprinkler systems. Fire Station No. 10 is the closest to the Project Site, located 0.6 miles away at 1335 South Olive Street and is equipped with both a truck and engine company. Therefore, the Project site is within the LAMC's response distances from a fire station with an engine and truck company.

The LAMC classifies buildings where the highest occupied floor level is more than 75 feet above the lowest point of fire access as high-rises. Buildings classified as high-rises are subject to specific requirements for fire safety. Each high-rise building must include a Fire Control Station containing a public address system and telephones for LAFD use, a fire detection and fire alarm system, an elevator recall switch and a status panel for all elevator cars, a sprinkler control system, standby power and emergency electrical power

⁶⁵ *City of Los Angeles Municipal Code, Article 7, Chapter V, Section 57.01.02., Amended in Entirety, Ordinance Number 162,123, effective May 12, 1987.*

controls, controls for unlocking stair shaft doors, smoke evacuation and fan controls, stairway pressurization control switches, and status indicators for fire pumps and water supply. Installation of automatic sprinkler systems is required in all new high-rise buildings as well as a rooftop emergency helicopter landing in a location approved by the Fire Department Chief. In addition, a sound-powered telephone communication system must be located at every floor in each enclosed exit stairway, at every exterior location where an enclosed stairway exits to a public way, on the roof, and in every elevator car. Further, high-rise buildings must have at least one emergency and fire control elevator in each bank of elevators, dependable methods of sounding a fire alarm throughout high-rise buildings, emergency smoke control systems, a standby and emergency power system, stair shaft doors for fire department use, and pressurized stair shafts.

Under LAMC Section 91.905.15, all smoke-control systems within high-rise buildings must be tested prior to the issuance of a Certificate of Occupancy. Following occupancy, all operating parts of smoke-control systems and all automatic fire extinguishing systems must be retested every six months. In addition, the LAMC requires yearly inspections to evaluate physical access, property condition, and all fire-safety facilities and equipment of high-rise buildings. The LAFD Fire Prevention Bureau also administers guidelines for the sequence of operations for life safety systems in high-rise buildings. These guidelines address the management of life-safety systems and facilities, including a sequence of procedures involving monitoring and management of audible and visual alarm signals; elevator lobby smoke detectors; duct smoke detectors; elevator shaft smoke/heat detectors; sprinkler valve flow switches; and smoke/fire dampers on each floor. The LAMC also requires stairway numbering on each floor, roof access, and fire safety signage on all floors in prescribed locations.

(f) City of Los Angeles Propositions

The City of Los Angeles Fire Facilities Bond (Proposition F), approved by voters in November 2000, allocates \$378.6 million to build 19 new or replacement neighborhood fire/paramedic stations.⁶⁶ Fire Station No. 13 was included as a project to replace the existing station with a new one; the new station has been built and is operational in its present location at 2401 West Pico Boulevard.

Proposition Q, the Citywide Public Safety Bond Measure, was approved by voters in March 2002. This proposition involves the spending of \$600 million to renovate, improve,

⁶⁶ City of Los Angeles Department of Water and Power, *Proposition F, Facilities Bond*, http://eng.lacity.org/projects/fire_bond/index.htm, accessed November 1, 2011.

expand and construct police, fire, 911, and paramedic facilities. None of the projects funded under Proposition Q are located within the Project vicinity.

Measure J, which was approved by voters in the November 7, 2006 General Election, is a charter amendment and ordinance that includes technical changes to Proposition F. Currently under Proposition F, the construction of new regional fire stations to provide training and other facilities at or near standard fire stations must take place on single sites of at least two acres. Measure J allows new regional fire stations funded by Proposition F and located in densely developed areas to be designed and built on one or more properties equaling less than two acres.

K.1 Utilities—Water

(1) State

(a) Senate Bill 610 and Senate Bill 221

State legislation addressing water supply, Senate Bill (SB) 610 (Costa) and SB 221 (Kuehl), became effective January 1, 2002. SB 610, codified in the California Water Code (CWC), Sections 10910 et seq., describes requirements for both water supply assessments and Urban Water Management Plans (UWMP) applicable to the CEQA process. SB 610 requires that for specified projects subject to CEQA, the urban water supplier must prepare a water supply assessment that determines whether the projected water demand associated with a proposed project is included as part of the most recently adopted UWMP. Specifically, a water supply assessment shall identify existing water supply entitlements, water rights, or water service contracts held by the public water system, and prior years' water deliveries received by the public water system. In addition, it must address water supplies over a 20-year period and consider average, single-dry, and multiple-dry years. In accordance with SB 610 and Section 10912 of the CWC, projects subject to CEQA requiring submittal of a water supply assessment include the following:

- Residential developments of more than 500 dwelling units.
- Shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
- Commercial office buildings employing more than 1,000 persons or having more than 250,000 square feet of floor space.
- Hotels, motels, or both, having more than 500 rooms.

- Industrial, manufacturing, or processing plants, or industrial parks planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
- Mixed-use projects that include one or more of the projects specified in this subdivision.
- A project that would demand an amount of water equivalent to or greater than the amount of water required by a 500 dwelling unit project.

The water supply assessment must be approved by the public water system at a regular or special meeting and must be incorporated into the CEQA document. The lead agency must then make certain findings related to water supply based on the water supply assessment.

In addition, under SB 610, an urban water supplier responsible for the preparation and periodic updating of an UWMP must describe the water supply projects and programs that may be undertaken to meet the total projected water use of the service area. If groundwater is identified as a source of water available to the supplier, the following additional information must be included in the UWMP: (1) a groundwater management plan; (2) a description of the groundwater basin(s) to be used and the water use adjudication rights, if any; (3) a description and analysis of groundwater use in the past five years; and (4) a discussion of the sufficiency of the groundwater that is projected to be pumped by the supplier.

SB 221 also addresses water supply in the land use planning process and focuses on new residential subdivisions in non-urban areas. SB 221 requires that written verification from the water service provider be submitted indicating sufficient water supply is available to serve a proposed subdivision, or the local agency shall make a specified finding that sufficient water supplies are or will be available prior to completion of a project. SB 221 specifically applies to residential subdivisions of 500 units or more. In addition, Government Code Section 66473.7(i) exempts "...any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households."

The Proposed Project is subject to the requirements of SB 610 since the Proposed Project includes more than 250,000 square feet of commercial floor area and would generate a demand for water that would be greater than the demand generated by 500 residential units. The Proposed Project is located within an urbanized area and does not

include residential uses. Therefore, the Proposed Project is not subject to the requirements of SB 221.

(b) California Urban Water Management Plan Act

The California Urban Water Management Planning Act (CWC, Sections 10610–10656) addresses several state policies regarding water conservation and the development of water management plans to ensure the efficient use of available supplies. The California Urban Water Management Planning Act also requires water suppliers to develop water management plans every five years to identify short-term and long-term demand management measures to meet growing water demands during normal, dry, and multiple dry years. Specifically, municipal water suppliers that serve more than 3,000 customers or provide more than 3,000 acre-feet (AF) per year of water must adopt an Urban Water Management Plan.

(c) California Code of Regulations

Title 24, Part 5 of the California Code of Regulations (CCR), establishes the California Plumbing Code (last updated in 2010). The California Plumbing Code sets forth efficiency standards (i.e., maximum flow rates) for all new federally-regulated plumbing fittings and fixtures, including showerheads and lavatory faucets. Accordingly, the maximum flow rate for showerheads is 2.5 gallons per minute (gpm) at 80 pounds per square inch (psi). The maximum flow rate for lavatory faucets, kitchen faucets, and replacement aerators is 2.2 gpm at 60 psi. In addition, all water closets (i.e., flush toilets) are limited to 1.28 gallons per flush and urinals are limited to 0.5 gallon per flush. In addition, Section 1605.3(h) establishes state efficiency standards for non-federally regulated plumbing fittings, including commercial pre-rinse spray valves.⁶⁷

(2) Regional

Based on the water supply planning requirements imposed on its member agencies and ultimate customers, such as the requirements to adopt urban water management plans, water supply assessments and written verifications, the Metropolitan Water District of Southern California (MWD) has adopted a series of official reports on the state of its water supplies. As described further below, in response to recent developments in the Sacramento Delta, the MWD is engaged in identifying solutions that, when combined with the rest of its supply portfolio, will ensure a reliable long-term water supply for its member agencies. MWD will continue to rely on the plans and policies outlined in its *Regional*

⁶⁷ California Building Standards Commission. 2010 California Plumbing Code, Chapter 4, Section 402.0, www.iapmo.org/Pages/2010CaliforniaPlumbingCode.aspx, accessed October 28, 2011.

Urban Water Management Plan, Integrated Resources Plan, Water Surplus and Drought Management Plan, Water Supply Allocation Plan, and Five Year Supply Plan to address water supply shortages and interruptions (including potential shut downs of State Water Project (SWP) pumps to meet water demands. These plans are described in detail below.

(a) MWD 2010 Regional Urban Water Management Plan

Pursuant to the Urban Water Management Planning Act, MWD prepared the 2010 Regional Urban Water Management Plan (RUWMP) , which addresses the future of MWD's water supplies and demand through the year 2035. Based on the 2010 UWMP, MWD has plans for supply implementation and continued development of a diversified resource mix including programs in the Colorado River Aqueduct, SWP, Central Valley transfers, local resource projects, and in-region storage that enables the region to meet its water supply needs. In addition, MWD has comprehensive plans for stages of actions it would undertake to address up to 50 percent reduction in its water supplies and a catastrophic interruption in water supplies through its Water Surplus and Drought Management Plan and Water Supply Allocation Plans. MWD has also developed an Emergency Storage Requirement to mitigate against potential interruption in water supplies resulting from catastrophic occurrences within the Southern California region as well as working with the State to implement a comprehensive improvement plan to address catastrophic occurrences that could occur outside of the Southern California region. MWD's 2010 UWMP also incorporates many of the actions and policies provided in MWD's Integrated Resources Plan (IRP) as described further below.

(b) MWD Integrated Resources Plan

MWD first adopted its Integrated Resources Plan in 1996. The IRP is updated every five years. The most updated IRP, which was adopted in 2010, shows how MWD plans to develop its water resource supply portfolio out to the year 2035, including planning for hydrologic, regulatory and other types of uncertainties. Under the strategy of the 2010 IRP Update, MWD will continue to develop programs to meet its reliability within its traditional core supplies, collaborate with member agencies to develop a buffer to address uncertainty, and pursue foundational actions to address other future supply vulnerabilities and uncertainties. Major components of the 2010 IRP Update are to: (1) explicitly reflect uncertainty in MWD's future water management environment, (2) evaluate a wider range of water management strategies, and (3) seek a robust and adaptive plan that responds to uncertain conditions that may evolve over time. A key evolution from the 2004 IRP Update is the identification of uncertainties and contingency actions that will extend the concept of a planning buffer into an operational approach. Overall, the options presented in the 2010 IRP Update are projected to meet the future water supply needs of Southern California, and identify the "low-regret" actions that MWD can take in order to swiftly respond to the uncertainties that exist with all water resource programs. As can be seen by these ongoing

studies, MWD is continually updating its plans to meet ever-changing challenges to its water supplies.

(c) MWD Water Surplus and Drought Management Plan

In 1999, MWD incorporated the water shortage contingency analysis that is required as part of any urban water management plan into a separate, more detailed plan, called the Water Surplus and Drought Management Plan (WSDM). This plan provides policy guidance to manage MWD's supplies and achieve the goals laid out in the agency's IRP. The WSDM Plan separates resource actions into two major categories: Surplus Actions and Shortage Actions. The WSDM Plan considers the region to be in surplus only after MWD has met all demands for water, including replenishment deliveries. The Surplus Actions store surplus water, first inside then outside of the region.

The Shortage Actions of the WSDM Plan are separated into three subcategories: Shortage, Severe Shortage, and Extreme Shortage. Each category has associated actions that could be taken as a part of the response to prevailing shortage conditions. Conservation and water efficiency programs are part of MWD's resource management strategy through all categories. Under Shortage conditions, MWD may make withdrawals based on location and ability to access and interrupt groundwater replenishment deliveries. Under Severe Shortage conditions, MWD will call for extraordinary drought conservation, reduce agricultural water deliveries, exercise available options for water transfers and seek other water purchases. Under Extreme Shortage conditions, MWD will allocate or reduce water deliveries to its member agencies. Additionally, the MWD announced a strategic approach in 2008 regarding its WSDM Plan. MWD's major strategies are as follows:

- Continue conservation campaign;
- Maximize recovery of water from Central Valley storage and banking programs;
- Purchase additional supplies to augment existing supplies; and
- Develop and implement a shortage allocation plan (discussed below).

(d) MWD Water Supply Allocation Plan

While the WSDM included a set of general actions and considerations for MWD staff to address during shortage conditions, it did not include a detailed water supply allocation plan or implementation approach. Therefore, MWD adopted a water supply plan called the Water Supply Allocation Plan in February 2008. This plan includes a formula for determining reductions of water deliveries to member agencies during extreme water shortages in MWD's service area conditions (i.e., drought conditions or unforeseen cuts in

water supplies). The formula was derived for three scenarios of regional water shortage levels (10, 20, and 40 percent shortage) and is based on a methodology that cuts water allocations across the board (i.e., to all member agencies) with adjustments for the member agency's dependency on MWD's water supplies and the agency's water conservation savings from programs and devices. The formula also calls for Interruptible Agricultural Water Program I water reductions of between 30 to 100 percent, depending on the severity of the shortage conditions. The allocation period covers 12 months from July of a given year through the following June. Member agency allocations would be enforced through a penalty rate structure.

Relative to a member agency's preferential water rights, the Water Supply Allocation Plan provides for a discounted penalty rate schedule for member agencies exceeding their allocations under the plan's formula but not exceeding their preferential rights. The Water Supply Allocation Plan would be reviewed and revised in three years following the February 2008 adoption as well as 12 months after a shortage.

In April 2008, the Central Basin Municipal Water District filed a lawsuit to overturn the Water Supply Allocation Plan on the basis that it is invalid for a variety of reasons, including an alleged failure to comply with CEQA and a claimed violation of the Central Basin Municipal Water District's purchase order. Motions filed by MWD sought to dismiss the CEQA causes of action based on the Central Basin Municipal Water District's failure to name the other member agencies as real parties in interest and for a summary adjudication in favor of MWD on the alleged violation of the purchase order. On February 9, 2009, Judge Curtis E.A. Karnow dismissed the CEQA claims and on July 23, 2009, the case was dismissed.⁶⁸

(e) MWD Five Year Supply Plan

In April 2008, MWD staff began working with MWD's member agencies on a Five Year Supply Plan (Supply Plan) to identify specific resource and conservation actions over the next five years to manage water deliveries under continued drought conditions and court ordered restrictions. The Supply Plan focuses on the following six categories of resource options to improve MWD's reliability over the next five years: water conservation, Colorado River Transactions, Near Term Delta Actions, SWP Transactions, Groundwater Recovery, and local resources. MWD's estimate of the dry year yield of the Supply Plan actions would be approximately 553,000 AF in 2009, increasing up to 703,000 AF in 2013.

⁶⁸ Superior Court of California, County of San Francisco, Case Number: CGC-08-479196, <http://webaccess.sftc.org/Scripts/Magic94/mgrqispi94.dll?APPNAME=IJS&PRGNAME=ROA22&ARGUMENTS=ACGC08479196>; accessed November 3, 2011.

(3) Local

(a) LADWP 2010 Urban Water Management Plan

In accordance with the California Urban Water Management Planning Act, the LADWP has prepared the 2010 Urban Water Management Plan. As noted therein, LADWP's 2010 UWMP serves two purposes: (1) achieve full compliance with requirements of California's Urban Water Management Planning Act; and (2) serve as a master plan for water supply and resources management consistent with the City's goals and policy objectives.

The UWMP details the LADWP's efforts to promote the efficient use and management of its water resources. According to LADWP's 2010 UWMP, water demands are driven by a number of factors: demographics (population, housing and employment); implementation of water conservation programs; behavioral practices of water users; and weather. For the development of LADWP's 2010 UWMP, a new water demand forecast was prepared using: (1) the latest trends in water use; (2) econometric-derived elasticities for estimating the impacts of weather, price of water, income, and family size on per household and per employee water use; and (3) more accurate estimates of the effectiveness of water conservation in the City.

(b) LADWP's Securing L.A.'s Water Supply

The City of Los Angeles is faced with various ongoing challenges in securing its future water supplies due to among other things droughts, environmental restrictions, and climate change. In response to these uncertainties, including those impacting MWD, the Mayor and LADWP prepared and released a Water Supply Action Plan entitled "*Securing L.A.'s Water Supply*" dated May 17, 2008. The plan serves as a template for creating sustainable sources of water for the future of the City to reduce dependence on imported supplies. This plan incorporates an aggressive multi-pronged approach that includes: investments in state-of-the-art technology; a combination of rebates and incentives; the installation of smart sprinklers, efficient washers and urinals; and long-term measures such as expansion of water recycling and investment in cleaning up the local groundwater supply. The plan also takes into account the realities of climate change and the concerns of drought and dry weather.

The plan outlines short-term conservation strategies as well as long-term conservation and recycling measures. Short-term conservation strategies include enforcing prohibited uses of water, expanding the prohibited uses of water, extending outreach efforts, and encouraging regional conservation measures. Long-term conservation and recycling measures include increasing water conservation through reduction of outdoor water use and technology, maximizing water recycling, enhancing

stormwater capture, accelerating clean-up of the San Fernando groundwater basin, and expanding groundwater storage.

In total, the City anticipates that the plan will conserve or recycle 32.6 billion gallons of water a year. By the year 2019, half of all new demand is estimated to be filled by a six-fold increase in recycled water supplies and by 2030 the other half will be met through ramped-up conservation efforts.

The plan also addresses current and future SWP supply shortages. The DWR estimates that the December 15, 2008 USFWS biological opinion on Delta Smelt will limit MWD exports of their anticipated SWP supply by up to 50 percent in a normal water year. However, the Action Plan concludes that MWD's actions in response to this threat will ensure continued reliability of its water deliveries.

(c) Los Angeles Municipal Code

The City has adopted several ordinances in the LAMC in an effort to reduce water consumption. Specifically, the City of Los Angeles Plumbing Code (Chapter IX, Article 4, of the LAMC) incorporates by reference the California Plumbing Code. As previously described, maximum flow rates for water fixtures are established under the California Plumbing Code. Ordinance No. 180,822 was recently adopted and establishes water efficiency requirements for new development and renovation of existing buildings and mandates installation of high efficiency plumbing fixtures in residential and commercial buildings. In addition, City Ordinance No. 163,532 (Chapter XII, Article IV, of the LAMC) requires a 10 percent reduction in irrigation for large turf areas (three acres of turf or greater), among other water-conserving measures.

The City's Water Rate Ordinance establishes water rates based on a two tier system to encourage water conservation. The motivation for the two-tier rate structure of LADWP is (1) to induce efficient water use, and (2) to confront future droughts without having to increase rates for those customers practicing conservation and thus remaining within the first tier usage block. Under the rate structure, LADWP customer class (e.g., single dwelling unit customer, multiple dwelling unit customer, commercial customer) are given a Tier 1 water allotment. If the customer's water consumption is within that Tier 1 water allotment, the lower Tier 1 water rates apply. Customers who exceed their Tier 1 water allotment are charged the higher Tier 2 water rates. As of June 1, 2009, LADWP implemented Shortage Year Rates which are applied to all LADWP customers. Under Shortage Year Rates, the Tier 1 water allotments of all customers were reduced by 15

percent. The intent of the Shortage Year Rates is to provide an incentive for customers to save money by conserving water.⁶⁹

Additionally, in response to recent water supply shortages, the City has recently begun enforcement of prohibited water uses as defined in the City's Emergency Water Conservation Plan Ordinance (Chapter XIII, Article I, of the LAMC). The ordinance sets forth six different phases of water conservation, which shall be implemented based on water conditions. In determining which phase of water conservation shall be implemented, LADWP will monitor and evaluate the projected water supply and demand by its customers on a monthly basis, and will recommend to the Mayor and City Council the extent of the conservation required. The Mayor will, in turn, independently evaluate such recommendation and notify the Council of the Mayor's determination as to the particular phase of water conservation that should be implemented.

Phase I, which became permanent in August 2010, sets forth the following prohibitions for LADWP customers:⁷⁰

- No use of water to wash down hard surfaces (e.g., sidewalks, walkways, driveways, or parking areas);
- No use of water to clean, fill, or maintain decorate fountains unless the water is part of a recycling system;
- No serving of water to customers in eating establishments, unless requested;
- Leaks from any pipe or fixture shall not go unattended;
- No washing/rinsing vehicles with a hose when the hose does not have a functioning self-closing nozzle attached or allowing the hose to run continuously;
- No irrigating during periods of rain;
- No watering or irrigating lawn, landscape, or other vegetated areas between the hours of 9:00 A.M. and 4:00 P.M.;
- No irrigating with potable water using stream rotator-type or gear-driven sprinklers for more than fifteen (15) minutes per watering day per station, or

⁶⁹ Los Angeles Department of Water and Power, Water Rates, www.ladwp.com/ladwp/cms/ladwp001155.jsp, accessed August 23, 2011.

⁷⁰ The prohibited uses set forth do not apply to Gray Water.

more than ten (10) minutes per watering day per station for all other types of sprinklers. Exempt from these landscape irrigation restrictions are irrigation systems using very low-flow drip-type irrigation when no emitter produces more than two (2) gallons of water per hour;

- No watering or irrigating of any lawn, landscape, or other vegetated area in a manner that causes or allows excess or continuous water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch;
- No installation of single pass cooling systems in buildings requesting new water service;
- No installation of non-recirculating systems in new conveyor car wash and new commercial laundry systems;
- Operators of hotels and motels shall provide guests with the option of choosing not to have towels and linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language; and
- No large landscape areas, such as parks and open fields, shall have irrigation systems without rain sensors that shut off the irrigation systems.

Phase II includes the restrictions of Phase I and further prohibits landscape irrigation on any day other than Monday, Thursday, or Saturday.

Phase III includes the restrictions of Phases I and II and further prohibits landscape irrigation on any day other than Monday or Thursday.

Phase IV includes the restrictions of Phases I, II, and III and further prohibits landscape irrigation on any day other than Monday, washing of vehicles, and filling of pools/spas with potable water.

Phase V includes the restrictions of Phases I, II, III, and IV and further prohibits landscape irrigation on all days.

Phase VI includes the restrictions of Phases I, II, III, IV, and V. Additionally, the Board of Water and Power Commissioners is authorized to implement additional prohibited uses of water based on the water supply situation. Any additional prohibition would be published at least once in a daily newspaper of general circulation and would become effective immediately upon such publication and remain in effect until cancelled.

Shortage Year Rates and higher phases of the Emergency Water Conservation Plan Ordinance are expected to remain in effect until it is determined that the water supply currently available to the City is found sufficient for normal demands.⁷¹

The imposition of Shortage Year Rates and Phase III conservation has reduced water demands to 1991 conditions, when the City first implemented water rationing and associated financial penalties for overuse of water. As a result of these two actions, overall water usage was reduced by approximately 19.4 percent for the months of June 2009 through January 2011.⁷²

K.2 Utilities—Wastewater

(1) City of Los Angeles General Plan Framework

The City of Los Angeles General Plan Framework guides the update of the community plan and citywide elements, thereby providing a citywide strategy for long-term growth. As such, it addresses state and federal mandates to plan for the future. Chapter 9, Infrastructure and Public Services, of the City's General Plan Framework identifies goals, objectives, and policies for utilities in the City. Goal 9A of Chapter 9 provides for adequate wastewater collection and treatment capacity for the City and in basins tributary to City-owned wastewater treatment facilities.

(2) City of Los Angeles Integrated Resources Plan

The City of Los Angeles Integrated Resources Plan (IRP) was created through a contemporary approach that emphasized stakeholder involvement, public input, and interdepartmental collaboration.⁷³ Multiple departments worked together to develop a single, integrated plan to address the facility needs of the City's wastewater program, recycled water, and urban runoff/stormwater management through the year 2020.

The IRP preparation process began in 1999 and continued through 2006 in two phases. Phase I of the IRP addressed the anticipated water, wastewater, and stormwater needs of the City through the year 2020 using comprehensive, basin-wide water resources planning. During this initial phase, which took place from 1999 to 2001, gaps in the existing

⁷¹ Los Angeles Department of Water and Power, *Water Supply Assessment for the Convention and Event Center Project*, December, 2011.

⁷² *Ibid.*

⁷³ *The Integrated Resources Plan replaced the City's 1991 Wastewater Facilities Plan.*

water system's capability to serve future populations (as projected by the Southern California Association of Governments) were examined and different Preliminary Alternatives to address these gaps were created. Phase II of the IRP, which took place from 2002 to 2006, involved the selection and comparison of four Preliminary Alternatives all aimed at ensuring implementation of the appropriate infrastructure, policies, and programs to reliably serve Los Angeles to 2020 and beyond. An Environmental Impact Report (EIR) was prepared within Phase II to evaluate the environmental impacts of each of these alternatives. The Los Angeles City Council certified the final EIR on November 14, 2006, and adopted a final alternative, the Approved Alternative (Alternative 4), from these four Preliminary Alternatives. The Approved Alternative would provide for improvements to the Donald C. Tillman Water Reclamation Plant (TWRP), upgrades at the Los Angeles-Glendale Water Reclamation Plant (LAGWRP), upgrades at the HTP, as well as various other upgrades to wastewater infrastructure in the Los Angeles area.

Some of these IRP projects have started immediately, with others postponed until a later time when changes take place or additional information is available. Implementation is dependent on monitored triggers, including population growth, recycled water regulations, wastewater discharge regulations, Total Maximum Daily Load (TMDL) requirements, available funding, etc. In addition to the IRP projects, the Approved Alternative sets forth programmatic elements, which are to be implemented and designed to increase recycled water use and manage dry and wet weather runoff.

Within Phase II of the IRP, a Financial Plan, a Public Outreach Program, and a five-volume Facilities Plan were also developed. The Facilities Plan contains alternative development options and a Capital Improvement Program as well as wastewater, water, and runoff management strategies. The Capital Improvement Program provides anticipated capital, operation, maintenance, project timing, and implementation strategies for tracking and monitoring triggers.

As of October 2011, many of the IRP projects were in the design phase, including the construction of wastewater storage facilities at TWRP and the construction of the Northeast Interceptor Sewer Phase II West Alignment.⁷⁴

The existing design capacity of the Hyperion Service Area is approximately 550 mgd (consisting of 450 mgd at HTP, 80 mgd at TWRP, and 20 mgd at LAGWRP).⁷⁵ With the

⁷⁴ City of Los Angeles, Department of Public Works, Bureau of Engineering, Uniform Project Reporting System, http://eng.lacity.org/iuprs/by_project_title.cfm#request.addtoken#; accessed October, 2011.

⁷⁵ City of Los Angeles Integrated Resources Plan, December 2006.

improvements identified in the IRP, the total design capacity of the Hyperion Service Area in 2020 would be approximately 570 mgd (consisting of 450 mgd at HTP, 100 mgd at TWRP, and 20 mgd at LAGWRP).⁷⁶ With full implementation of the IRP, the Los Angeles Department of Public Works (LADPW) and Bureau of Sanitation expect to provide ample wastewater treatment services to the City and contracting cities through the year 2020.

(3) Sewer System Management Plan

On May 2, 2006, the State Water Resources Control Board (SWRCB) adopted the Statewide General Waste Discharge Requirements (WDRs) for publicly owned sanitary sewer systems with greater than 1 mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in California. Under WDRs, the owners of such systems must comply with the following requirements: (1) Acquire an online account from the State Water Board and report all sanitary sewer overflows online (SSO) and (2) Develop and implement a written plan referred to as a Sewer System Management Plan (SSMP) to control and mitigate SSOs and make it available to any member of the public upon request in writing.

In accordance with the WDRs, the City acquired online accounts from the State Water Board and began reporting SSOs by the due date of January 2, 2007. A SSMP was prepared for each of the City's sanitary sewer systems and approved by the City's Board of Public Works on February 18, 2009. The goal of the SSMP for the Hyperion Sanitary Sewer System is to provide a plan and schedule to properly manage, operate, and maintain all parts of the sanitary sewer system. In addition, the SSMP will help to reduce and prevent sanitary sewer overflows as well as mitigate any sanitary sewer overflows that do occur.

(4) City of Los Angeles Municipal Code

LAMC Sections 64.11 and 64.12 require approval of a sewer permit (S-Permit) prior to connection to the sewer system. New connections to the sewer system are assessed a Sewerage Facilities Charge. The rate structure for the Sewerage Facilities Charge is based upon wastewater flow strength as well as volume. The determination of wastewater strength for each applicable project is based on City guidelines for the average wastewater concentrations of two parameters, biological oxygen demand and suspended solids, for each type of land use. Fees paid to the Sewerage Facilities Charge are deposited in the

⁷⁶ *Integrated Resources Plan, City of Los Angeles Department of Public Works Bureau of Sanitation and Department of Water and Power, July 2004.*

City's Sewer Construction and Maintenance Fund for sewer and sewage-related purposes including but not limited to industrial waste control and water reclamation purposes.

Section 64.15 of the LAMC requires that the City perform a Sewer Capacity Availability Review when any person seeks a sewer permit to connect a property to the City's sewer collection system, proposes additional discharge through their existing public sewer connection, or proposes a future sewer connection or future development that is anticipated to generate 10,000 gallons or more of sewage per day. A Sewer Capacity Availability Review is an analysis of the existing sewer collection system to determine if there is adequate capacity existing in the sewer collection system to safely convey the newly generated sewage to the appropriate sewage treatment plant.

In addition, the Bureau of Engineering Special Order No. SO06-0691 sets forth design criteria for sewer systems. Specifically, the order states that trunk, interceptor, outfall, and relief sewers (i.e. sewers that are 18 inches or greater in diameter) be designed for a planning period of 60 to 100 years, and lateral sewers (sewers less than 18 inches in diameter) be designed for a planning period of 100 years. The order also requires that sewers be designed so that the peak dry weather flow depth, during their planning period, shall not exceed 50 percent the pipe diameter.

K.3 Utilities—Solid Waste

The subject of solid waste addresses many different types of materials with widely varying characteristics. Landfills, locations where solid waste is disposed of, are categorized as one of three different classes.

- Class I landfills accept hazardous wastes.
- Class III landfills accept municipal and non-hazardous, household waste.
- Class II landfills accept “designated” wastes, as defined by the State Department of Resources Recycling and Recovery, which cannot be disposed of in a Class III landfill but also are not required to be disposed of at a Class I landfill.

Unclassified landfills are defined as facilities that accept inert materials only, such as soil, concrete, asphalt, and other construction and demolition debris. There are also transfer stations that are used to temporarily store debris and other waste until larger haul trucks are available to transport the materials directly to the landfills.

More generally speaking, solid waste is either classified as hazardous or non-hazardous. Given the far-reaching implications associated with hazardous waste (i.e., the

potential to contaminate air, land, and water), hazardous wastes are the focus of attention at all regulatory levels (i.e., federal, State, and city). As such, a great deal of the regulatory information exists pertaining to the handling of hazardous waste, although important regulatory information is also applicable with regard to the handling of non-hazardous solid waste.

(1) Federal/State Regulations

(a) Federal/State Occupational Safety and Health Act

The Federal and California Occupational Safety and Health Administrations enforce the provisions of the Federal and State Occupational Safety and Health Acts, respectively, which collectively require the following: (1) special training of personnel that handle hazardous materials; (2) notification to employees who work in the vicinity of hazardous materials; (3) the acquisition from the manufacturer of material safety data sheets which describe the proper use of hazardous materials; and (4) the training of employees to remediate any hazardous material accidental releases. The hazardous waste requirements of OSHA are contained in the Hazardous Waste Operations and Emergency Response Standard. As a supplement to these requirements, OSHA Administration also requires the preparation of an Injury and Illness Prevention Program, which consists of an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication. OSHA and Cal OSHA requirements are enforced via inspections by the State Division of Occupational Safety and Health.

(b) Federal Resource Conservation and Recovery Act and California Hazardous Waste Control Law

The Federal Resource Conservation and Recovery Act and the California Hazardous Waste Control Law regulate the generation, transportation, treatment, storage, and disposal of hazardous waste by “large-quantity generators” (1,000 kilograms/month or more) through comprehensive life cycle or “cradle to grave” tracking requirements. These include maintaining inspection logs of hazardous waste storage locations, records of quantities being generated and stored, and manifests of pick-ups and deliveries to licensed treatment/storage/disposal facilities. The Federal Resource Conservation and Recovery Act (RCRA) also sets forth standards for the treatment, storage, and disposal of hazardous wastes. The Federal Resource Conservation and Recovery Act and the California Hazardous Waste Control Law regulations are enforced by the California Department of Toxic Substances Control (DTSC), the County of Los Angeles Department of Health, the Los Angeles County Fire Department, and Cal OSHA.

(c) California Hazardous Waste Source Reduction and Management Review Act of 1989 (Senate Bill 14)

Senate Bill 14 requires generators of 12,000 kilograms/year of typical/operational hazardous waste to conduct an evaluation of their waste streams every four years and to select and implement viable source reduction alternatives. This Act, administered by the DTSC, does not apply to non-typical hazardous waste (such as asbestos and polychlorinated biphenyls).

(d) California Department of Toxic Substances Control Hazardous Waste Reports

Both RCRA and the California Hazardous Waste Control Law require the preparation of Hazardous Waste Reports by hazardous waste generators for submittal to the DTSC which identify the nature and quantity of the hazardous waste being generated, along with the storage/treatment/disposal techniques being used. Requirements are enforced via the filing of biennial reports with the DTSC.

(e) California Uniform Fire Code

The California Uniform Fire Code regulates the type, configuration, and quantity of hazardous materials that may be stored within structures or in outdoor areas and hazardous waste storage facilities. Requirements are enforced via regular site inspections by the City of Los Angeles Fire Department (LAFD) and the issuance of notices of violation in cases of noncompliance.

(f) California Integrated Waste Management Act of 1989

The California Integrated Waste Management Act of 1989 (AB 939) and the California Solid Waste Reuse and Recycling Access Act of 1991, as amended, were enacted to reduce, recycle, and reuse solid waste generated in the State to the maximum extent feasible. Specifically, AB 939 requires city and county jurisdictions to identify an implementation schedule to divert 50 percent of the total waste stream from landfill disposal by 2000. AB 939 also requires each city and county to promote source reduction, recycling, and safe disposal or transformation. Cities and counties are required to maintain the 50 percent diversion specified by AB 939 past the year 2000.

AB 939 further requires each city and county to conduct a Solid Waste Generation Study and to prepare a Source Reduction and Recycling Element to describe how it would reach the goals. The Source Reduction and Recycling Element must contain programs and policies for the fulfillment of the goals of AB 939, including the above-noted diversion goals, and must be updated annually to account for changing market and infrastructure

conditions. As projects and programs are implemented, the characteristics of the waste stream, the capacities of the current solid waste disposal facilities, and the operational status of those facilities are upgraded, as deemed appropriate by local government enforcement agencies. California cities and counties are required to submit annual reports to the California Integrated Waste Management Board to update their progress toward the AB 939 goals (i.e., source reduction, recycling and composting, and environmentally safe land disposal).⁷⁷

(g) Assembly Bill 1327—California Solid Waste Reuse and the Recycling Access Act of 1991

The California Solid Waste Reuse and the Recycling Access Act of 1991 (AB 1327) is codified in Public Resources Code Sections 42900–42911. As amended, AB 1327 requires each local jurisdiction to adopt an ordinance requiring commercial, industrial, institutional, marina, or residential buildings having five or more living units to provide an adequate storage area for the collection and removal of recyclable materials. The size of these storage areas are to be determined by the appropriate jurisdictions' ordinance. If a local jurisdiction has not adopted its own ordinance as of the date Assembly Bill 1327 was adopted, the CalRecycle model ordinance would take effect. Pursuant to AB 1327, the City of Los Angeles adopted the Space Allocation Ordinance (Ordinance No. 171687), discussed below, instead of adopting the CalRecycle model ordinance.

(h) Senate Bill 1374—Construction and Demolition Waste Materials Diversion Requirements

Passed in 2002, the Construction and Demolition Waste Materials Diversion Requirements (SB 1374) added Public Resources Code Section 42919. SB 1374 requires that jurisdictions include in their annual AB 939 report a summary of the progress made in diverting construction and demolition waste. The legislation also required that CalRecycle adopt a model ordinance for diverting 50 to 75 percent of all construction and demolition waste from landfills.

(i) Zero Waste California

Zero Waste California is a State-launched program that promotes a new vision for the management of solid waste. Zero Waste is based on the concept that wasting resources is inefficient and that efficient use of natural resources should be achieved. The concept is premised on maximizing existing recycling and reuse efforts, while ensuring that

⁷⁷ *Public Resources Code, Section 40050 et seq.*

products are designed for the environment and have the potential to be repaired, reused, or recycled. The Zero Waste California program promotes the goals of market development, recycled product procurement, and research and development of new and sustainable technologies.

(j) California Green Building Standards (CALGreen Code)

The 2010 California Green Building Standards Code referred to as CALGreen Code, went into effect January 1, 2011. The new mandatory measures set sensible minimum standards that all new structures are required to meet to minimize the state's overall carbon output. California now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. Each local jurisdiction still retains the administrative authority to exceed the new CALGreen standards. The City of Los Angeles has adopted the LA Green Code in compliance with CALGreen Code.⁷⁸

(2) Regional Regulatory Framework

(a) Los Angeles County Integrated Waste Management Plan

The Los Angeles County Integrated Waste Management Plan (CIWMP), approved by the County Integrated Waste Management Board on June 23, 1999, is a set of planning documents that sets forth a regional approach for the management of solid waste through source reduction, recycling composting, and environmentally safe transformation and disposal. The CIWMP recognizes that landfills will remain an integral part of the County's solid waste management system in the foreseeable future and assures that the waste management practices of cities and other jurisdictions in the County are consistent with the solid waste diversion goals of AB 939.

The CIWMP includes the Countywide Integrated Waste Management Summary Plan (Summary Plan), which was approved by the County Integrated Waste Management Board on June 23, 1999. Pursuant to AB 939, the Summary Plan describes the actions to be taken to achieve the mandated waste diversion goals of AB 939. The Summary Plan establishes Countywide goals and objectives for integrated waste management; establishes an administrative structure for preparing and managing the Summary Plan; describes the Countywide system of governmental solid waste management infrastructure; describes the current system of solid waste management in the County and associated cities; summarizes the types of solid waste programs; describes programs that could be

⁷⁸ CALGreen, www.bsc.ca.gov/Home/CALGreen.aspx, December 13, 2011.

consolidated or coordinated Countywide; and analyzes how these Countywide programs are to be financed.

In accordance with AB 939, the County has included a Countywide Siting Element (Siting Element) in the CIWMP. The Siting Element identifies goals, policies, and strategies that provide for the proper planning and siting of solid waste disposal and transformation facilities for the next 15 years. The Siting Element, approved by the County Integrated Waste Management Board on June 24, 1998, provides strategies and siting criteria for evaluating the development of needed disposal and transformation facilities. The County is currently in the process of updating the Siting Element to reflect information regarding remaining landfill capacity and the County's current strategy for maintaining adequate disposal capacity. To provide an annual update on the CIWMP, the County Department of Public Works prepares annual reports. The 2010 CIWMP Annual Report dated October 2011 is the most recent report available. A summary of the 2010 CIWMP is provided in Section IV.K.3., Utilities--Solid Waste, of the Draft EIR.

(3) City Regulatory Framework

A number of City adopted plans and policies also govern solid waste management throughout the City, including the City of Los Angeles Solid Waste Management Policy Plan and Source Reduction Recycling Element, the City's Solid Waste Integrated Resource Plan, the City of Los Angeles General Plan Framework, the City's Solid Resources Infrastructure Strategy Facilities Plan, the RENEW LA Plan, Green LA Plan, and the Los Angeles Municipal Code (LAMC). These various plans and policies are described below.

(a) City of Los Angeles Solid Waste Management Policy Plan and Source Reduction and Recycling Element

The City of Los Angeles Solid Waste Management Policy Plan (CiSWMPP), adopted in November 1994, is the City's current long-range policy plan that provides direction for solid waste management and serves as an umbrella document for the City of Los Angeles Source Reduction and Recycling Plan (CiSRRE). Pursuant to AB 939, the objective of the CiSWMPP is to promote source reduction or recycling to achieve a minimum diversion of 50 percent of the City's waste by 2000, and maintain it thereafter as well as achieve the City's adopted goal of 70 percent diversion by 2020.⁷⁹ The CiSWMPP calls for disposal of the remaining waste in local and possibly remote landfills. The CiSRRE is a strategic

⁷⁹ *City of Los Angeles Department of Public Works Bureau of Sanitation, City of Los Angeles Solid Waste Planning Background Studies Summary Report, www.lacity.org/san/solid_resources/pdfs/rfp-swirp-appendix-b3.pdf.*

action plan for diverting solid waste from landfills and was most recently updated in 2001. Together the CiSWMPP and CiSRRE specify goals, objectives, and programs for achieving AB 939.

The following five goals of the CiSWMPP reflect the importance of source reduction and materials recovery to the success of the plan:

- *Maximum Waste Diversion:* The goal is to create an integrated solid waste management system that maximizes source reduction and materials recovery and minimizes waste requiring disposal.
- *Adequate Recycling Facility Development:* To expand the siting of facilities that enhance waste reduction, recycling, and composting throughout the City beyond the current limits of the zoning code in ways that are economically, socially, and politically acceptable.
- *Adequate Collection, Transfer, and Disposal of Mixed Solid Waste:* The City shall ensure that all mixed solid waste that cannot be reduced, recycled, or composted is collected, transferred, and disposed in a manner that minimizes adverse environmental impacts.
- To develop an environmentally sound solid waste management system that protects public health and safety, protects natural resources, and utilizes the best available technology to accommodate the needs of the City.
- The City shall operate a cost-effective integrated waste management system that emphasizes source reduction, recycling, reuse, and market development and is adequately financed to meet operational and maintenance needs.

The City surpassed the State-mandated 50 percent diversion rate for the year 2000 and fulfilled its compliance rate in 2005 and 2006.⁸⁰ More recent data has not yet been approved by the CIWMB (now CalRecycle). In 1999, the Mayor directed City departments to develop strategies to achieve a Citywide recycling goal of 70 percent by 2020.

The City's Source Reduction and Recycling Element serves as a guidance document and strategic action plan for diverting solid waste from landfills. The Source Reduction and Recycling Element provides a 10-year programmatic plan for solid waste

⁸⁰ *State of California, Integrated Waste Management Board, Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report: Los Angeles, Report Year: 2005, www.ciwmb.ca.gov/LGTools/mars/JurDrSta.asp, accessed July 18, 2011.*

diversion objectives between 1990 and 2000, in accordance with the requirement of AB 939. It was based on an ongoing evaluation of programs and waste analysis. The plan establishes diversion objectives for specific programs and targeted generators that, in combination, enabled the City to exceed the 1995 and 2000 diversion objectives of the City of Los Angeles Solid Waste Management Policy Plan. It also presents an analysis of the projected 15-year disposal capacity requirements for the City of Los Angeles based on achieving the 1995 and 2000 diversion objectives of the Source Reduction and Recycling Element and, with continual increased diversion, the City of Los Angeles Solid Waste Management Policy Plan long-term diversion objectives. Guidance for, and implementation of, the solid waste diversion programs identified in the Source Reduction and Recycling Element are administered by the City of Los Angeles Department of Public Works, Bureau of Sanitation, Solid Resources Citywide Recycling Division.

(b) City of Los Angeles Solid Waste Integrated Resources Plan

The City of Los Angeles Department of Public Works, Bureau of Sanitation, is currently in the process of developing the Solid Waste Integrated Resources Plan (SWIRP) also known as the “Zero Waste Plan,” a 20-year master plan to reduce solid waste, increase recycling, and manage trash in the City through the year 2030.⁸¹ The SWIRP is intended to provide a long-term outline of the policies, programs, infrastructure, regulations, incentives, new green jobs, technology, and financial strategies necessary to achieve the City’s goal of becoming a “zero waste” city by the year 2030.⁸² The term “zero waste” refers to maximizing recycling, minimizing waste, reducing consumption, and encouraging the use of products with recycled/reused materials.^{83,84}

(c) City of Los Angeles General Plan Framework

As discussed and detailed in Section IV.A, Land Use, of the Draft EIR, the Framework Element of the City of Los Angeles General Plan (Framework) provides a Citywide strategy for long-term growth planning, and includes an Infrastructure and Public Services Chapter, which responds to State and Federal mandates to plan for adequate

⁸¹ *Zero Waste Plan, Solid Waste Integrated Resources Plan, City of Los Angeles, Department of Public Works, Bureau of Sanitation.*

⁸² *“Green jobs” is the term for work force opportunities created by companies and organizations whose mission is to improve environmental quality.*

⁸³ *City of Los Angeles Department of Public Works, Bureau of Sanitation, Countdown to Zero Waste Plan, available online at: www.zerowaste.lacity.org/home/index.html, accessed June 21, 2011.*

⁸⁴ *“Zero waste” is a goal and not a categorical imperative; the City is simply seeking to come as close to “zero waste” as possible. Preparation of the SWIRP is expected to be completed sometime in 2013.*

infrastructure in the future. The General Plan Framework supports AB 939 and its goals by encouraging “an integrated solid waste management system that maximizes source reduction and materials recovery and minimizes the amount of waste requiring disposal.”⁸⁵ The Framework addresses many of the programs the City has implemented to divert waste from disposal facilities, such as source-reduction programs and recycling programs (e.g., Curbside Recycling Program and composting). Furthermore, the Framework states that for these programs to succeed, the City should site businesses at appropriate locations where recyclables can be handled, processed, and/or manufactured to allow a full circle recycling system to develop. The continuing need for solid waste transfer and disposal facilities, as well as the limited disposal capacity of the landfills in Los Angeles, is further addressed by the Framework, which indicates that more transfer facilities will be needed in order to dispose of waste at remote landfill facilities. Several landfill disposal facilities that may be accessed by truck are identified in addition to waste-by-rail landfill disposal facilities that can be utilized by the City to meet its disposal needs.⁸⁶

(d) City of Los Angeles Solid Resources Infrastructure Strategy Facilities Plan

The City’s Solid Resources Infrastructure Strategy Facilities Plan (Facilities Plan) was prepared in 2000 by the Bureau of Sanitation in an effort to address the goals of AB 939 and the policies of the Framework. The following are among the objectives outlined therein:

- Develop a transfer facility and/or recycling center in the Central Los Angeles Area;
- Continue to research and develop the use of Material Recovery Facilities to preprocess all residual waste prior to delivery to a disposal site; and
- Develop a comprehensive and continual public education and community outreach program designed to educate and inform the public about the City’s solid resources programs and strategies.⁸⁷

⁸⁵ City of Los Angeles Department of City Planning, *Citywide General Plan Framework*, August 2001, page 9-11.

⁸⁶ City of Los Angeles Department of City Planning, *Citywide General Plan Framework*, Chapter 9, <http://cityplanning.lacity.org/cwd/framwk/chapters/09/09.htm>, accessed June 21, 2011.

⁸⁷ City of Los Angeles Department of Public Works, *Solid Resources Infrastructure Strategy Facilities Plan*, November 2000, www.lacitysan.org/solid_resources/pdfs/isfp.pdf, accessed June 21, 2011.

Additionally, the Bureau of Sanitation operations include collection, recycling, and disposal of solid waste, green waste, bulky items, and other special solid waste materials for single-family residences and small apartment complexes city-wide. They also manage contracted recycling programs for apartments and commercial and industrial businesses.⁸⁸

(e) *RENEW LA Plan*

RENEW LA was adopted by the City Council in March 2006 for the purpose of facilitating a shift from solid waste disposal to resource recovery. This shift is predicted to result in “zero waste” and an overall diversion level of 90 percent. The plan focuses on combining key elements of existing reduction and recycling programs and infrastructure with new systems and conversion technologies to achieve resource recovery (without combustion) in the form of traditional recyclables; soil amendments; and renewable fuels, chemicals, and energy. Furthermore, the plan calls for reductions in the quantity of and environmental impacts associated with residual materials disposed in landfills.

(f) *Green LA Plan*

In May 2007, the Mayor of Los Angeles presented the City Council with the *Green LA Plan*, an action plan to lead the nation in addressing global warming. The overall goal of the *Green LA Plan* is to reduce greenhouse gas emissions to 35 percent below 1990 levels by 2030. To achieve this target, a number of goals and objectives have been established in various focus areas. One such focus area is solid waste, as landfills are a major source of methane, a greenhouse gas produced by decomposing trash. The goals of the *Green LA Plan* are to shift from solid waste disposal to resource recovery and to recycle 70 percent of solid waste generated within the City by 2015. In 2008, the Mayor accelerated that goal to 75 percent diversion by 2013.⁸⁹ To meet this target by 2013, the Bureau of Sanitation has initiated several new programs, including multi-family recycling available to all buildings, construction and demolition recycling requirements, and a pilot residential food scrap program.

⁸⁸ City of Los Angeles Department of Public Works Bureau of Sanitation, *Five-Year Strategic Plan*, www.lacitysan.org/general_info/pdfs/Strategic_Plan_10-11_Final.pdf, accessed June 21, 2011.

⁸⁹ *City Solid Waste Programs and Policies*, City of Los Angeles, www.zerowaste.lacity.org/files/info/fact_sheet/SWIRPPolicyNprogramsFactSheet_032009.pdf; accessed June 21, 2011.

(g) City of Los Angeles Space Allocation Ordinance (Los Angeles Municipal Code)

Pursuant to SB 1327, the City enacted the Space Allocation Ordinance (Ordinance No. 171687) on August 13, 1997, which is incorporated in various sections of the LAMC. The Space Allocation Ordinance requires the provision of an adequate recycling area or room for collecting and loading recyclable materials for all new construction projects, multi-family residential projects of four or more units where the addition of floor area is 25 percent or more, and other development projects where the addition of floor area is 30 percent or more.

(h) LA Green Code

Pursuant to CALGreen, the City enacted the LA Green Code (Ordinance No. 181480) on December 15, 2010, which incorporates various provisions of the 2010 California Green Building Standards Code (CALGreen Code) including reducing a building's energy and water use, reduce waste, and reduce the carbon footprint. The provisions of the code shall apply to the construction of every new building, every building alteration with a building permit valuation of over \$200,00 and every building addition, unless otherwise indicated therein.⁹⁰

(i) Citywide Construction and Demolition Debris Recycling Ordinance

On March 5, 2010, the City Council approved Council File 09-3029 pertaining to a Citywide Construction and Demolition (C&D) Debris Recycling Ordinance (Ordinance No. 181519) that requires all mixed C&D waste generated within City limits be taken to City certified C&D waste processors. The Bureau of Sanitation is responsible for this new C&D waste recycling policy that became effective February 12, 2011.⁹¹

K.4 Utilities—Electricity

There are no regulations concerning electricity at the local, regional, or Statewide levels that are specific to the analysis of demand for electricity. Such impacts are addressed through CEQA review, pursuant to guidance in the L.A. CEQA Thresholds Guide, as further discussed in Section IV.L.5. Utilities – Electricity. of this Draft EIR.

⁹⁰ Los Angeles Municipal Code, Ordinance No. 181480 www.ladbs.org/LADBSWeb/LADBS_Forms/Publications/LAGreenBuildingCodeOrdinance.pdf ; Accessed December 13, 2011.

⁹¹ Los Angeles City Clerk, Council File Management System, Council File: 09-3029, <http://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=09-3029>, accessed August 12, 2011.

K.5 Utilities—Natural Gas

(1) Senate Bill 1389

Senate Bill 1389 (Bowen and Sher), passed by the State Legislature in 2002, reconstituted the State's responsibility to develop an integrated plan for electricity, natural gas, and transportation fuels. The legislation requires that the CEC adopt and transmit to the Governor and Legislature an Integrated Energy Policy Report every two years. The last report completed is the 2009 Integrated Energy Policy Report, which provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public health and safety. The CEC currently is in the process of preparing and taking public comment on the 2011 Integrated Energy Policy Report.

(2) Assembly Bill 32

Assembly Bill 32 (AB 32), also known as the California Global Warming Solutions Act of 2006, commits the State to achieving the following:

- 2000 Greenhouse Gas (GHG) emission levels by 2010 (which represents an approximately 11 percent reduction from business-as-usual⁹²); and
- 1990 levels by 2020 (approximately 28.4 percent below business-as-usual).

To achieve these goals, AB 32 tasked the California Public Utilities Commission (CPUC) and CEC with providing information, analysis and recommendations to the California Air Resources Board (ARB) on ways to reduce GHG emissions from multiple sources, including the combustion of natural gas.

(3) Title 24, California Code of Regulations

Title 24 of the California Code of Regulations sets forth the state's Building Energy Efficiency Standards. These regulations were originally established in 1978 in response to a legislative mandate to reduce the State's energy consumption. New buildings in the State are required to comply with these standards, which are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods.

⁹² The California Air Resources Board defines "business-as-usual" as emissions in the absence of any greenhouse gas reduction measures discussed in the Climate Change Scoping Plan.

On April 23, 2008, the CEC adopted the 2008 Building Energy Efficiency Standards. Effective January 1, 2010, new buildings must be designed and constructed to meet the 2008 standards. The CEC adopted the 2008 Building Energy Efficiency Standards for the following reasons:

- To provide California with an adequate, reasonably priced, and environmentally sound supply of energy.
- To respond to the greenhouse gas reduction goals set forth in AB 32.
- To pursue the California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.
- To act on the findings of California's Integrated Energy Policy Report that the standards are the most cost effective means to achieve energy efficiency and that such standards continue to be upgraded over time to reduce electricity and peak demand,
- To recognize the role of the standards in reducing energy related to meeting California's water needs and in reducing greenhouse gas emissions.
- To meet the West Coast Governors' Global Warming Initiative commitment to include aggressive energy efficiency measures into updates of state building codes.
- To meet the Executive Order in the Green Building Initiative to improve the energy efficiency of nonresidential buildings through aggressive standards.

L. Environmental Hazards

The response to releases of hazardous materials is governed by a variety of Federal, State and local regulations and requirements including Title III of the Superfund Amendments and Reauthorization Act of 1986, the La Follette Bill of 1986, and the Waters Bill of 1985. The level of response required and the entities accountable for responding vary depending upon a number of factors, including the type and quantity of material released, the medium into which the release occurred, and the availability and training level of the facility's response team. Remedies available to administering agencies to ensure enforcement of the legislation include, but are not necessarily limited to, the assessment of administrative and civil penalties, fines, and injunctions against violators.

Table 7 on page 136 identifies and summarizes the major legislation which regulates each of the categories of hazardous materials addressed in Section IV.L. Environmental Hazards of the Draft EIR. Table 7 also identifies the government agencies charged with the administration and enforcement of each major law.

Table 7
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
<i>Hazardous Materials Use, Storage, and Management</i>	
<u><i>Federal/State Occupational Safety and Health Act of 1970</i></u> This Federal/State legislation requires special training of handlers of hazardous materials, notification to employees who work in the vicinity of hazardous materials, acquisition from the manufacturer of material safety data sheets which describe the proper use of hazardous materials, and training of employees to remediate any hazardous material accidental releases. The California Division of Occupational Safety and Health also requires preparation of an Injury and Illness Prevention Program which is an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication.	California Division of Occupational Safety and Health
<u><i>Emergency Planning and Community Right-to-Know Act (Title III of the Federal Superfund Amendments and Reauthorization Act)</i></u> This 1986 Act established nationwide reporting and planning requirements for businesses that handle or store certain hazardous materials. The four programs created under Title III of the Federal Superfund Amendments and Reauthorization Act include planning for emergency response, reporting hazardous materials inventories, reporting leaks and spills, and annually reporting the total releases of specified toxic chemicals. As the toxic chemicals handled by the Project Site are below Title III of the Federal Superfund Amendments and Reauthorization Act thresholds, it is not required to comply with the annual reporting program. The other three programs overlap with the requirements under California's Waters Bill and La Follette Bill, which are discussed below.	U.S. Environmental Protection Agency (EPA)
<u><i>Waters Bill of 1985 (Business Emergency Plan/Hazardous Materials Business Plan)</i></u> This State legislation requires facilities which meet minimum hazardous materials use/storage thresholds to file a Hazardous Materials Business Plan, which includes a complete inventory of the hazardous materials being used and stored on a site. Employee training and emergency response plans and procedures for the accidental release of hazardous materials are also included in a Business Emergency Plan. These provisions are also required under Title III of the Federal Superfund Amendments and Reauthorization Act and are administered via maintenance of a Business Emergency Plan/Hazardous Materials Business Plan.	City of L.A. Fire Department (City Fire Department)
<u><i>La Follette Bill of 1986 (Risk Management Plan)</i></u> This State legislation requires preparation of a Risk Management Plan for commercial operations which use hazardous materials at defined thresholds. The Risk Management Plan includes management, engineering and safety studies, and plans for physical improvements to minimize accidental hazardous materials releases. Implemented via fire inspections, plan checking, Business	City Fire Department

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
Emergency Plan/Hazardous Materials Business Plan disclosure requirements, and filing of the Risk Management Plan (updated every three years). Similar planning for emergency response is also required under Title III of the Federal Superfund Amendments and Reauthorization Act.	
<u><i>Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) (Senate Bill 1082, 1994)</i></u> The Unified Program consolidates and coordinates the six State programs that regulate business and industry use, storage, handling, and disposal of hazardous materials and wastes. The County Fire Department and the City Fire Department are both Certified Unified Program Agencies. Although the Project Site is entirely within the City of Los Angeles and operates under the City Fire Department Certified Unified Program Agency, the City Fire Department has entered into an agreement with the County of Los Angeles for the County Fire Department to administer the hazardous waste components of the Unified Program. Under the Unified Program, the Project Site is required to submit several business information and hazardous materials inventory forms to the Certified Unified Program Agencies.	County Fire Department and City Fire Department
<u><i>Comprehensive Environmental Response, Compensation and Liability Act and California Hazardous Substance Account Act</i></u> These Federal and State legislations require reporting of certain releases of hazardous substances from certain facilities and set forth identification and response action requirements for designated sites. The Project Site is not a listed Federal or State Superfund site.	U.S. EPA, California EPA, California Department of Toxic Substances Control
<u><i>Uniform Fire Code</i></u> This local legislation regulates the type, configuration, and quantity of hazardous materials that may be stored within structures or in outdoor areas. Administered via regular site inspections and the issuance of notices of violation in cases of noncompliance.	City Fire Department
<u><i>Safe Drinking Water and Toxics Enforcement Act (Proposition 65)</i></u> This State legislation requires certain businesses which use hazardous materials to post public notice of any accidental hazardous materials releases, the release of or other known potential exposures to materials known to the State of California to cause cancer or reproductive toxicity and prohibits such businesses from releases into the environment at levels above identified risk levels.	L.A. County Department of Health Services
<u><i>General Plan Safety Elements</i></u> The General Plan Safety Element of the City of Los Angeles represents the long-range emergency response plan for the City and seeks to address the issues of protection of people from unreasonable risks associated with natural disasters (e.g., fires, floods and earthquakes), as well as reduce future losses of life,	City of L.A.

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
injuries and socioeconomic disruption from other safety issues including the management of hazardous materials.	
Hazardous Wastes	
<u><i>Federal/State Occupational Safety and Health Act</i></u> The Occupational Safety and Health Act regulations contain worker safety provisions with respect to hazardous waste management operations and emergency responses involving hazardous wastes. The hazardous waste provisions of Occupational Safety and Health Act are contained in the Hazardous Waste Operations and Emergency Response Standard. See also the discussion under Hazardous Materials Use and Storage, above.	California Division of Occupational Safety and Health
<u><i>Resource Conservation and Recovery Act and California Hazardous Waste Control Law</i></u> These Federal and State legislations regulate the generation, transportation, treatment, storage and disposal of hazardous waste by "large-quantity generators" (1,000 kilograms/month or more) through a comprehensive life cycle or "cradle to grave" tracking requirements. These include maintaining inspection logs of hazardous waste storage locations, records of quantities being generated and stored, and manifests of pick-ups and deliveries to licensed treatment/storage/disposal facilities. The Resource Conservation and Recovery Act also identifies standards for treatment, storage, and disposal. Both the Resource Conservation and Recovery Act and California Hazardous Waste Control Law require the preparation of hazardous waste reports by hazardous waste generators for submittal to the California Department of Toxic Substances Control which identify the nature and quantity of the hazardous waste being generated, along with the storage/treatment/disposal techniques being used. This requirement is administered via the filing of biennial reports with the California Department of Toxic Substances Control.	California Department of Toxic Substances Control, L.A. County Department of Health Services, County Fire Department, California Division of Occupational Safety and Health
<u><i>Hazardous Waste Source Reduction and Management Review Act of 1989 (Senate Bill 14)</i></u> This State legislation requires generators of 12,000 kilograms/year of typical/operational hazardous waste to conduct an evaluation of their waste streams every four years and to select and implement viable source reductions alternatives. This Act does not apply to non-typical hazardous waste (such as asbestos and polychlorinated biphenyls).	California Department of Toxic Substances Control
<u><i>Uniform Fire Code</i></u> The Uniform Fire Code regulates hazardous waste storage facilities through regular site inspections. See also the discussion under Hazardous Materials Use, Storage, and Management above.	City Fire Department
<u><i>Federal Universal Waste Regulations [40 CFR Part 273]</i></u> The Federal Universal Waste Regulations streamline collection requirements for certain hazardous wastes in the following	U.S. EPA

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
categories: batteries, pesticides, mercury-containing equipment and lamps. These regulations are designed to reduce hazardous waste in the municipal solid waste stream by making it easier for universal waste handlers to collect these items and send them for recycling or proper disposal.	
<u>Nuclear Regulatory Commission (NRC) Regulations [10 CFR Parts 61-62]</u> Various fire/life safety devices used in residential, industrial, and commercial buildings utilize low energy radioactive sources such as Americium-241 and Tritium. Common applications are ionization smoke detectors and self-luminous exit signage. While low-energy radioactive devices pose little or no threat to public health, they are subject to certain reporting, handling, and transfer requirements including proper disposal of unwanted or unused signs as specified by the general licensing agreements of the NRC. The NRC develops guidance for environmental compliance and oversees the decommissioning and cleanup of contaminated sites, safe management and disposal of low-level wastes, such as that anticipated for the Project Site, and uranium recovery activities.	U.S. Nuclear Regulatory Commission and California Department of Public Health, Radiologic Health Branch
<u>California Universal Waste Rule [CCR, Title 22, Division 4.5, Chapter 23]</u> The Universal Waste Rule regulates the disposal of universal waste including, but not limited to, the following items: mercury thermostats; batteries, including rechargeable nickel-cadmium batteries, silver button batteries, mercury batteries, small sealed lead acid batteries (burglar alarm and emergency light batteries), most alkaline batteries, carbon zinc batteries, and any other batteries that exhibit a characteristic of a hazardous waste (§66261.20 through §66261.24); lamps, including fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and any other lamps that exhibit a characteristic of a hazardous waste; non-empty aerosol cans; mercury switches, including thermostats and tip switches in portable heaters, washing machine out-of-balance switches, silent wall switches, and other mercury-containing switches and products containing them; mercury pressure or vacuum gauges; mercury-containing rubber flooring; consumer electronic devices, including cell phones, game consoles, and computers; and mercury gauges, including vacuum and pressure gauges. The California Universal Waste Rule requires universal waste to be recycled or disposed of in a facility that properly handles universal waste rather than disposing universal waste in municipal solid waste landfills. In addition, generators are required to properly dispose of their universal wastes, but are allowed much simpler storage and shipment rules; only ultimate disposal is fully regulated under the hazardous waste facility permit program. To simplify transportation, common carriers are allowed to transport Universal waste on a bill of lading rather than a hazardous waste manifest. Additionally, use of	California Department of Toxic Substances Control

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
registered hazardous waste transporters is not required.	
<u><i>Electronic Waste Recycling Act (EWRA)</i></u> As part of its implementation of the EWRA, DTSC has tested certain types of electronic devices to determine which would be hazardous waste when discarded. Currently, any of the following devices manufactured before 2006 are considered hazardous wastes: cathode ray tube (CRT) devices (including televisions and computer monitors); liquid crystal display (LCD) desktop monitors; laptop computers with LCD displays; LCD televisions; plasma televisions; and portable DVD Players with LCD screens. The EWRA seeks to provide cost-free recycling opportunities for consumers, to reduce/prevent illegal dumping of electronic waste (and reduction in e-waste stockpiling), and to decrease the hazardous materials entering the municipal solid waste stream. In addition, the EWRA also sets requirements regarding the use of certain hazardous substances in electronic products.	California Department of Toxic Substances Control
<i>Asbestos and Lead-Based Paint</i>	
<u><i>Toxic Substances Control Act of 1976</i></u> This Federal legislation phased out the use of asbestos and asbestos-containing materials in new building materials, and sets requirements for the use, handling, and disposal of asbestos-containing materials. New disposal standards for lead based paint wastes are being developed under Section 402(a)(1). The Federal EPA has also established National Emission Standards for Hazardous Air Pollutants (NESHAP) (40 CFR 61 Part M) that govern the use, removal, and disposal of ACM as a hazardous air pollutant. The NESHAP regulations mandate the removal of friable ACM before a building is demolished and includes notification requirements prior to demolition. Responsibility for implementing these requirements has been delegated to the State of California, which in turn has delegated the responsibility to the South Coast Air Quality Management District (SCAQMD). Refer to SCAQMD Rule 403 discussion below.	U.S. EPA
<u><i>Federal/State Occupational Safety and Health Act</i></u> This legislation regulates asbestos and lead-based paint as it relates to employee safety through a set of notification and corrective action requirements, warning signs and labels, controlled access, use of protective equipment, demolition/renovation procedures, housekeeping controls, training, and in certain cases, air monitoring and medical surveillance to reduce potential exposure. This legislation also requires contractors involved in asbestos and lead-based paint surveys and removal to be certified by the California Division of Occupational Safety and Health. See also the discussion under Hazardous Materials Use, Storage, and Management, above. Lead exposure during construction activities is regulated by the Federal Occupational Safety and Health Act Lead Standard under 29 CFR 1926.62	California Division of Occupational Safety and Health

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
<u>California Hazardous Waste Control Law</u> This State legislation lists asbestos as hazardous waste. See also the discussion under Hazardous Waste, above.	California Division of Occupational Safety and Health
<u>South Coast Air Quality Management District Rule 1403</u> The SCAQMD implements the NESHAP through its Rule 1403, Asbestos Emissions from Renovation/Demolition Activities. This State legislation regulates asbestos as a toxic material and controls the emission of asbestos from demolition/renovation through requirements for surveying structures for asbestos-containing materials, procedures for the removal, handling, storage and disposal of asbestos-containing materials, and through standard record-keeping.	South Coast Air Quality Management District
<u>Connelly Warnings Act of 1988</u> This State legislation requires the preparation of an Asbestos Management Plan by owners of pre-1979 buildings known to contain asbestos-containing materials and establishes notification procedures for tenants and employees working in said buildings.	California Division of Occupational Safety and Health
<u>Safe Drinking Water and Toxics Enforcement Act (Proposition 65)</u> This State legislation prohibits a business from knowingly exposing anyone to levels in excess of the 5 micrograms of lead per day. In addition to providing warning requirements, this prohibits discharge to land or water where lead can pass into a source of drinking water.	L.A. County Department of Health Services
Polychlorinated Biphenyls	
<u>Toxic Substances Control Act of 1976</u> This Federal legislation bans the manufacture of polychlorinated biphenyls and controls the use and disposal of existing polychlorinated biphenyls-containing equipment.	U.S. EPA
<u>California Hazardous Waste Control Law</u> In addition to the Toxic Substances Control Act of 1976, provisions relating to polychlorinated biphenyls are also contained in the California Hazardous Waste Control Law, which lists polychlorinated biphenyls as hazardous waste. See also the discussion under Hazardous Waste, above.	California Division of Occupational Safety and Health
Aboveground Storage Tanks	
<u>Aboveground Petroleum Storage Act</u> This State legislative program was instituted in 1989 to regulate aboveground storage tanks which contain specified petroleum products with a storage capacity of 10,000 gallons or more or are subject to oil pollution prevention and response requirements under the Clean Water Act. The program requires the preparation of a Spill Prevention Control and Countermeasure Plan, the filing of biennial reports with the Regional Water Quality Control Board, and notification of the State Office of Emergency Services for certain spills or releases of 42 gallons or more of petroleum.	Los Angeles Regional Water Quality Control Board

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
<u>Resource Conservation and Recovery Act, Subtitle D</u> This Federal legislation regulates landfill siting, operation, and closure (including identifying liner and capping requirements). Subtitle D is codified in Section 1058 of the State Water Code.	California, Integrated Waste Management Board
<u>Calderon Act of 1984 (Solid Waste Assessment Test and Solid Waste Air Quality Assessment Test)</u> This State legislation requires the preparation of a Solid Waste Assessment Test and Solid Waste Air Quality Assessment Test for all landfill sites in California to determine whether a site contains hazardous waste leakage or air contaminants.	Los Angeles Regional Water Quality Control Board, Los Angeles County Department of Public Works, South Coast Air Quality Management District
<u>California Health and Safety Code Section 25221 et seq. (Hazardous Waste Disposal Land Use Statute)</u> This State legislation requires that a builder who intends to construct residential or buildings of other specified uses, who knows or has reasonable cause to believe that a "significant disposal of hazardous waste" has occurred at or within 2,000 feet of the property, seek a determination from the California Department of Toxic Substances Control as to whether the property is a hazardous waste disposal or border zone property.	California Department of Toxic Substances Control
<u>California Code of Regulations Section 21190</u> Pursuant to this State legislation, Solid Waste Local Enforcement Agencies have oversight of disposal site post-closure land use. For sites that ceased operating prior to January 1, 1988, if a significant change in post-closure land use is proposed, a post-closure land use proposal should be submitted to the Solid Waste Local Enforcement Agency to address compliance with this legislation.	Solid Waste Local Enforcement Agency, California Integrated Waste Management Board, Los Angeles Regional Water Quality Control Board
<u>City of Los Angeles Requirements</u> The City of Los Angeles Fire Department requires that all aboveground storage tanks containing more than 60 gallons of combustible materials have a form of secondary containment, and specifies containment provisions.	City Fire Department
Underground Storage Tanks	
<u>Resource Conservation and Recovery Act, Subtitle I</u> This Federal legislation authorizes the EPA to issue regulations for new underground storage tank installations as well as strict standards for upgrading existing underground storage tanks, corrosion protection, spill and overflow protection, on-site practices and record-keeping, underground storage tank closure standards, and financial responsibility. The State underground storage tank laws have incorporated the Federal requirements, as discussed below. See also the discussion under Hazardous Waste, above.	U.S. EPA
<u>California Code of Regulations and California Health and Safety Code</u> This State legislation (State underground storage tank program) incorporates the requirements of the Resource Conservation and Recovery Act, Subtitle I, and sets registration and permitting	L.A. County Department of Public Works, City Fire Department, Los Angeles Regional Water Quality Control Board

Table 7 (Continued)
Hazardous Materials Regulatory Setting

Issue Area and Relevant Legislation	Administering Agency
requirements, construction/operational standards, closure requirements, licensing of underground storage tank contractors, financial responsibility requirements, release reporting/corrective action requirements, and enforcement. The State program also requires the installation of leak detection systems and/or monitoring of underground storage tank installations. Since 1998, all tanks have been required to include corrosion protection, leak detection, and spill/overflow devices.	
Oil and Gas	
<u><i>Federal/State Occupational Safety and Health Act</i></u> Worker exposure to methane is regulated by OSHA under 29 CFR §1910.146. This section regulates worker exposure to a “hazardous atmosphere” within confined spaces where the presence of flammable gas vapor or mist is in excess of 10 percent of the lower explosive limit. Cal-OSHA regulates worker exposure to airborne contaminants (such as hydrogen sulfide) during construction under Title 8, Section 5155, Airborne Contaminants, which establishes which compounds are considered a health risk, the exposure limits associated with such compounds, protective equipment, workplace monitoring, and medical surveillance required for compliance.	California Division of Occupational Safety and Health
<u><i>State Public Resources Code Section 3200, et seq.</i></u> Section 3200, et seq., of the Public Resources Code regulates the permitting, establishment, completion, and abandonment/re-abandonment of gas and oil wells. The Division of Oil, Gas, and Geothermal Resources (DOGGR) is the state agency with primary responsibility for the enforcement of these regulations. DOGGR is also the state agency responsible for conducting construction site plan review for development proposed in proximity to gas or oil wells. In the event wells or casings are found during excavation and grading activities, proper abandonment may be required by DOGGR under CCR Title 14.	California Division of Oil, Gas, & Geothermal Resources
<u><i>City of Los Angeles Building Code, Division 71 (Methane Seepage District Regulations)</i></u> The Citywide Methane Ordinance Map (A-20960) shows the Methane and Methane Buffer Zones in the City of Los Angeles and requires certain methane gas sampling and building mitigation systems for properties in those areas. As discussed above, the Project Site is within a methane zone.	L.A. City Department of Public Works
Source: <i>Matrix Environmental, 2011.</i>	

