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# FINAL ENVIRONMENTAL IMPACT REPORT

CORNFIELD ARROYO SECO SPECIFIC PLAN

VOLUME I of III

*This document, together with the Original DEIR, the Recirculated Portions DEIR, and their appendices comprises the Final EIR as required under the California Environmental Quality Act*

## ***Cornfield Arroyo Seco Specific Plan***

*ENV-2009-599-EIR*

*CPC-2009-598-SP*

*State Clearinghouse No. 2009031002*

*Council District 1*

***Project Location:*** The Plan is located entirely within Los Angeles City Council District One, and comprises portions of the Central City North, Northeast, and Silverlake-Echo Park Community Plan areas. The Plan includes two of the opportunity areas identified in the Los Angeles River Revitalization Masterplan—the Cornfield and Arroyo Seco (City of Los Angeles 2007b).

***Project Description:*** The project, which is the Cornfield Arroyo Seco Specific Plan, guides the future development of an approximately 660 acre area. The Plan is intended to transform an underserved and neglected vehicular-oriented industrial and public facility area into a cluster of mixed-use, pedestrian oriented and aesthetically pleasing neighborhoods. The Plan is also intended to maintain and enhance the concentration of jobs, provide a range of housing choices, provide shops and services for everyday needs, increase access to open space, reduce per capita water and energy use, and lessen dependence on the automobile by facilitating pedestrian and transit mobility and encouraging bicycle use. To facilitate the realization of these goals the Plan includes the designation of new mixed-use zoning districts that will expand the range and intensities of permitted uses, establish building height, massing, façade, open space and conservation standards, while also requiring the provision of unbundled parking, reducing parking requirements, expanding bicycle parking standards, establishing transportation demand management strategies, implementing new street and urban design standards, and providing access to a variety of transit options including frequent light rail and bus connections, shared vehicles and bicycles, and taxis. For complete details of the project please refer to the complete draft of the Plan at: <https://sites.google.com/site/cornfieldsla/>

**PREPARED BY:**

Los Angeles Department of City Planning

**August 2012**





**CORNFIELD ARROYO SECO SPECIFIC PLAN  
FINAL ENVIRONMENTAL IMPACT REPORT**

**RESPONSE TO COMMENTS**

**TABLE OF CONTENTS**

<b>VOLUME I</b>		
<i>Chapter</i>		<b>Page</b>
1	Introduction to the Final EIR	1-1
2	List of Commenters (Original and RP-DEIR) Comments on the Original DEIR Comments on the RP-DEIR	2-1

**VOLUME II**

*Chapter*

3	Responses to Comments	3-1
	Master Responses	3-1
4	Corrections and Additions	4-1
5	Supplemental Analysis of the Project Revisions	5-1

**VOLUME III**

*Appendices*

A1	Mitigation Monitoring and Plan (MMP) –Appendix A1 of the Draft CASP
A2	CalEE Mod Input Table
A3	CalEEMod Energy Output Tables
A4	SCAG Model Development Report
A5	August 6, 2012 Draft Cornfield Arroyo Seco Specific Plan (Draft CASP)
A6	Potential Hazardous Property Inventory- Appendix A1.B. of the Draft CASP



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## 1.0 INTRODUCTION

### **Purpose**

This document is the Final Environmental Impact Report (FEIR) for the Cornfield Arroyo Seco Specific Plan (CASP). On September 22, 2011, the City circulated the Original Draft Environmental Impact Report (Original DEIR) for public review. Pursuant to Section 15088.5 (a) of the CEQA Guidelines, the City circulated a Recirculated Portions-DEIR (RP-DEIR) on May 31, 2012. The RP-DEIR included a discussion on construction air quality, health risks due to TAC (Toxic Air Contaminants) emissions, cumulative Greenhouse Gas (GHG) impacts, construction noise impacts, and expanded discussion of transportation impacts. Pursuant to Section 15088.5 (b) and (e) of the CEQA Guidelines, the FEIR includes a supplemental analysis of minor changes made to the project description to determine if new information would reveal substantial differences from the analysis provided in either the Original DEIR or the RP-DEIR (included here as Chapter 5).. This document together with the Original DEIR, its technical appendices, and the RP-DEIR and its technical appendices comprise the FEIR. The document has been prepared by the City of Los Angeles Department of City Planning pursuant to the California Environmental Quality Act (“CEQA”) Guidelines Section 15088 et seq.

The FEIR is required under Section 15132 of the CEQA Guidelines to include the Original DEIR and the RP-DEIR; comments and recommendations received on the Original DEIR and RP-DEIR either verbatim or in summary; a list of persons, organizations, and public agencies who commented on the Original DEIR and/or the RP-DEIR; the response of the Lead Agency to significant environmental issues raised by those comments in the review and consultation process; and any relevant information added by the Lead Agency (here including a supplemental analysis of minor changes to the Proposed Alternative). The Mitigation and Monitoring Plan is included here as an Appendix to the FEIR.

The evaluation and response to public comments is an important part of the CEQA process as it allows the following: (1) the opportunity to review and comment on the methods of analysis contained within the Original DEIR and/or RP-DEIR; (2) the ability to detect any omissions which may have occurred during preparation of the Original DEIR and/or RP-DEIR; (3) the ability to check for accuracy of the analysis contained within the Original DEIR and/or RP-DEIR; (4) the ability to share expertise; and (5) the ability to discover public concerns.

### **Process**

As defined by Section 15050 of the CEQA Guidelines, the Los Angeles Department of City Planning is the Lead Agency, preparing both the Draft and FEIR for this project. An initial Notice of Preparation (NOP) was prepared and circulated March 3, 2009 through March 30, 2009 for the required 30-day review period. Due to a change in the Project Description that contemplated the development of a Redevelopment Project Area for the Plan area, a second NOP was prepared and circulated November 3, 2010 through December 15, 2010.

The Original DEIR was prepared and circulated for a period of 60 days (in excess of the 45-day public review period required by State law), beginning on September 22, 2011, and ending on

November 21, 2011. Comments on the Original DEIR were received during the comment period, and those comments are set forth and are responded to in this FEIR.

In response to comments received during the public comment period for the Original DEIR the Lead Agency prepared and circulated, for a period of 45 days, a Recirculated Portions (RP) DEIR that replaced several portions of the Original DEIR. The comment period for the RP-DEIR began on May 31, 2012 and ended on July 16, 2012. Comments on this RP-DEIR were received during the comment period and those comments are also set forth and responded to in this Final EIR.

The CASP together with this FEIR will be submitted to the City Planning Commission and City Council for requested certification of the FEIR and adoption of the CASP. The City Planning Commission and City Council will review the FEIR, together with the proposed CASP and will decide whether to certify the Final EIR and approve the CASP.

### **Contents of the Final EIR**

As discussed above, the primary intent of the FEIR is to provide a forum to air and address comments pertaining to the analysis contained within the Original DEIR and RP-DEIR. Pursuant to Section 15088 of the CEQA Guidelines, the Los Angeles Department of City Planning has reviewed and addressed all comments received on the Original DEIR and RP-DEIR prepared for the CASP. Included within the FEIR are written comments that were submitted during the public review period.

In order to adequately address the comments provided by interested agencies and the public in an organized manner, this Final EIR has been prepared in five chapters. Due to the extent of each of the five chapters and the attendant supporting documents this portion of the FEIR is divided into three volumes. The five chapters are contained in the first two volumes and the third volume includes all of the supporting documents (appendices). A description of each of the five chapters and each of the appendices is as follows:

- Volume I, Chapter 1 provides a brief introduction to the FEIR and its contents.
- Volume I, Chapter 2 provides a list of commenting agencies, organizations and individuals as well as copies of each comment letter received.
- Volume II, Chapter 3 provides responses to written comments made by both the public agencies and interested parties. Some of the comment letters received on the Original DEIR and the RP-DEIR also provide comments on the Proposed Alternative (not the anticipated environmental impacts). These CASP-related comments require no response in the EIR process, but the opinions expressed by the commenter will be forwarded to the Planning Commission and City Council for their consideration during the decision-making process.

- Volume II, Chapter 4 provides a list of corrections to the Original DEIR and RP-DEIR. None of the changes that were made in the FEIR significantly impact the conclusions presented in the Original DEIR or the RP-DEIR.
- Volume II, Chapter 5 provides a supplemental analysis of the project revisions proposed after the release of the Original DEIR. None of the revisions result in new significant impacts or a substantial increase in the severity of an impact previously identified and so do not substantially alter the conclusions presented in the Original DEIR or the RP-DEIR.
- Volume III, Appendix 1 The Mitigation and Monitoring Plan (“MMP”) prepared in compliance with the requirements of Section 21081.6 of the California Public Resources Code and Section 15091 (d) and 15097 of the CEQA Guidelines is prepared as a separate document to accompany the Final EIR. The MMP is also included as Appendix A1 of the Plan.
- Volume III, Appendix 2 provides the CalEE Mod Input Table.
- Volume III, Appendix 3 provides the CalEE Energy Output Tables.
- Volume III, Appendix 4 provides the SCAG Model Development Report
- Volume III, Appendix 5 provides a detailed Project Description, the August 6, 2012 Draft Cornfield Arroyo Seco Specific Plan (Plan).
- Volume III, Appendix 6 provides the Potential Hazardous Property Inventory which is also included as Appendix A1.B. of the Plan.

### **Review and Certification of the Final EIR**

Consistent with State Law (Public Resources Code 21092.5), responses to agency comments are being forwarded to each commenting agency more than 10 days prior to the public hearing. In addition, at the same time responses are being distributed to all commenters who provided an address.

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

Cherry Yap  
City of Los Angeles  
Department of City Planning  
200 N. Spring Street, Room 667  
Los Angeles, CA 90012  
Telephone: 213.978.6364

Chinatown Library  
639 N. Hill Street  
Los Angeles, CA 90012

Lincoln Heights Library  
530 Workman Street  
Los Angeles, CA 90031

Additionally, the Final EIR can be downloaded or reviewed via the Internet at the Department of City Planning's website [<http://planning.lacity.org/> – click on “What’s New?” and then “Final Environmental Impact Report” or click on “Environmental” and then “Final EIR”]. The Final EIR can be purchased on CD-ROM for \$7.50 per copy. Contact Sandra McFarlane at 213.978.1255 or [sandra.mcfarlane@lacity.org](mailto:sandra.mcfarlane@lacity.org) to purchase one.

## 2.0 LIST OF COMMENTERS AND COMMENTS

### **List of Commenting Agencies, Organizations and Individuals**

The public comment period for the Original DEIR extended from September 22, 2011 to November 21, 2011. The table below lists all the letters received on the Original DEIR.

Letter	Organization	Commenter Name	Comment Date	Response Page Number
1	State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit	Scott Morgan, Director	November 22, 2011	3-5
2	South Coast Air Quality Management District	Ian MacMillan, Program Supervisor	November 18, 2011	3-5
3	Community Redevelopment Agency of the City of Los Angeles	Jenny Scanlin, Acting Regional Administrator II	November 22, 2011	3-10
4	Mountains Recreation & Conservation Authority	Paul Edelman, Chief of Natural Resources and Planning	October 26, 2011	3-12
5	Native American Heritage Commission	Dave Singleton, Program Analyst	September 30, 2011	3-12
6	Los Angeles City Fire Department	Brian Cummings, Fire Chief	November 9, 2011	3-13
7	California Department of Parks and Recreation	Jeff Brown, Senior Landscape Architect	November 18, 2011	3-14
8	City of Los Angeles Bureau of Sanitation, Wastewater Engineering Services Division	Ali Poosti, Acting Division Manager	November 22, 2011	3-16
9	Arroyo Seco Foundation	Tim Brick, Managing Director	November 22, 2011	3-16
10	California State Parks Foundation	Sara Feldman, Vice President of Programs	November 21, 2011	3-17

<b>Letter</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Comment Date</b>	<b>Response Page Number</b>
11	Communities for a Better Environment	Bill Gallegos, Executive Director	November 23, 2011	3-18
12	Craig Lawson & Co., LLC Land Use Consultants	Craig Lawson, President	November 23, 2011	3-19
13	East Los Angeles Community Corporation	Mike Dennis, Director of Community Organizing	November 23, 2011	3-19
14	Esperanza Community Housing Corporation	Nancy Halpern Ibrahim, Executive Director	November 23, 2011	3-20
15	Friends of the Los Angeles River	Lewis MacAdams, President	November 23, 2011	3-20
16	Green LA Coalition	Stephanie Taylor, Interim Executive Director	November 17, 2011	3-21
17	Green LA Coalition	Stephanie Taylor, Interim Executive Director	November 23, 2011	3-21
18	Little Tokyo Service Center	Bill Watanabe, Executive Director	November 14, 2011	3-22
19	Los Angeles Alliance for a New Economy	Aiha Nguyen, Senior Policy Analyst	November 10, 2011	3-22
20	Los Angeles Conservancy	Adrian Scott Fine, Director of Advocacy	November 21, 2011	3-22
21	Los Angeles County Bicycle Coalition	Alexis Lantz, Planning and Policy Director	November 17, 2011	3-24
22	Los Angeles County Bicycle Coalition	Alexis Lantz, Planning and Policy Director	November 23, 2011	3-24
23	The Metabolic Studio	Meredith Hackleman	November 23, 2011	3-26



<b>Letter</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Comment Date</b>	<b>Response Page Number</b>
24	Pacoima Beautiful	Lauren Ahkiam	November 23, 2011	3-26
25	Physicians for Social Responsibility, Los Angeles	Patricia Ochoa, Environment and Health Coordinator	November 23, 2011	3-27
26	Public Counsel Law Center	Serena Lin, Staff Attorney	November 17, 2011	3-31
27	Southeast Asian Community Alliance Public Counsel Law Center Chatten-Brown & Carstens Natural Resources Defense Council	Sissy Trinh, Executive Director Serena Lin, Staff Attorney Michelle Black, Attorney Adrian Martinez, Attorney	November 23, 2011	3-31
28	Southern California Association of Nonprofit Housing	Paul Zimmerman, Executive Director	November 23, 2011	3-100
29	Strategic Actions for a Just Economy	David Robinson, Political Director	November 17, 2011	3-100
30	Tenemos que Reclamar y Unidos Salvar la Tierra (TRUST), South L.A.	Sandra McNeill	November 23, 2011	3-100
31	United Neighbors in Defense Against Displacement (UNIDAD)	David Robinson, Coordinator	November 23, 2011	3-101
32	Urban Rivers Institute	Environmental Planning & Sustainability Consultant	November 21, 2011	3-101
33	Women Organizing Research, Knowledge, and Services (WORKS)	Channa Grace, President and CEO	November 8, 2011	3-101

<b>Letter</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Comment Date</b>	<b>Response Page Number</b>
34	Women Organizing Research, Knowledge, and Services (WORKS)	Channa Grace, President and CEO	November 23, 2011	3-101
35	Resident	Adela Juarez	October 15, 2011	3-102
36	Resident	Janet Loera	October 15, 2011	3-102
37	Resident	Joyce Dillard	November 21, 2011	3-102
38	Resident	Ken Montenegro	November 17, 2011	3-106
39	Resident	Richard D. García	October 15, 2011	3-107
40	Resident	Clyde T. Williams	November 21, 2011	3-107
41	Gabrieleno Band of Mission Indians	Andy Alas, Chairman	May 20, 2012	3-143

The public comment period for the RP-DEIR extended from May 31, 2012 to July 16, 2012. The table below lists all the letters received on the RP-DEIR.

<b>Letter</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Comment Date</b>	<b>Response Page Number</b>
1	State of California Governor's Office of Planning and Research State Clearinghouse and Planning Unit	Scott Morgan, Director	July 17, 2012	3-144
2	Department of Transportation-District 7	Gary Iverson Sr. Environmental Planner	July 10, 2012	3-145
3	Department of Conservation, Division of Oil, Gas and Geothermal Resources	Syndi Pompa Associate Oil & Gas Engineer	June 1, 2012	3-145
4	South Coast Air Quality Management District	Ian MacMillan, Program Supervisor	July 13, 2012	3-145

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<b>Letter</b>	<b>Organization</b>	<b>Commenter Name</b>	<b>Comment Date</b>	<b>Response Page Number</b>
5	City of Los Angeles Bureau of Sanitation, Wastewater Engineering Services Division	Ali Poosti, Acting Division Manager	June 25, 2012	3-145
6	Bureau of Engineering	Carol Armstrong Director, LA River Project Office	July 16, 2012	3-146
7	Public Counsel/SEACA	Sissy Trinh, Executive Director  Remy De La Peza, Staff Attorney	July 16, 2012	3-146
8	Gilchrist & Rutter	Elisa L. Paster	July 16, 2012	3-152
9	Resident	Joyce Dillard	July 16, 2012	3-158



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Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

November 22, 2011

Claire Bowin  
City of Los Angeles, Planning  
200 N. Spring St, Room 667  
Los Angeles, CA 90012

Subject: Cornfield Arroyo Seco Specific Plan  
SCH#: 2009031602

Dear Claire Bowin:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on November 21, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency

1-1

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009031002  
**Project Title** Cornfield Arroyo Seco Specific Plan  
**Lead Agency** Los Angeles, City of

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**Type** EIR Draft EIR  
**Description** Note: Review Per Lead

The proposed project will guide future development of the Project Area by creating a series of mixed-use zoning districts that allow developers to combine retail, residential, commercial, civic, and industrial uses while ensuring that this development contributes to a human-scale, engaging urban fabric. Specifically, four new zoning districts would be created: Greenways, Urban Village, Urban Center, and Urban Innovation. Two existing residential zoning districts, RD 2-1 and RD 1.5-1, will remain unchanged. Other requirements that will support the realization of these districts include maximum block lengths, and building height requirements, and facade design guidelines. The new zoning districts will typically be designated with the new Hybrid Industrial Land Use category, while the new Greenway district will be designated as Open Space and Public Facility.

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**Lead Agency Contact**

**Name** Claire Bowin  
**Agency** City of Los Angeles, Planning  
**Phone** 213 987 1213 **Fax** (213) 617-8233  
**email** plewicki@cra.lacity.org  
**Address** 200 N. Spring St, Room 667  
**City** Los Angeles **State** CA **Zip** 90012

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**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long**  
**Cross Streets** Multiple: 660 acre area approximately 2 miles north of downtown Los Angeles  
**Parcel No.**  

<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
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**Proximity to:**

**Highways** Multiple  
**Airports** No  
**Railways** Multiple  
**Waterways** Los Angeles River, Arroyo Seco  
**Schools** Multiple  
**Land Use** Multiple

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy

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**Date Received** 09/22/2011 **Start of Review** 09/22/2011 **End of Review** 11/21/2011

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



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • www.aqmd.gov

E-Mailed: November 18, 2011  
claire.bowin@lacity.org

November 18, 2011

Ms. Claire Bowin  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

## **Review of the Draft Environmental Impact Report (Draft EIR) for the Cornfield Arroyo Seco Specific Plan Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comment is intended to provide guidance to the lead agency and should be incorporated into the revised Draft or Final Environmental Impact Report (Draft or Final EIR) as appropriate.

Based on a review of the air quality analysis in the Draft EIR the AQMD recognizes the potential regional air quality benefits from the mix of land uses and transit oriented development in the proposed project. However, the AQMD staff is concerned about the potential health risk impacts from placing sensitive land uses (e.g., residential, hospital, school and park uses) within close proximity to significant emissions sources, such as the 5 Freeway, the 110 Freeway, industrial facilities, rail lines, and a major rail yard. Also, the AQMD staff is concerned that the lead agency did not attempt to evaluate these emissions sources nor provide adequate mitigation to address these significant public health impacts. Therefore, the lead agency should include mitigation in the Final EIR that requires performance standards that implement the use of buffers between industrial or freeway uses and sensitive land uses as specified by the CARB Handbook<sup>1</sup>. Further, AQMD staff recommends that the lead agency conduct a localized construction air quality analysis and provide additional mitigation measures to minimize the project's significant regional construction air quality impacts pursuant to Section 15126.4 of the California Environmental Quality Act (CEQA) Guidelines. Details regarding these comments are attached to this letter.

2-1

2-2

2-3

2-4

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR.

<sup>1</sup> California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>

Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

A handwritten signature in black ink that reads "Ian V. MacMillan". The signature is written in a cursive style with a large initial "I" and "M".

Ian MacMillan  
Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources

Attachment

IM:DG

LAC110923-02  
Control Number



Performance Standards, Siting Criteria, and Health Risk Assessment

1. The AQMD staff recognizes that the proposed project may provide regional air quality benefits by fostering transit oriented development through a mix of land uses that could reduce the overall vehicle miles traveled (VMT) in the region. However, the AQMD staff is concerned that the proposed project could pose significant health risk impacts to future residents from emissions sources that have not been quantified and disclosed in the draft EIR. Specifically, the lead agency is proposing mixed land uses that consist of commercial, residential, and educational uses that are either adjacent or in close proximity to industrial land uses, the 110 Freeway and the 5 Freeway which are prominent sources of TACs. For example, in Figure 2-1 of the Draft EIR the lead agency indicates that future zoning would allow new residential units to be placed on blocks 34 and 39 of the specific plan area which are located adjacent to the 5 Freeway that carries approximately 248,000 vehicles per day and 15,000 trucks per day. Other potentially significant sources of emissions include the LATC railyard<sup>2</sup>, various rail lines with diesel locomotives, and numerous industrial facilities with point sources of toxic emissions.

2-5

The lead agency determined that Mitigation Measure AQ-2 that prohibits the placement of sensitive land uses within 300 feet of a freeway would reduce the project’s health risk impacts to insignificant. The Draft EIR indicates that some residential projects could be placed within 300 feet of a freeway with an “acceptable” HRA. The lead agency has not defined what constitutes an acceptable HRA. The lead agency also does not provide a quantitative health risk assessment (HRA) that demonstrates the overall health risk impacts from the operation of the proposed project nor does the lead agency demonstrate the effectiveness of Mitigation Measure AQ-2. Further, this mitigation measure does not account for any potential health risk impacts from industrial land uses that may emit TACs. Absent a quantitative HRA and effective mitigation the lead agency is unable to demonstrate that the proposed project will impose insignificant health risk impacts to existing and future sensitive receptors, therefore, the AQMD staff recommends that the lead agency revise the draft EIR to include mitigation that contain the following performance standards:

2-6

- Any new project located within the specific plan area that potentially exposes sensitive receptors to TACs shall include the site specific buffers identified in Table 1-1 of the CARB Handbook<sup>3</sup>. Where it is infeasible to include the aforementioned buffers the lead agency shall conduct a Health Risk Assessment that demonstrates less than significant health risk impacts to any sensitive land uses that surround the project site or the project itself. Any project that demonstrates significant health risk impacts shall be mitigated to less than significant levels.

<sup>2</sup> A recent HRA conducted by the ARB found that risks could be as high as 100 in a million from this facility in the project area. The HRA can be accessed at: <http://www.arb.ca.gov/railyard/hra/hra.htm>

<sup>3</sup> California Air Resources Board. April 2005. “Air Quality and Land Use Handbook: A Community Health Perspective.” Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>

- 2-6
- Any project that requires a health risk assessment shall prepare the necessary CEQA document pursuant to the Public Resources Code 15168(c). Also, AQMD staff requests that pursuant to Section 15168(e) the lead agency place the AQMD on future notices of activity.

Localized Construction Emissions Analysis

- 2-7
2. The lead agency did not conduct a localized construction air quality analysis to determine how construction of the proposed project may impact residences in the project area. Further, the lead agency determined that the proposed project will have regional air quality impacts from construction related activities, but did not present the peak daily emissions that are expected from site specific projects that will be constructed in the specific plan area. Therefore, the AQMD staff recommends that the lead agency quantify the daily construction emissions from the proposed project and use the AQMD's localized construction emissions thresholds <sup>4</sup> to make a significance determination and revise the draft EIR to include the following mitigation:

- 2-8
- Any new project located within the specific plan area shall conduct a localized construction emissions analysis consistent with the AQMD's localized significance methodology and compare the emissions values to the AQMD's localized significance thresholds.<sup>5</sup> Projects that demonstrate significant localized air quality impacts shall be mitigated to less than significant levels.
  - Any project that requires a localized construction emissions analysis shall prepare the necessary CEQA document pursuant to the Public Resources Code 15168(c). Also, AQMD staff requests that pursuant to Section 15168(e) the lead agency place the AQMD on future notices of activity.

Construction Equipment Mitigation Measures

- 2-9
3. The lead agency determined that the proposed project will exceed the CEQA regional construction significance thresholds for VOC and NOx emissions; therefore, AQMD staff recommends that the lead agency provide the following additional mitigation measures pursuant to CEQA Guidelines Section 15126.4.
    - Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the lead agency determines that 2010 model year or newer diesel trucks cannot be obtained the lead agency shall use trucks that meet EPA 2007 model year NOx emissions requirements,
    - During project construction, all internal combustion engines/construction, equipment operating on the project site shall meet EPA-Certified Tier 2 emissions standards, or higher according to the following:

<sup>4</sup> <http://www.aqmd.gov/ceqa/hdbk.html>

<sup>5</sup> <http://www.aqmd.gov/ceqa/handbook/LST/LST.html>

- ✓ Project Start, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

2-9

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:  
[www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html).



DATE / NOV 22 2011

FILE CODE

302 West 5th Street Suite 200  
San Pedro / California 90731-2749

Harbor Region

T 310 241 0326 / F 310 241 0328  
www.crala.org

Claire Bowin, City Planner  
Policy Planning and Historic Resources Division, Citywide Section  
Department of City Planning, City Hall  
200 N. Spring Street, Room 667  
Los Angeles, CA 90012

Delivered Via: Email –  
US Regular Mail

Subject: Comments to the Draft Environmental Impact Report  
Proposed Cornfield Arroyo Specific Plan and Redevelopment Plan

Dear Ms. Bowin:

On behalf of the Community Redevelopment Agency of the City of Los Angeles (CRA/LA), I am pleased to submit our comments regarding the Draft Environmental Impact report (DEIR) for the proposed Cornfield Arroyo Specific Plan and Redevelopment Plan for which we are considered a Responsible Agency.

As you know, the Governor signed legislation at the end of June of this year which would shut down about 400 redevelopment agencies statewide (ABx1-26), unless their cities or counties opt to continue to operate (ABx1-27). Under ABx-1-27, those agencies could be revived by their jurisdictions under a "voluntary alternative redevelopment program" if each agency contributes its prorated share of \$1.7 billion to other local governments. Although the City Council of Los Angeles voted unanimously to re-instate CRA/LA under ABx1-27, a pending lawsuit entitled California Redevelopment Association v. Matosantos stayed certain portions of California Assembly Bills x1-26 and x1-27. Given the Court's stay and the uncertain status of such legislation, CRA/LA cannot take certain actions regarding CEQA until the Supreme Court has decided the case on the merits or the action is no longer stayed. However, since the Department of City Planning is the Lead Agency for the Cornfield Arroyo Specific Plan and Redevelopment Plan DEIR and the process began prior to the passage of ABx1-26 and ABx1-27, it has been determined that we can submit comments.

On the whole, the DEIR thoroughly analyzes the potential impacts of the Proposed Alternative and includes mitigation measures that will reduce the impact to less-than-significant levels. Our attached comments primarily center on clarifying for the reader that the Proposed Alternative includes both the Specific Plan and Redevelopment Plan and that development assumptions and development capacity caps would be the same for a Redevelopment Plan if a Redevelopment Project Area were adopted. In addition, we are requesting the addition of information related to the Redevelopment Plan and consideration of a few mitigation measures that could further reduce impacts.

Thank you for consideration of our comments. The Proposed Alternative has the potential to transform a neglected, blighted primarily industrial area into an environmentally sustainable, inclusive, and economically viable community with a healthy jobs/housing balance.

Sincerely,



Jenny Scanlin  
CRA/LA, Acting Regional Administrator II

Attachments: Specific DEIR Clarifications/Comments Outlined Per Section

Cc: Jay Virata, CRA/LA Regional Administrator  
Megan Hunter, CRA/LA Senior Planner  
Dennis Hance, CRA/LA Principal Planner  
CRA/LA Records



# Comments on the Cornfield Arroyo Specific Plan and Redevelopment DEIR

## General Comments

- 3-1 [ • The Proposed Alternative is sometimes referred to as the Specific Plan only. This is confusing because one of the Other Alternatives is only the Specific Plan. Thus, the document should be reviewed for clarity and consistency in terminology.
- 3-2 [ • Some of the potential environmental impacts could be further mitigated through implementation of the Redevelopment Plan and CRA/LA's policies. (Refer to the comments below for some examples.)
- Please update CRA/LA contact information to include the new staff in our Environmental Department, newly assigned Project Planner, and current Project Manager.

## Executive Summary

### Introduction

- 3-3 [ 1) It would be helpful if the introduction more clearly outlines the Proposed Alternative (the Specific Plan and Redevelopment Plan) in the context of the City Departments that will oversee them along with a brief history describing how the project came about. In addition, the introduction should briefly outline the other alternatives on the first page.
- 3-4 [ 2) The sentence above the list on pg. S-1 does not make sense, it seems like words are missing. Also, the DEIR does not explain how the DEIR would similarly apply to CRA/LA review of projects within the Project Area and that the same thresholds would apply to both.

### Project Area and Current Conditions

- 3-6 [ 3) Clarify that the Specific Plan and Redevelopment Plan geographic boundaries are the same.
- 3-7 [ 4) Section S-2.2 - Demographics- Sometimes data is referencing a 2007 date, sometimes a 2000 Census date. It is important to cite the reference for this data and be consistent whenever possible.

### Environmental Analysis Framework

- 3-8 [ 5) Section S.5 – Clarify that the land use and other changes studied in the DEIR will be reflected in both the Specific Plan and Redevelopment Plan. The Redevelopment Plan is required to be consistent with the General Plan, Community Plan and relevant Specific Plan under state law.

### The Redevelopment Plan

- 3-9 [ 6) Section S.6.3 - The Redevelopment Plan establishes the powers of CRA/LA and rights of the Project Area's owners and occupants. Priority projects are established in the Five-Year Implementation, not the Redevelopment Plan. In addition, it should be clarified that the primary goal of redevelopment is the elimination of blight.

### No Redevelopment Plan Alternative

- 3-10 [ 7) The last statement should be clarified. It is possible that the redevelopment component of the Proposed Alternative would not occur if not adopted by the City Council. Thus, it would be useful in the introduction to clarify the process associated with adoption of the Specific Plan and Redevelopment Plan.

### Table S-6

- 3-11 [ 8) This table should be more elaborate to clearly outline the differences among the other alternatives.

**Introduction**

- 9) The Introduction and Executive Summary are pretty repetitive. Some of the detail of the Executive Summary could probably be removed (i.e. demographic data). } 3-12
- 10) Section 1.1, pg. 1-1 – The last paragraph should be included in the Executive Summary
- 11) Section 1.1, pg. 1-3 – See Executive Summary - #2 above for comment.
- 12) Section 1.2.1, pg. 1-4 - See Executive Summary - #3 above for comment.
- 13) Section 1.2.2, pg. 1-5 - See Executive Summary - #4 above for comment.
- 14) Section 1.3, pg. 1-6, Project Need – The project need for a Redevelopment Plan includes poor physical and economic conditions that require governmental intervention to stimulate investment into the area. This should be clarified. Moreover, the purpose of the Redevelopment Plan is not as a mechanism for achieving the goals of the Specific Plan, but to eliminate physical and economic blight. Fortunately, the real purpose of the Redevelopment Plan under statutory law also will further the goals of the Specific Plan. } 3-14

**Project Description**

- 15) The Project Description with the alternatives should be clearly explained again. } 3-15
- 16) The inclusion of Table 2-1 seems out of place here, especially since all of the assumptions related to the Proposed Alternative have not been explained. } 3-16
- 17) Section 2.2.1, pg. 2-13 – The Proposed Alternative is the Specific Plan and Redevelopment Plan together. It should be explained that all of the regulations, land use, etc. of the Specific Plan will apply to the Redevelopment Plan too instead of only referring to the Specific Plan. } 3-17
- 18) Section 2.2.1.1, pg. 2-13 –It should be clearly explained that the Program Assumptions (Development Capacity) also apply to the Redevelopment Plan.
- 19) Section 2.2.1.2, pg. 2-14 – The Redevelopment Plan purpose and objectives should be included here instead of at the end of the document. } 3-18

**Land Use**

- 20) Much of the Section on Existing Conditions provides a lot of historic information which may be better served in Chapter 9, Cultural Resources. } 3-19
- 21) A discussion regarding the coordination between the Specific Plan and Redevelopment Plan should be included here. Also, the DEIR should explicitly state that the Redevelopment Plan must be consistent with the General Plan, Community Plan, and Specific Plan. } 3-20

**Transportation**

- 22) Please note that tax increment funding could be used to implement proposed street improvements not only to improve traffic but to increase pedestrian, bicycle, and transit activities. } 3-21

**Cultural Resources**

- 23) A brief explanation of Survey LA should be included and the historic context should be consistent with the themes established in Survey LA. The historic context ends in the } 3-22

3-22 [ early 1900s. It seems like the information under the Project Description provides a better historical context.

3-23 [ 24) It is unclear if a full Historic Resources Survey has been conducted of the area. CRA/LA usually will conduct this type of survey to facilitate review of these types of projects because CRA/LA would be the CEQA lead on historic properties within the Project Area. Also, please note that CRA/LA can fund the rehabilitation of historically significant buildings and structures.

**Hazardous Materials**

3-24 [ 25) Please note the authority of a Redevelopment Agency to remediate properties under the Polanco Act.

**Air Quality**

3-25 [ 26) Please note that CRA/LA would impose sustainability requirements for new construction to reduce green house gas emissions. Projects that are financed by CRA/LA would have to achieve even greater reductions than currently required by the City.

**Population, Housing, and Employment**

3-26 [ 27) The analysis seems a bit contradictory. The data seems to indicate that the Proposed Alternative would induce significant growth, but then seems to state that the implementation of the Proposed Alternative would adequately respond to this growth without a more detailed explanation.

3-27 [ 28) Implementation of the Redevelopment Plan would mitigate many potential environmental impacts, yet there is no mention of this in the DEIR. If adopted, CRA/LA would have to set aside at least 25% of the Project Area's tax increment funds for affordable housing within or in the immediate vicinity of the Project Area. In addition, CRA/LA would fund economic development activities that would generate employment and include local hire and prevailing wage requirements.

29) The possible use of eminent domain for non-residential properties should be included in the discussion. However, CRA/LA rarely has used this authority and therefore there should be not impact.

**Public Services and Recreation Facilities**

3-28 [ 30) Please note that if the Redevelopment Plan is adopted, tax increment can be utilized to construct new public facilities and improve existing ones.

**Utilities**

31) Again, tax increment can be used to install utilities in order to incentivize development. This should be mentioned briefly in the DEIR.





October 26, 2011

Ms. Claire Bowin, City Planner  
 Los Angeles Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, California 90012

**Cornfield Arroyo Seco Specific Plan**  
**Draft Environmental Impact Report No. ENV-2009-599-EIR**  
**SCH No. 2009031002**

Dear Ms. Bowin:

The Mountains Recreation and Conservation Authority (MRCA) strongly supports the Cornfield Arroyo Seco Specific Plan. This is an innovative planning strategy to promote smart growth in a suitable infill location adjacent to transit and the future Los Angeles River Greenway bicycle and pedestrian path. Locating an ideal blend of residential and industrial land uses in a collection of "urban villages" and "urban centers" will create a natural user base for the future Greenway, promoting a safe and welcoming park environment. The Specific Plan leverages this ideal location to encourage sustainable transportation and reduce the environmental impacts of urban development. The MRCA requests two small changes to better reflect planned land uses at the Los Angeles River Center and Gardens and Confluence Park.

4-1

First, the Specific Plan Area includes the MRCA-owned Los Angeles River Center and Gardens. The proposed plan would zone this area as Greenway/Open Space. The River Center contains offices for the MRCA, the Santa Monica Mountains Conservancy, and several river and open space nonprofit groups. The property is also frequently rented for filming and events, such as weddings and meetings. While there is a public park on a portion of the property, the primary use is offices. The MRCA intends to continue these uses at the River Center and therefore request that the designation of Greenway/Open Space, which is intended for parkland and visitor-serving uses, be changed to Public Facility, which more accurately reflects the River Center's current and future use. Without this change, the MRCA is concerned that any future renovation or expansion of the River Center would be inappropriately constrained as the property already likely exceeds the maximum Floor Area Ratio for the Greenway designation.

4-2

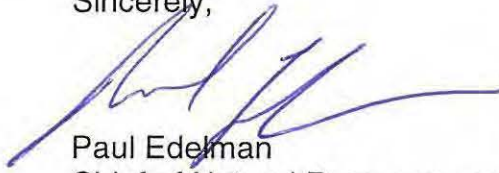
Ms. Claire Bowin, Department of City Planning  
Cornfield Arroyo Seco Specific Plan DEIR; SCH No. 2009031002  
October 26, 2011  
Page 2

4-3

Second, the city-owned parcels at San Fernando Road and North Figueroa Street are planned to become an expansion of Confluence Park, which currently consists of a plaza across the street on MRCA-owned property. These parcels are a critical gateway for the Los Angeles River Greenway, linking the Cypress Park neighborhood and North Figueroa corridor to the River. This project is funded by a \$3 million Transportation Enhancements grant from Caltrans. The MRCA requests that these city-owned parcels (Block 55) be designated as Greenway/Open Space to facilitate the planned and funded park improvements.

Thank you for your consideration of these comments. If you have any questions, please contact me at (323) 221-9944, ext. 188.

Sincerely,

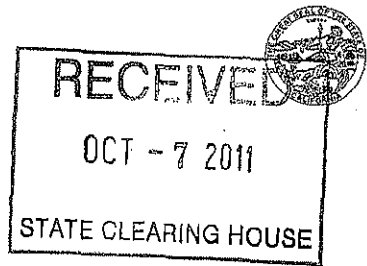


Paul Edelman  
Chief of Natural Resources and Planning

**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-6251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net

*clear*  
*11/21/11*  
*e*



September 30, 2011

Ms. Claire Bowin

**City of Los Angeles Department of City Planning**

200 North Spring Street, Room 667  
Los Angeles, CA 90012

Re: SCH#2009031002; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the "The Cornfield Arroyo Seco Specific Plan Project;" located on 660-acres about two miles north of Downtown Los Angeles; Los Angeles County, California

Dear Ms. Bowin

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

5-1

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the USGS coordinates identified. However, the absence of archaeological resources does not preclude their existence.

5-2  
5-3

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

5-4

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural

5-5



5-5 significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

5-6 Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

5-7 Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

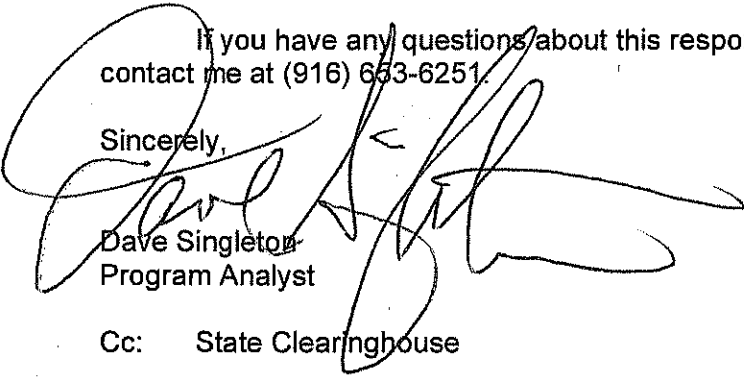
5-8 Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254( r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

5-9 Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

5-10 To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

November 9, 2011

**RECEIVED**  
CITY OF LOS ANGELES

NOV 15 2011

To: Mr. Adam Villani, Environmental Review Coordinator  
Department of City Planning, EIR Unit  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012  
(213) 978-1343 (fax)

From: LA City Fire Department

Subject: EIR Case No.: ENV-2009-599-EIR  
Project Name: STATE CLEARINGHOUSE NO. 2009031002  
Location: A 660 acre area approximately 2 miles north of  
downtown Los Angeles that abuts the communities of  
Chinatown, Solano Canyon, Lincoln Heights, and  
Cypress Park.  
COUNCIL DISTRICT: CD #1

**PROJECT DESCRIPTION**

The proposed project will guide the future development of the Project Area by creating a series of mixed-use zoning districts that allow private, public, and nonprofit sector developers to combine retail, residential, commercial, civic, and industrial uses while ensuring that this development contributes to a human-scale, engaging urban fabric. Specifically, the four new zoning districts that would result from implementation of the Specific Plan are the following:

- Greenways: river-adjacent and park land areas that place an emphasis on balancing native habitat and watershed restoration with public access. The limited amount of building that will be allowed in this area will provide a variety of educational and community benefits
- Urban Village: a compact, mixed-use, and transit-oriented community that will accommodate residential and employment uses along with supportive community services such as parks, corner stores, and other retail.
- Urban Innovation: a flex production area that will allow for employment activities in close proximity to transit service and existing communities. Small-scale craftsman and artisan activities, light industrial, creative and cognitive production, and research and development uses are encouraged.
- Urban Center: districts that capitalize upon the area's proximity to fixed-rail, mixed-uses, and open space by providing an intense blend of commercial, light industrial and institutional opportunities combined with an active ground-floor commercial and retail area. The Urban Center may also include a small percentage of housing.

The following comments are furnished in response to your request for this Department to review the proposed development:

A. Fire Flow

The adequacy of fire protection for a given area is based on required fire-flow, response distance from existing fire stations, and this Department's judgment for needs in the area. In general, the required fire-flow is closely related to land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard.

Fire-flow requirements vary from 2,000 gallons per minute (G.P.M.) in low density residential areas to 12,000 G.P.M. in high-density commercial or industrial areas. A minimum residual water pressure of 20 pounds per square inch (P.S.I.) is to remain in the water system, with the required gallons per minute flowing. The required fire-flow for this project has been set at 2,000 G.P.M. from 3 fire hydrants flowing simultaneously.

Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

B. Response Distance, Apparatus, and Personnel

Based on a required fire-flow of 2,000 G.P.M., the first-due Engine Company should be within 1 mile(s), the first-due Truck Company within 1.5 mile(s).

The Fire Department has existing fire stations at the following locations for initial response into the area of the proposed development:

Fire Station No. 4  
450 E. Temple Street  
Los Angeles, CA 90012  
Miles – 0.6

Fire Station No. 1  
2230 Pasadena Avenue  
Los Angeles, CA 90031  
Miles – 1.2

Fire Station No. 3  
108 N. Fremont Avenue  
Los Angeles, CA 90012  
Miles – 1.7

6-2

6-3



6-3 The above distances were computed to the furthest most portion of the project from each Fire Station.

Based on these criteria (response distance from existing fire stations), fire protection would be considered adequate.

C. Firefighting Personnel Access

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

6-4 No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along path of travel.

Entrance to the main lobby shall be located off the address side of the building.

Any required Fire Annunciator panel or Fire Control Room shall be located within 50ft visual line of site of the main entrance stairwell or to the satisfaction of the Fire Department.

D. Firefighting Apparatus Access

All access roads, including fire lanes, shall be maintained in an unobstructed manner, removal of obstructions shall be at the owner's expense. The entrance to all required fire lanes or required private driveways shall be posted with a sign no less than three square feet in area in accordance with Section 57.09.05 of the Los Angeles Municipal Code.

6-5 Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

Private roadways for general access use shall have a minimum width of 20 feet.

Access for Fire Department apparatus and personnel to and into all structures shall be required.

Private streets shall be recorded as Private Streets, **AND** Fire Lane. All private street plans shall show the words "Private Street and Fire Lane" within the private street easement.

All parking restrictions for fire lanes shall be posted and/or painted prior to any Temporary Certificate of Occupancy being issued.



Plans showing areas to be posted and/or painted, "FIRE LANE NO PARKING" shall be submitted and approved by the Fire Department prior to building permit application sign-off.

6-5

CONCLUSION

Environmental Impact

Project implementation will increase the need for fire protection and emergency medical services in this area.

Adverse Effects: Project implementation will increase the need for fire protection and emergency medical services in this area.


6-6

Adequate off-site public and on-site private fire hydrants may be required. Their number and location to be determined after the Fire Department's review of the plot plan.

For additional information, please contact Inspector John Dallas of the Hydrants and Access Unit at (213) 482-6509.

Very truly yours,

BRIAN L. CUMMINGS  
Fire Chief



Mark Stormes, Assistant Fire Marshal  
Bureau of Fire Prevention and Public Safety

MS:JDJ:vlj



DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001  
Ruth Coleman, Director

November 18, 2011

Attention: Claire Bowin  
Department of City Planning  
200 N. Spring Street, Room 721  
Los Angeles, CA 90012

RE: Cornfield Arroyo Seco Specific Plan (CASP) – CPC-2009-598-CA-SP  
State Clearinghouse # 2009031002

Dear Ms. Bowin,

7-1

California State Parks (State Parks) again appreciates the opportunity to coordinate with the City of Los Angeles in the planning efforts for the Cornfield Arroyo Seco Specific Plan (CASP). This letter is State Parks' response to your latest Draft EIR for the CASP. Please accept our comments regarding the sufficiency of analysis of impacts that would affect planned development, infrastructure, and other features adjacent to Los Angeles State Historic Park which could create potentially significant adverse environmental impacts on the Park.

7-2

As you know the 32-acre Los Angeles State Historic Park is the centerpiece of the City's CASP planning efforts. The Park was initially proposed by the community's ethnically diverse citizens, activists, and environmental justice advocates to provide much needed park land/open space. These efforts lead to State Parks' purchase of the property in 2001 and its interim development for public use in 2006.

7-3a

The Los Angeles State Historic Park General Plan which was approved by the California State Parks and Recreation Commission on June 10, 2005, established its land use development direction and a vision of the Park as a venue to: study the diverse history of Los Angeles; participate in civic engagement; and provide recreation for residents and guests of the City. Therefore, compatibility between the Los Angeles State Historic Park General Plan and the CASP is essential to not only evaluate the potential environmental effects of the CASP on the Park, but to continue the partnership in future joint planning between the City and State Parks.

7-3b

The General Plan identifies key resources, goals and guidelines that may be either beneficially or adversely impacted by the City's CASP planning efforts and eventual buildout. These resources include historic and aesthetic view corridors towards the downtown skyline, Broadway Bridge, Elysian Park, and other structures with distinctive architectural styles and historical significance.

Considering the synergistic relationship of the Park to the CASP, we have identified the following comments in relation to issues that require further evaluation and study.

Potential impacts to the viewshed of the Park and the backdrops of the Repetto Hills and San Gabriel Mountains from North Broadway and North Spring Street, while verbally addressed, should also be evaluated through the use of visual models or renderings to identify the potential visual impact of build out alternatives to the park visitor from a variety of locations within and outside the Park.

7-4

In particular, the lack of maximum building heights or stepping back of buildings above the minimum defined street height in the proposed alternative could have significant adverse impacts on the Park's aesthetic and "spirit of place" values. The building heights that would be allowed along North Broadway have the potential to create a looming presence over the Park, block views of Elysian Park, and create a barrier from the communities of Solano Canyon and Chinatown to the park. These same proposed building heights fronting North Spring, Baker, Aurora, and Roundout Streets, potentially block the views toward the downtown skyline and the Broadway Bridge/River.

7-5

Further, the potential shade impacts of adjacent buildings, particularly during the winter months, as allowed by the proposed alternative's guidelines remains a concern.

7-6

The proposed alternative gives an extra level of development buffer to the River and Arroyo Seco. State Parks requests that the CASP EIR provide a similar level of development buffer to Los Angeles State Historic Park. Such a development buffer could be incorporated into a design overlay zone for development near and adjacent to the Park.

7-7

Additionally, State Parks would like the opportunity to review and comment on projects adjacent to the Park as they are proposed with specific building designs, materials, and heights. This could be accomplished through a design overlay zone or by requiring these projects to undergo additional CEQA/project review with State Parks acting as a responsible agency. State Parks would again like to suggest that this design overlay zone be bounded by North Broadway, the River, Main Street, and West College Street, and that the City and State Parks jointly develop appropriate conditions for review of project actions within the overlay zone.

7-8

There are potential conflicts between uses and activities proposed in the Los Angeles State Historic Park General Plan and the FAR Programs, Uses, and Parks and Open Space sections of the CASP.

7-9

Proposals for visitor facilities and activities within the General Plan and the Los Angeles State Historic Park development plans should be compatible with Greenway Uses under the CASP preferred alternative. Proposed developments should respect the value of Los Angeles State Historic Park as an asset to the preferred alternative, existing communities and regional visitors to the City of Los Angeles.

7-10

Potential traffic issues and parking alternatives should be addressed in the CASP EIR. The Park General Plan identifies the goal of holding special events at Los Angeles State Historic Park that may include concerts or fireworks. Alternative parking sites for these

7-11

7-11 [ events as well as appropriate noise standards for development near LASHP, particularly residential units and schools, should be addressed in the CASP EIR.

7-12a [ Additionally, increased density for mixed use, commercial and residential development within the immediate area of the Park has the potential to adversely impact State Parks' ability to maintain and operate Los Angeles State Historic Park. This potential adverse environmental impact on recreation and public services would be due to increased visitation and the coinciding increased need for public safety and operational maintenance costs.

7-12b [ In the current proposed alternative, please make note that Los Angeles State Historic Park will account for at least one-third of the park and open space in the plan area. The CASP EIR should evaluate alternatives for mitigating State Parks' increased costs of operating the Park as the CASP is built out given our open space significance to the plan area.

Thank you again for the opportunity to comment on your work. If you have any questions please direct your correspondence to Luke Serna of my office. He can be reached at:

Luke Serna, Assoc. Park and Recreation Specialist  
Southern Service Center  
California State Parks  
8885 Rio San Diego Dr. Suite 270  
San Diego, CA 92108  
(619) 688-6140,  
[lserna@parks.ca.gov](mailto:lserna@parks.ca.gov),

Sincerely,



Jeff Brown  
Sr. Landscape Architect

cc: Southern Service Center

CITY OF LOS ANGELES  
INTER-DEPARTMENTAL CORRESPONDENCE

*need to scan*

*8*

File: SC.CE. 11

DATE: November 22, 2011

TO: Claire Bowin, City Planner  
Department of City Planning

FROM: Ali Poosti, Acting Division Manager *[Signature]*  
Wastewater Engineering Services Division  
Bureau of Sanitation

**SUBJECT: Cornfield Arroyo Seco Specific Plan – Draft EIR**

This memo is in response to your September 22, 2011 letter received October 4, 2011 requesting wastewater service information for the proposed project area. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the existing sewer structural condition and capacity within the vicinity of your proposed project location.

The City of Los Angeles sewer system consists of primary sewers (16-inches and larger in diameter) and secondary sewers (less than 16-inches in diameter). The secondary sewers service the property laterals and feed into the primary sewer lines. The primary sewers in turn discharge to the trunk, interceptor, and outfall pipes. The wastewater is ultimately conveyed to the Hyperion Treatment Plant which has sufficient capacity for current and future development.

8-1

At this stage your project description lacks sufficient detail for us to conduct a thorough capacity analysis. However, we have enclosed as much information as possible in the form of our latest Primary Sewer Basin Plans, some sewer gauging data for the secondary sewers and a list of current and/or future wastewater Capital Improvement Projects (CIPs) that covers your project area.

8-2

**PRIMARY SEWERS**

Based on the project description, the Cornfield Arroyo Seco Specific Plan is located within or intersects three (3) primary sewer basins as follows: Lincoln Heights, Highland Park-Eagle Rock, and Silver Lake-Central Business District. In the attachment CD, a copy of the basin reports has been provided for your reference. The reports include current conditions, sewer flow capacity projections to the year 2050, and available gauging information. The master plans discuss the projected hydraulic capacity condition and needs of the basin in detail. The hydraulic capacity assessment is based upon modeling which makes use of flow gauging together with projected estimates of future wastewater generation. The condition assessment is based on closed circuit television (CCTV) inspection data.

8-3

CCTV inspection ultimately results in a rank or grade that reflects the structural condition and determines the course of action to follow. The structural condition ranks are described in Table 1.

Table 1: Structural Condition Ranks		
Ranking	Description	Action
A	Pipe is in very good condition.	No action required.
B	Pipe is in good condition.	No action required.



## SUMMARY

8-4

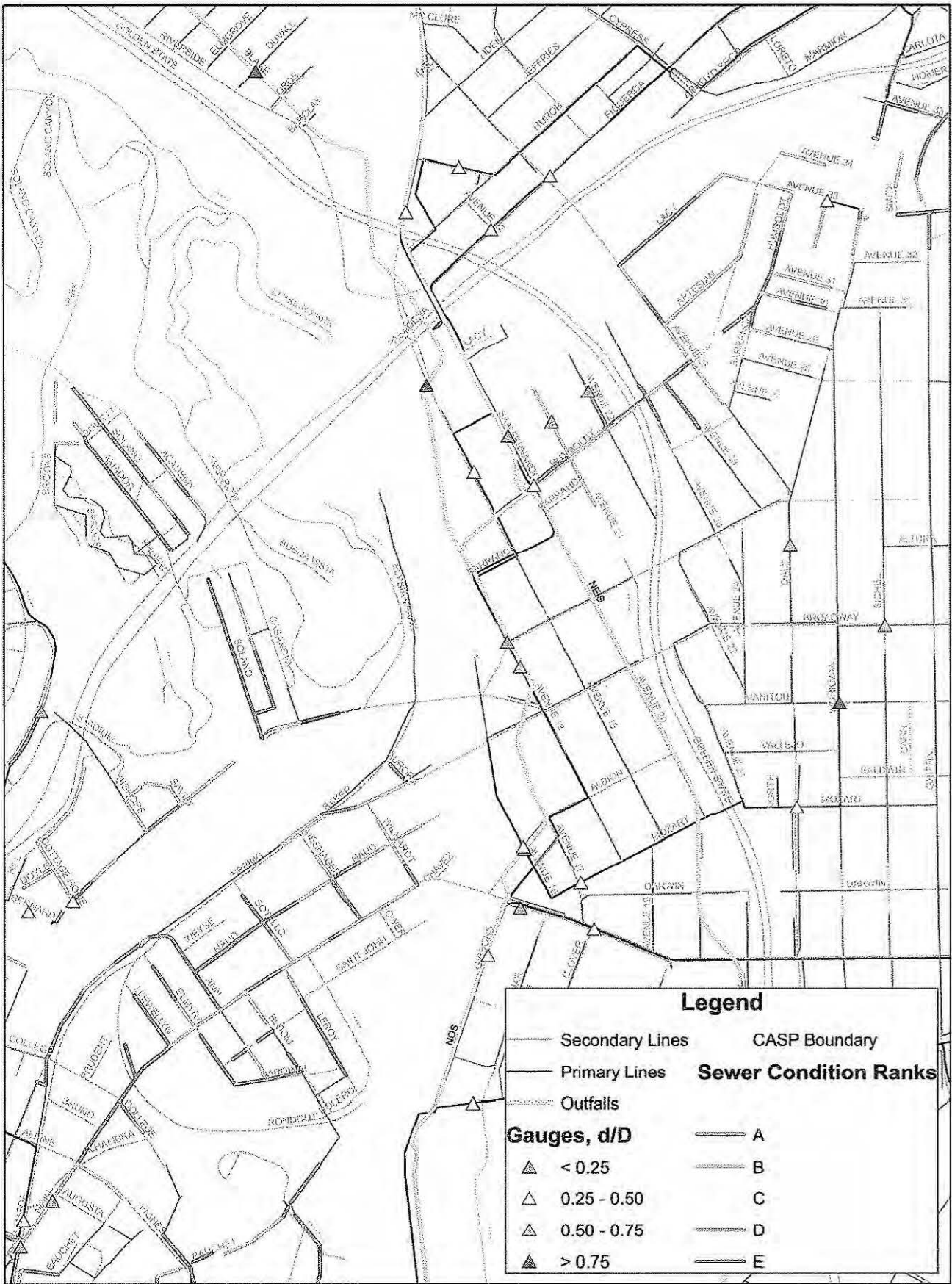
A more detailed review of your project, or individual elements of your project, will be required as your project progresses and sufficient details are developed. At that time you will need to submit a Sewer Capacity Availability Request (SCAR) and will need to provide detailed project information showing the exact building location, type, use, and occupancy along with the projected wastewater flow rates and the proposed sewer connection. If the public sewer has insufficient capacity for any proposed building project then the developer will be required to build public sewers to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time.

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

### Attachments:

- Figure 1 – Cornfield Arroyo Seco Specific Plan Secondary Sewer Condition Assessment Ranks Map
- Figure 2 – Cornfield Arroyo Seco Specific Plan Secondary Sewer Condition Assessment Recommendations Map
- CD – Primary Basin Master Plans

cc: Kosta Kaporis, BOS  
Daniel Hackney, BOS  
Rowena Lau, BOS



**Legend**

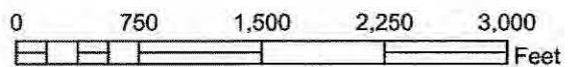
— Secondary Lines	CASP Boundary
— Primary Lines	<b>Sewer Condition Ranks</b>
- - - Outfalls	
<b>Gauges, d/D</b>	
△ < 0.25	— A
△ 0.25 - 0.50	— B
△ 0.50 - 0.75	— C
△ > 0.75	— D
	— E

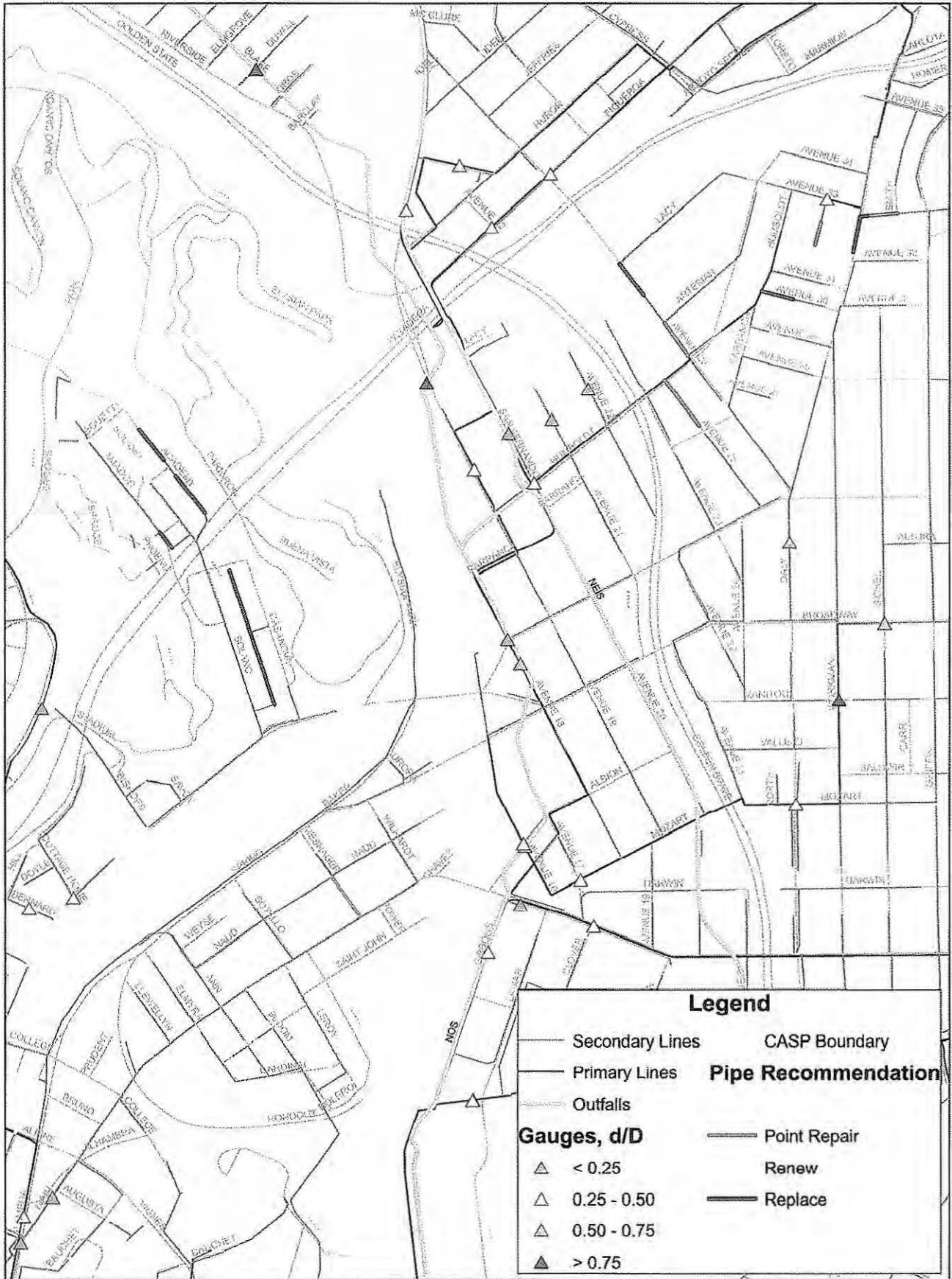
Wastewater Engineering Services Division  
Bureau of Sanitation  
City of Los Angeles



Thomas Brother Data reproduced with permission granted by THOMAS BROS MAP

**FIGURE 1**  
**Cornfield Arroyo Seco Specific Plan**  
**Sewer Map**



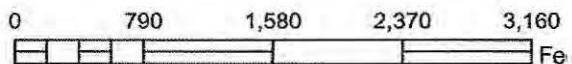


**FIGURE 2**  
**Cornfield Arroyo Seco Specific Plan**  
**Sewer Map**

Wastewater Engineering Services Division  
 Bureau of Sanitation  
 City of Los Angeles



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Claire Bowin, City Planner  
 Los Angeles Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, CA 90012

Dear Ms. Bowin,

Thank you for the opportunity to comment on the draft EIR for the Cornfield Arroyo Seco Specific Plan. The Arroyo Seco Foundation would like to take this opportunity to express our support for this project. We would also like to express our concern over some important issues within the project area.

#### **River restoration**

The Arroyo Seco and the Los Angeles Rivers have major potential for public recreation. The revitalization efforts of these rivers and their adjacent neighborhoods would benefit greatly from the restoration of natural hydrological processes. This would coincide with a restoration of the natural ecological processes of the rivers. Please evaluate the possibility of river restoration and concrete removal from the river channels in this EIR.

9-1

#### **Flood plain delineation for Arroyo Seco as well as LA River**

Appendix 7A shows a delineation of the 100 year floodplain of the Los Angeles River. The legend and notes in this section are very difficult to read. Please revise this appendix with a text that is easier to read. Please add a 100 year delineation of the Arroyo Seco River as well. Many of the neighborhoods within the project area would be affected by a failure of the Arroyo Seco flood control channel.

9-2

#### **Maintain the diversity of the project area**

It is of critical importance that the cultural and economic diversity of the project area be maintained. Please include an evaluation how this project will impact the current residents, and the impact this project will have on the availability of housing. This project should emphasize the retention and provision of affordable housing.

9-3

#### **USGS study**

In 2004 the United States Geological Survey (USGS) released "Geological, Hydrological, and Biological Issues Related to the Proposed Development of a Park at

9-4

the Confluence of the Los Angeles River and the Arroyo Seco, Los Angeles County, California.” In it USGS outlines general tasks for urban stream restoration and how those tasks can be specifically applied to the confluence of the Arroyo Seco and the Los Angeles Rivers. Please evaluate and report on these tasks and their alignment with this project.

Thank you for the consideration of our comments. The Arroyo Seco Foundation would like to help in any way we can with public outreach and education for this project and implementation of mixed-use zoning districts

Sincerely,

A handwritten signature in blue ink that reads "Tim Brick". The signature is written in a cursive, flowing style.

Tim Brick  
Managing Director,  
Arroyo Seco Foundation  
570 W. Avenue 26 #300  
Los Angeles, CA 90065  
(323) 405-7326



CALIFORNIA  
STATE PARKS  
FOUNDATION

November 21, 2011

Claire Bowin, City Planner  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

RE: Draft Environmental Impact Report for the Cornfield Arroyo Seco Specific Plan and  
Redevelopment Plan – State Clearinghouse #2009031002

Dear Ms. Bowin:

The California State Parks Foundation (CSPF) is pleased to have this opportunity to comment on the Cornfield Arroyo Seco Specific Plan (CASP) Draft EIR. CSPF, which was established in 1969, is an independent non-profit organization with over 120,000 members throughout California. It is our mission to protect, enhance and advocate for California State Parks. The Board of Trustees of CSPF, through its strategic planning process, has given special emphasis to the need for urban parks that are accessible to traditionally underserved communities. Los Angeles State Historic Park (LASHP) fits that paradigm. As a result, CSPF has been involved in the evolution of this cutting-edge urban park from the beginning. CSPF partnered with the California State Parks (CSP) to run an international design competition, funded by a grant from the Annenberg Foundation, which resulted in the schematic park design by Hargreaves Associates for CSP. CSPF conducted a feasibility study for a potential fundraising campaign, and is now beginning a capital campaign for park enhancement for the planned LASHP development, such as a children's play area. Thus, CSPF has a deep and abiding interest in this particular park.

CSPF applauds the efforts of the City of Los Angeles (the City) to create a comprehensive plan for the Cornfield-Arroyo Seco area. The CASP is a thoughtful and forward-thinking document that will undoubtedly improve this neglected but potentially extraordinary area of Los Angeles.

In our letter commenting on the CASP dated March 30, 2009 (2009 Letter), we expressed some concerns about standards and impacts related to development on the bluff above LASHP. However, although some of the issues we raised in the 2009 Letter have been addressed in the

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Sacramento, CA 95814  
OFFICE 916-442-2119  
FAX 916-442-2809

*Your Voice for Parks*



DEIR, we believe that further steps must be taken to ensure the integrity and character of LASHP, which is critical to the overall success of the CASP. Our comments are as follows:

10-1 [ • As stated in our 2009 Letter, the decision to allow high-density residential development through the designation of the bluff directly overlooking the park as an “urban village” zone, as well as the entire area bordering the park on the Spring St. side, could have multiple negative consequences for LASHP. These impacts include but are not limited to:

10-2 [ ○ Building Heights. The preferred alternative does not sufficiently address massing requirements for the “urban village” classification. The massing and street wall standards do not contain maximum building heights or stepping back of buildings above the minimum defined street level, nor do they address the special status that buildings abutting park and/or open space should be given. Given the lack of specificity, there is strong potential for inappropriate development along bluff, which could result in several negative consequences. For instance, large buildings constructed close to one another could result in a looming effect that would significantly impact the sense of place and integrity of the park. A barrier to public access could be created, thwarting current design plans to build for future access across Broadway. The iconic views from the park of downtown Los Angeles, the Broadway Bridge, and the mountains beyond, could all potentially be impacted. Shade and wind impacts, discussed below, could also be implicated. Moreover, if inappropriately designed buildings (too tall, too close together, insufficient set-back, etc.) are erected on the Spring St. side as well, a strong “canyon effect” could be created, with sun and light cut off to the park.

10-3 [ CSPF strongly suggests that the City create a special sub-category for Urban Village zones that abut parks. Additional guidelines that address the issues raised above could be applied by the City Planning Department to ensure that developments do not benefit only those individuals who can afford to live or work in a desirable building with a view of a park, but also all of the citizens of Los Angeles who access and use this very hard-fought-for park in a very park-poor area of the city.

10-4 [ ○ Shadow Study Modeling. In our 2009 Letter, CSPF suggested shadow study modeling that will show the effect of buildings along both Spring and Broadway throughout the day, from various points within LASHP. A useful point of reference was provided in the City of San Francisco’s General Plan, Recreation and Open Space Element, Policy 2.3, “Preserve Sunlight in Public Open Spaces,” which provides in relevant part as follows: *Properties under the jurisdiction of the Recreation and Park Department or designated for acquisition are now protected by a voter-approved Planning Code amendment. It restricts the issuance of building permits authorizing construction of any structure exceeding forty feet in height that would shade these properties from between one hour after sunrise to one hour before sunset, unless it is determined that the impact on the use of the space would be insignificant.*

CSPF notes that no shadow modeling was done in the DEIR. The standards continue to specify 4 hours of sunlight between the hours of 9 am and 2 pm between early April and late October, and no more than 3 hours of shadow during the same period of time. Given

that LASHP currently receives 10-12 hours in current conditions, this standard is not acceptable, and could lead to the exact sort of inappropriate design of buildings along the bluff discussed above. It is in direct conflict with the sustainable and public health goals of CASP and the LASHP General Plan. CSPF strongly recommends that the San Francisco standard described above be adopted instead, and that the City invest in shadow modeling to demonstrate what the true impact on the park would be from massed building on the bluff, as well as other tall buildings along Spring St.

10-4

- Viewsheds. The DEIR finds that implementation of the proposed alternative has the potential to change views, but that the impact is less than significant. However, the analysis appears to focus on views of the park from outside “prominent view locations,” but does not address views from inside the park.<sup>1</sup> The need to keep views of historic and aesthetic view corridors toward the downtown skyline, Broadway Bridge, Elysian Park and other structures with distinctive architectural styles is extremely important to the park visitor experience. In our 2009 Letter, CSPF suggested that the CASP DEIR should include visual renderings to identify the potential visual impact of buildout alternatives to park visitors from a variety of locations within LASHP. This suggestion was not adopted and the DEIR contains no such renderings. This omission is significant and must be corrected in order to properly and realistically assess the impact of the CASP on LASHP.

10-5

- Wind Tunnels. Building massing along the edges of a long, narrow park has the potential to create wind tunnels, which could in turn have a significant impact on the use and enjoyment of LASHP, as well as potential effects on native habitat, invasive non-native plants and other ecological impacts. The DEIR did not address this concern. In our 2009 Letter, CSPF also suggested that a requirement that each developer be required to conduct studies to address this concern as part of the permitting process may be one way to address this issue, but this suggestion was not adopted. In order to be complete, the DEIR must thoroughly analyze and address the wind tunnel issue.

10-6

- FAR. The decision to categorize the bluff land and Spring Street border of the park as Urban Village carries with it a FAR allotment of 3 (as compared to the Greenway category, which allows for only 1.5 FAR). This allotment can be increased significantly through transfer of FAR from “donor sites” and participation in the Public Benefit Program. While CSPF definitely supports the Public Benefits Program and made a specific suggestion regarding its components in our 2009 Letter, the resulting Maximum FAR increase could significantly exceed 3:1 and lead to such dense residential usage along the bluff that LASHP could be negatively impacted due to many of the issues raised above. In our 2009 Letter, CSPF stated that it was “critical that the CASP DEIR thoroughly and objectively assess all of the potential impacts to the park at both minimum and maximum FAR.”

10-7

Unfortunately, the potential impact of the FAR program is virtually unaddressed in the DEIR. In fact, even the maximum FAR that can be obtained through the “Bonus Floor Area Ratio (FAR) Program” is not entirely clear. The DEIR states that “an increased FAR of up to 1.0 by providing open space, community facilities, or other defined public

<sup>1</sup> DEIR, Chapter 5 “Visual Resources,” pp. 5-20-5-21.

10-7

benefits, as well as a Transfer FAR Program that enables properties to transfer their unutilized FAR.”<sup>2</sup> It is not clear from this language whether the total maximum FAR that can be obtained through any combination of programs is 1.0, or whether providing public benefits can provide up to 1.0 additional FAR, with an undefined further amount available through the transfer program. Elsewhere in the DEIR, a maximum FAR of 5 for Urban Village zones is stated, without explanation or elaboration.<sup>3</sup> If indeed maximum FAR may be as high as 5, CSPF is very concerned about the potential impacts to the park, set forth in detail above, unless additional guidelines and review processes are instituted.

The DEIR is also unclear as to whether FAR can be transferred between districts, or only within the district where the Donor is located. CSPF would like to see clarification of this issue, and urges the City to consider expanding the ability to transfer FAR outside of the Donor’s district in order to enable maximum flexibility and site-specific appropriate design standards.

CSPF also urged the City to include LASHP as an example of a Community Priority in the “Bonus FAR and Public Benefit Strategies” section of the CASP in the 2009 Letter. Given LASHP’s importance to the community and to the CASP area’s ultimate success, distribution of funding to the park can and should be encouraged. This suggestion was not addressed in the DEIR.

Thank you for your consideration of our remarks.

Sincerely,



Sara Feldman  
Vice President of Programs  
California State Parks Foundation

Cc: Elizabeth Goldstein, President, CSPF  
Jeff Brown, Senior Landscape Architect, CSP  
Sean Woods, Downtown District Superintendent, CSP

<sup>2</sup> DEIR, Chapter 2, “Project Description,” p. 2-15.

<sup>3</sup> DEIR, Chapter S, “Executive Summary,” p.S-2, Table S-1.

November 23, 2011

Los Angeles City Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, CA 90012

LA Department of City Planning  
c/o Claire Bowin  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Via E-mail: Claire.bowin@lacity.org

**Re: Cornfields Arroyo Seco Specific Plan and Redevelopment Plan Draft  
Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse  
#2009031002**

Dear Planning Commission and Department of City Planning:

Communities for a Better Environment is writing to express our concern for the Cornfields Arroyo Seco Specific Plan (CASP). We believe the CASP will have a profound negative impact on the future of our community, displacing thousands of current residents in the Lincoln Heights and Chinatown area. The current CASP does not reflect the concerns of community members, and we support the Southeast Asian Community Alliance's campaign to:

- Create A Healthy Environment Where Residents Live, Work, Learn, and Play** by reducing the exposure of residents to environmental hazards in the Plan area
- Create More Affordable Housing** by offering incentives to new housing developments to be affordable to low-income households
- Create Safe and Sustainable Jobs for Local Residents** by targeting industries that offer living-wage jobs and provide career ladder opportunities, while also protecting existing small businesses and employers
- Provide Meaningful Public Participation** on a more consistent and timely basis to update stakeholders on the progress of the Plan

While we support the Plan's stated goals of improving livability and economic development, we feel that the Plan in its current draft is not equitable and needs stronger environmental protections, specifically as it relates to the needs and concerns of local residents and small businesses. We believe that it is possible to provide good jobs, build affordable housing, and make the CASP area a clean, safe environment that will benefit the local community and serve as a model for the rest of Los Angeles.

We ask for the following modifications to be made to the CASP:



● **Prevent Displacement.** Prevent the displacement of local residents. This area is particularly vulnerable, due to the the following factors:

- ▲ 1/3 of all residents in the area live below the poverty line (less than \$22,350 for a family of 4)
- ▲ A large foreign born population where 87% of households speak a language other than English
- ▲ 64% of adults have not graduated from high school
- ▲ According to the 2000 census, the AMI for a family of 4 in Lincoln Heights is \$25,300

● **Affordable Housing.** Protect and increase the existing stock of affordable housing. At least 50% of new housing construction should be set aside for affordable housing. All affordable housing should target residents who fall within 30-60% of the Area Median Income (AMI). The current CASP gives away density to luxury housing developers and reduces parking without incentivizing affordable development. Do not increase density without also incentivizing affordable housing.

● **Parks with Active Recreation.** Prioritize development of new parks smaller than 5 acres with active recreational amenities, such as playgrounds for children, tables for elderly, and a variety of sports facilities. Parks should be located in a number of locations spread throughout the CASP area, not just clustered in certain areas.

● **Safety.** Several streets in the CASP plan are currently used as secondary highways both by commuters and industry, with speeds approaching 45 mph. Current residents must cross these unsafe streets in order to access public spaces and public transportation. Improve safety in the CASP area.

● **Clean up the CASP area.** The CASP area has been heavily impacted by industrial uses that have left a footprint of mismanaged hazardous materials and wastes, oil, gas and coal-based operations, and potential lead-based paint and asbestos-based building materials in existing buildings. The CASP area has one designated Superfund site and three other sites that were considered for Superfund listing, and at least 18 other sites with a toxic past. The CASP must invest in cleaning-up these toxic sites, and the CASP must have a meaningful remediation plan for the area which it currently does not contain.

● **Help CASP residents breathe.** The CASP is surrounded by 2 major freeways along with numerous other sources of air pollution. As such, CASP should adopt the California Air Resources Board's *Air Quality and Land Use Guidelines*. The CASP should identify park sites, housing developments, senior centers and other sensitive land uses and prioritize development of these sensitive receptors away from freeways, rail yards, roads used as secondary highways, bus depots, and other sources of air pollution.

● **Improve Public Participation.** Notices are currently sent only to property owners, despite the fact that the majority of CASP residents are renters. Send notices to ALL residents and provide more meaningful, culturally- and age-appropriate public participation on a more consistent and timely basis with better translation and interpretation services for all events, meetings, newsletters, and outreach materials in the following languages: Vietnamese, Khmer, Spanish, and Chinese (written in *Simplified* Chinese, translation in Cantonese and Chiu Chow).

● **Prioritize the high number of LEP residents in the area.** The 2000 Census found that 60% of the population speaks Spanish in the home, 30% speaks an Asian language at home, and only 10% speak English in the home.

- **Create Jobs for Local Residents.** The CASP should protect the existing job base and (should the plan also be designated a CRA redevelopment area) work with CRA to increase the number of living-wage jobs in the area by providing support for existing businesses to remain in the area and requesting that new employers, brought in as a result of the Plan, sign a local hire agreement that prioritizes the hiring of local residents and provides living wage jobs, as defined by the City's Living Wage Ordinance. All City jobs in the CASP area should have a local hire provision. CASP should also conduct research to identify and actively recruit job sectors that are growing, provide a significant number of entry-level positions for the predominantly Limited English Proficient (LEP) residents of the area, offer a significant number of living wage jobs, and provide career ladder opportunities for employees

11-4

We recognize and support many of the initial goals of the plan but want to ensure that the social equity and environmental protection goals are strengthened to adequately meet the needs of current residents, local business owners, and other key stakeholders.

Sincerely,



Bill Gallegos

Executive Director

Cc: Councilman Ed Reyes, CD 1

November 23, 2011

VIA ELECTRONIC MAIL to [claire.bowin@lacity.org](mailto:claire.bowin@lacity.org)

Ms. Claire Bowin  
Department of City Planning  
City of Los Angeles  
200 North Spring St., Room 667  
Los Angeles, CA 90012

Re: Draft Environmental Impact Report for the Cornfield Arroyo Seco Specific Plan  
Case No. ENV-2009-599-EIR  
SCH #: 2009031002

Dear Ms. Bowin:

Our firm represents the Young-Nak Presbyterian Church of Los Angeles (“Young-Nak Church”), a property owner and stakeholder in the Cornfield Arroyo Seco Specific Plan area.

For background purposes, you should be aware that Young-Nak Church currently owns 8.9 acres, operating a number of existing buildings with main facilities located at 1721 Broadway and 1800 North Pasadena Avenue. The Young-Nak Church and its thousands of members have been stakeholders in the Lincoln Heights community for over 20 years. Its various ministries and programs have served the existing community by supporting local community organizations as well as providing services to immigrants and low-income individuals from the neighborhood. The Young-Nak Outreach and Transformation Foundation (“YNOT Foundation”), a non-profit affiliate of the Young-Nak Church, plays a vital role in serving the Lincoln Heights and Arroyo Vista communities by providing programs and services as well as grants to local neighborhood organizations. The YNOT Foundation is also a strong participant in the L.A. River Revitalization project and is continually looking for ways to serve and empower the surrounding community.

Thank you for the opportunity to submit comments on the Draft Environmental Impact Report (“DEIR”) for the Draft Cornfield Arroyo Seco Specific Plan (“CASP” or “Proposed Specific Plan”). This comment letter is focused on the CASP DEIR’s Land Use Section (Section 3.1) and the recommendations under the CASP Draft Plan. (It should be noted that some of these comments are related to the Proposed Specific Plan language itself, and not directly related to the DEIR, however they should be considered as comments on the DEIR.)

**1. Existing Non-conforming Uses and Pending Projects Should be Grandfathered from Inconsistent Development Standards under the Proposed Specific Plan.**

While we generally agree with the land use recommendations for the properties within the Proposed Specific Plan area, we think it is important to recognize and identify pre-existing non-conforming uses.

As previously mentioned, the Young-Nak Church currently owns approximately 8.9 acres within the Proposed Specific Plan area with its main buildings (totaling approximately 140,000 square

12-1

feet) located at 1721 Broadway and 1800 N. Pasadena Avenue. The Church sanctuary and facilities have been in operation for over 20 years at the 1721 Broadway location.

Over the past decade the Church has furthered its investment in the area, constructing the 2-story chapel, school and gymnasium at the 1800 N. Pasadena Avenue. Given the size and scope of this church use in the Proposed Specific Plan area, we would advise incorporating language to protect the existing and future development rights of this religious facility use.

The Young-Nak Church also owns the approximately six-acre site located on the block bounded by the MTA Metro Gold Line Rail to the north, the I-5 Freeway to the east, Humboldt Street to the south and Avenue 21 to the west. The Church leaders are preparing to seek City approval for a Conditional Use Permit to construct a church sanctuary and multi-purpose room with on-site parking on that site (the “YNC Project”). Since this is a pending project that you are aware of, it would make sense to include a reference to this project in the Proposed Specific Plan and the DEIR.

**Inconsistent Development Allowance**

The CASP DEIR analyzes a Zoning District Program which enables development up to specified levels in Table 3-3 on Page 3-20. The Proposed Alternative Program Assumption for “Institutional Uses (square feet)” notes a “Proposed Alterative (2035)” of 200,000 square feet. The existing Young-Nak Church buildings currently occupy approximately 140,000 square feet (with ownership of 8.9 acres). The YNC Project will add an additional approximately 261,000 square feet (approximately 7 acres) of institutional uses to the area. Thus, we feel the CASP DEIR should be revised to account for the square footage of the existing institutional uses and pending projects in order to provide a suitable Proposed Alternative Program Assumption.

**Inconsistent Use Designation**

The Proposed Specific Plan establishes the location of the YNC Project within the “Urban Innovation” District. As noted in Section S-02, Page 5 of the CASP Draft Plan, this Urban Innovation designation does not permit the Use Classification of “Religious and Social Service Organizations.” Thus, we would request that the Urban Innovation District classification be revised to allow exceptions to the prohibition of Religious and Social Service Organizations in the Urban Innovation District for existing uses and pending projects.

**Inconsistent Parking Regulations**

The parking regulations proposed by CASP also provide for inconsistent development standards. Per Section 6.1.2(d) of CASP, a maximum of one vehicle parking space per 1,000 square feet, exclusive of the shared vehicle parking spaces is permitted. This development standard conflicts with the current parking requirement for the existing Young-Nak Church.

Under the Conditional Use Permit for the Church (Case No. ZA-97-0969-CUZ), Condition Nos. 5 and 6 require of a total of 457 parking spaces on church-owned property and 341 off-site parking spaces. Per Condition No. 6, these spaces are necessary in order to provide church member parking on weekends, holidays and during regional church festivals and events.

Although Section 6.2.1 of CASP provides a provision which allows for publicly accessible parking spaces (above and beyond a project’s maximum parking limit), the “Parking Cap” which defines the maximum number of parking spaces for each of the five geographic Plan Areas may prove to be problematic. Thus, we would request that the Parking Cap for Area 3 be revised to

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12-4 account for the current parking required and provided by existing Young-Nak Church and the proposed YNC Project.

Providing an exception to the existing uses and pending projects is necessary for the preservation and enjoyment of a substantial property right. If prohibited, any "Project"<sup>1</sup> proposed by any pre-existing non-conforming "Religious and Social Service Organization" in this Urban Innovation District would be subject to Project Permit Compliance review, thus potentially preventing any beneficial improvements to these uses as they will not be able to conform to the new development standards (i.e parking regulations, setbacks, street wall minimum, maximum buildable lot coverage, open space requirements). Moreover, this will further contribute to "spot zoning" and "haphazard mixed use planning," contradictory to the goals of CASP to provide coordinated development.

12-5 Given that the Young-Nak Church has been in its current location for over 20 years and is an integral part of the existing community, it is not fair to subject the proposed YNC Project (and other similarly pending projects) to different development standards. The proposed Specific Plan should seek to protect the interests of the existing community.

## 2. The Proposed Land Use Classification for "Urban Innovation" Should Not Prohibit Religious and Social Service Organizations

The proposed "Urban Innovation" District allows for institutional uses such as Schools, Colleges and Technical Training Programs. However, the institutional uses of Religious and Social Service Organizations would be prohibited.

The land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), 42 U.S.C. §§ 2000cc, *et seq.*, protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws.

12-6 RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where:

- (i) the state or local government entity imposing the substantial burden receives federal funding;
- (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or
- (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses.

In addition, RLUIPA prohibits zoning and landmarking laws that:

1. Treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;

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<sup>1</sup> Per Section S-01, page 9, a Project is defined as the construction, erection, or addition to any building or structure, on a lot located in whole or in part within the areas shown in the map on page 2 of this Section which requires the issuance of a grading permit, foundation permit, building permit, or use of land permit.

2. Discriminate against any assemblies or institutions on the basis of religion or religious denomination;
3. Totally exclude religious assemblies from a jurisdiction; or
4. Unreasonably limit religious assemblies, institutions, or structures within a jurisdiction

12-6

Unless all institutions are prohibited in the Urban Innovation District, religious organizations and social service organizations should not be prohibited.

Additionally, the Plan should identify churches as a sensitive use that should be protected from conflict with high intensity industrial and commercial uses. Per Section 3.3.1 of the CASP DEIR on page 3-27, one of the “Assumptions” of the Potential Land Use Impacts states the following:

*Performance Standards in the Specific Plan component of the Proposed Alternative regulate the distance between sensitive uses (residential and K-12 schools) and existing or new industrial uses. Other standards address issues related to noise, vibration, hazardous materials, delivery, and waste associated with industrial and commercial activities.*

12-7

In addition to K-12 schools, per Los Angeles Municipal Code Section 12.24 W, “sensitive land uses” also include churches, hospitals, public playgrounds, nursing homes, and day care centers. Accordingly, identifying churches as a sensitive use would also achieve greater consistency with the Los Angeles Municipal Code in protecting such uses.

Thus, we recommend that the Cornfield Arroyo Seco Specific Plan be amended to either permit all institutional uses or provisions to permit all institutional uses by a Conditional Use Permit (as footnoted for other uses not allowed by-right in the Proposed Specific Plan).

Thank you for your consideration of our requests and comments. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*Craig Lawson*

Craig Lawson  
President

c.c. Honorable Ed P. Reyes, Council District 1  
Michael LoGrande, Director of Planning  
Jackie Escobedo, CRA/LA





November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

The East LA Community Corporation (ELACC) is a community-based organization based in Boyle Heights. Our mission is to advocate for economic and social justice in Boyle Heights and unincorporated East Los Angeles by building affordable housing, grassroots leadership, self-sufficiency and access to economic development opportunities for low-and extremely low income families. ELACC represents over 1,300 Boyle Heights residents. Our members have organized around the Boyle Heights Community Plan (BHCP), and have been engaging the Department of City Planning since 2006 to ensure that our community residents drive the planning process. Recently, our members have been actively engaged with SEACA's membership and have participated in numerous outreach meetings around the CASP.

On behalf of ELACC, I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

13-1

Below is a summary of the concerns our community residents have raised:

- CASP in its current form is likely to accelerate the displacement of low-income communities of color
- CASP is insufficient in providing incentives for affordable housing
- Given the toxicity of the area, CASP must do more to address environmental justice
- CASP should support local jobs for local residents

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

13-2

Below is a summary of our concerns:

- The DEIR must be revised to include accurate demographic data in order to meaningfully analyze the significant potential impacts of the Plan on area population, housing, and employment.



- The DEIR acknowledges lack of affordable rental housing in the City of Los Angeles, yet it fails to discuss zoning and density in the Project Area, and thereby fails to analyze how proposed densities will facilitate the provision of affordable housing.
- The DEIR fails to clearly state the projected population increase in the Project area, fails to adequately analyze impacts on the displacement of people and housing, and it fails to include any analysis of the impacts of the Plan on the City's Housing Element of the City's General Plan, including affordable housing and overcrowding.
- The DEIR cumulative impacts analysis fails to comply with CEQA. It is vague and devoid of the required quantification, data, or specificity of impacts. Furthermore, the cumulative project list fails to provide an inclusive list of past, present, and probable future projects producing related or cumulative impacts, including, those projects outside the control of the agency.

13-2

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

13-3

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with both SEACA, Public Counsel, and ELACC in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

13-4

Finally, we encourage you to join and incorporate by reference the DEIR comments made by the Southeast Asian Community Alliance.

Sincerely,

Mike Dennis, Director of Community Organizing



Cc: Councilman Jose Huizar, CD14

ENCL.

## Public Counsel-SEACA Proposed Affordable Housing Alternative for CASP

### Community-Oriented Development (COD) Overlay Zone

**Specific Plan language** must specifically express the need for affordable housing in the CASP; City should express commitment to planning for affordable housing and a jobs/housing mix such that current residents of CASP are not displaced by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. *The median income in Lincoln Heights is approx. \$25,300 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income). CASP includes parts of Chinatown, Lincoln Heights, and Cypress Park.*

#### **Set fixed quantities of building permits based on target levels of development**

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments
  - o The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use *Regional Housing Needs Assessment (RHNA)* allocations for Los Angeles to determine quantity of residential permits.
- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - o 21-22% Extremely Low Income (ELI)
  - o 21-22% Very Low Income (VLI)
  - o 27% Low Income (LI)
  - o 30% Moderate

#### **Bedroom-Unit Mix Requirement**

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - o Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom
- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - o Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

### Super Density Incentives for COD Overlay Zone

FAR

- **Keep base FAR for residential (and mixed-use including residential) at 1.5:1**
- LA Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI).
- **Density bonus incentive**
  - o **1.5:1 FAR to 2.025:1 FAR = 35% increase in density = DB Ordinance, 11% VLI or 20% LI**
- **Super density bonus incentive**
  - o **1.5:1 FAR to 3:1 FAR = 100% increase in density = Super DB Ordinance, 7% ELI or 18% VLI required (NO LI)**
  - o **1.5:1 FAR to 4:1 FAR = 167% increase in density = Super DB Ordinance, 10% ELI or 25% VLI (NO LI)**
- **Factors to consider:**
  - o Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
  - o Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

#### **Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - o Parking will be given at the rate of .5 space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - o Parking will be given at the rate of 1 space maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)
  - o Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

#### **Entitlement Process**

- Fast-track permitting for projects that have 70% or over affordable housing units


**Esperanza Community Housing Corporation**

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November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: [Claire.bowin@lacity.org](mailto:Claire.bowin@lacity.org)

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

Esperanza Community Housing is a neighborhood-based community development non-profit that has been engaged in comprehensive community building in the Figueroa Corridor area of South Los Angeles for more than twenty two years. Our mission is devoted to developing a healthy and just community without displacement of local families and small businesses. In a city with the nefarious reputation as the homelessness capital of the United States, it is incumbent on all stewards of the City's growth and development to promote, protect and preserve all housing that is affordable to low and very low income individuals and families.

On behalf of Esperanza Community Housing, I would like to express our strong concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

We are very concerned about the following inadequacies of CASP:

- **CASP in its current form is likely to accelerate the displacement of low-income communities of color, impacting the entire community**
- **CASP is insufficient in providing incentives for affordable housing**
- **Given the toxicity of the area, CASP must do more to address environmental justice**
- **CASP should support local jobs for local residents**

In addition, we are concerned that the DEIR analysis is flawed, and that CASP will subject current and future residents to considerable environmental harm. As such, we believe that the

14-1

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DEIR fails to comply with CEQA because it does not sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

14-2

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with SEACA, Public Counsel, and ally organizations including Esperanza Community Housing in developing the COD alternative. We urge the City of Los Angeles to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

14-3

CASP has the potential to be a great opportunity for creating a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan is finalized. The DEIR **must** be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

14-4

Sincerely,



Nancy Halpern Ibrahim, MPH  
Executive Director

cc: Councilman Ed Reyes, CD 1

# Public Counsel-SEACA Proposed Affordable Housing Alternative for CASP

## Community-Oriented Development (COD) Overlay Zone

**Specific Plan language** must specifically express the need for affordable housing in the CASP; City should express commitment to planning for affordable housing and a jobs/housing mix such that current residents of CASP are not displaced by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. *The median income in Lincoln Heights is approx. \$25,300 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income). CASP includes parts of Chinatown, Lincoln Heights, and Cypress Park.*

### **Set fixed quantities of building permits based on target levels of development**

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments
  - o The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use *Regional Housing Needs Assessment* (RHNA) allocations for Los Angeles to determine quantity of residential permits.
- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - o 21-22% Extremely Low Income (ELI)
  - o 21-22% Very Low Income (VLI)
  - o 27% Low Income (LI)
  - o 30% Moderate

### **Bedroom-Unit Mix Requirement**

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - o Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom

- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - o Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

## **Super Density Incentives for COD Overlay Zone**

### **FAR**

- **Keep base FAR for residential (and mixed-use including residential) at 1.5:1**
- LA Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI).
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  - o **1.5:1 FAR to 4:1 FAR** = 167% increase in density = Super DB Ordinance, **10% ELI or 25% VLI** (NO LI)
- **Factors to consider:**
  - o Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
  - o Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

14-4

### **Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - o Parking will be given at the rate of .5 space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - o Parking will be given at the rate of 1 space maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)



- Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

**Entitlement Process**

- Fast-track permitting for projects that have 70% or over affordable housing units



November 23, 2011

Ms. Claire Bowin  
City Planner, Los Angeles Department of City Planning  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Via E-mail: [Claire.Bowin@lacity.org](mailto:Claire.Bowin@lacity.org)

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan  
Draft Environmental Impact Report, ENV-2009-599-EIR, State  
Clearinghouse #2009031002

Dear Ms. Bowin:

On behalf of Friends of the Los Angeles River, we appreciate this opportunity to comment on the City Planning Department's Cornfield Arroyo Sico Specific Plan (CASSP). Friends of the Los Angeles River is a non-profit organization founded in 1986 to protect and restore the natural and historic heritage of the Los Angeles River and its riparian habitat through inclusive planning, education and wise stewardship. We envision a swimmable, fishable, boatable Los Angeles River within a greenway running from the mountains to the sea. For 23 years we have been the voice of the river. Increasingly we have become the voice of the Rver users, current and future. We are well-aware that the CASSP is the first comprehensive riocentric zoning effort the city has undertaken; and as such, it will provide the template for such efforts to come. Thus it is extremely important to FoLAR that this effort is done correctly.

We applaud the inclusion of a Greenways zoning district comprised of "River adjacent and parkland areas that place an emphasis on balancing native habitat and watershed restoration with public access. The limited amount of building that will be allowed in this area will provide a variety of educational and community benefits."

However, at no point in this plan is there any significant reference to actually making the physical changes in the area that will create River access by terracing beneath the railroad tracks to the River channel itself. Mentioned at length is the River Revitalization Corporation's (RRC) planned renovation of the Lincoln Heights jail on Avenue 19 and the RRC's desire to keep the area part of a River Innovation Zone that would open up the property to greater development options. Mentioned not at all is the Los Angeles River Revitalization Master Plan's identification of this area as one of the plan's five opportunity sites; or the plan's innovative vision for terracing, creating a side channel and connecting people to the River and future river-focused recreational opportunities. The Lincoln Heights jail site offers an historical opportunity to bridge the River to the

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15-2 [ State Historic Park in the Cornfield, and to Elysian Park. The Lincoln Heights jail needs to stay in the Greenways zoning district, providing a Riverfront park link between the Albion Dairy site, the Downey Recreation Center and the Arroyo Seco Confluence.

15-3 [ We also want to point out that the Greenways designation on the west side of the River, just upstream from the North Broadway Bridge and the Cornfield between Elysian Valley and the River, is currently under the dominion of the MTA, separating Elysian Park from the River, and is in no way part of a greenway. The MTA moved into that site "temporarily" almost a decade ago, and it is long overdue to give it up. FoLAR hopes the Planning Department knows something we don't know and that that parcel will be vacated soon.

15-4 [ Finally, it needs to be noted that the Los Angeles River has long been the single natural amenity available to the working class, especially the 5,000 people or so living in the CASSP. It would be an historical wrong to see the restoration of the River used as a tool to drive low-income people of color from the proposed District. FoLAR fully supports the recommendations submitted by the Southeast Asian Community Alliance (SEACA) and the Public Counsel with regard to "the inclusion of affordable housing policies and incentives in the CASP area immediately."

15-5 [ The CASSP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASSP and the DEIR.

Sincerely,



Lewis MacAdams  
Founder and President

Cc: Councilmember Ed Reyes, CD 1



November 17, 2011

Los Angeles City Planning Commission  
200 North Spring Street, Room 272  
Los Angeles, CA 90012

LA Department of City Planning  
c/o Claire Bowin  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

**Re: Cornfields Arroyo Seco Specific Plan**

Dear Planning Commission and Department of City Planning:

The Green LA Transportation Work Group is writing to express our concerns regarding the Cornfields Arroyo Seco Specific Plan (CASP). The Green LA Transportation Working Group includes: Los Angeles County Bicycle Coalition, Public Counsel, Bus Riders Union, Los Angeles Taxi Workers Alliance, LA Walks and others.

We are interested in the CASP because it is a model for future specific plans in transit rich areas of our city. The CASP is a critical opportunity for the city to meet numerous goals important to green Los Angeles and to ensure the current residents can remain in the neighborhood and benefit from any new development. Therefore, we strongly support the Southeast Asian Community Alliance's campaign to:

- **Create A Healthy Environment Where Residents Live, Work, Learn, and Play** by reducing the exposure of residents to environmental hazards in the Plan area
- **Create More Affordable Housing** by offering incentives to new housing developments to be affordable to low-income households
- **Create Safe and Sustainable Jobs for Local Residents** by targeting industries that offer living-wage jobs and provide career ladder opportunities, while also protecting existing small businesses and employers
- **Provide Meaningful Public Participation** on a more consistent and timely basis to update stakeholders on the progress of the Plan

While we support the Plan's stated goals of improving livability and economic development, we feel that the Plan in its current draft is not equitable and needs stronger environmental protections, specifically as it relates to the needs and concerns of local residents and small businesses. We believe that it is possible to provide good jobs, build affordable housing, and make the CASP area a clean, safe environment that will benefit the local community and serve as a model for the rest of Los Angeles.

We ask for the following modifications to be made to the CASP:

- **Prevent Displacement.** Prevent the displacement of local residents. This area is particularly vulnerable, due to the the following factors:
  - ▲ 1/3 of all residents in the area live below the poverty line (less than \$22,350 for a family of 4)
  - ▲ A large foreign born population where 87% of households speak a language other than English
  - ▲ 64% of adults have not graduated from high school
  - ▲ According to the 2000 census, the AMI for a family of 4 in Lincoln Heights is \$25,300
- **Affordable Housing.** Protect and increase the existing stock of affordable housing. At least a significant amount of new housing construction should be set aside for affordable housing. All affordable housing should

16-1

16-2

target residents who fall within 30-60% of the Area Median Income (AMI). The current CASP gives away density to luxury housing developers and reduces parking without incentivizing affordable development. Do not increase density without also incentivizing affordable housing.

● **Parks with Active Recreation.** Prioritize development of new parks smaller than 5 acres with active recreational amenities, such as playgrounds for children, tables for elderly, and a variety of sports facilities. Parks should be located in a number of locations spread throughout the CASP area, not just clustered in certain areas.

● **Safety.** Several streets in the CASP plan are currently used as secondary highways both by commuters and industry, with speeds approaching 45 mph. Current residents must cross these unsafe streets in order to access public spaces and public transportation. Improve safety in the CASP area.

● **Clean up the CASP area.** The CASP area has been heavily impacted by industrial uses that have left a footprint of mismanaged hazardous materials and wastes, oil, gas and coal-based operations, and potential lead-based paint and asbestos-based building materials in existing buildings. The CASP area has one designated Superfund site and three other sites that were considered for Superfund listing, and at least 18 other sites with a toxic past. The CASP must invest in cleaning-up these toxic sites, and the CASP must have a meaningful remediation plan for the area which it currently does not contain.

● **Help CASP residents breathe.** The CASP is surrounded by 2 major freeways along with numerous other sources of air pollution. As such, CASP should adopt the California Air Resources Board's *Air Quality and Land Use Guidelines*. The CASP should identify park sites, housing developments, senior centers and other sensitive land uses and prioritize development of these sensitive receptors away from freeways, rail yards, roads used as secondary highways, bus depots, and other sources of air pollution.

● **Improve Public Participation.** Notices are currently sent only to property owners, despite the fact that the majority of CASP residents are renters. Send notices to ALL residents and provide more meaningful, culturally- and age-appropriate public participation on a more consistent and timely basis with better translation and interpretation services for all events, meetings, newsletters, and outreach materials in the following languages: Vietnamese, Khmer, Spanish, and Chinese (written in *Simplified Chinese*, translation in Cantonese and Chiu Chow).

● **Prioritize the high number of LEP residents in the area.** The 2000 Census found that 60% of the population speaks Spanish in the home, 30% speaks an Asian language at home, and only 10% speak English in the home.

● **Create Jobs for Local Residents.** The CASP should protect the existing job base and (should the plan also be designated a CRA redevelopment area) work with CRA to increase the number of living-wage jobs in the area by providing support for existing businesses to remain in the area and requesting that new employers, brought in as a result of the Plan, sign a local hire agreement that prioritizes the hiring of local residents and provides living wage jobs, as defined by the City's Living Wage Ordinance. All City jobs in the CASP area should have a local hire provision. CASP should also conduct research to identify and actively recruit job sectors that are growing, provide a significant number of entry-level positions for the predominantly Limited English Proficient (LEP) residents of the area, offer a significant number of living wage jobs, and provide career ladder opportunities for employees

We recognize and support many of the initial goals of the plan but want to ensure that the social equity and environmental protection goals are strengthened to adequately meet the needs of current residents, local business owners, and other key stakeholders.

Sincerely,

Stephanie Taylor  
For Green LA Transportation Work Group

Cc: Councilmember Ed Reyes, CD 1



November 23, 2011

Ms. Claire Bowin  
City Planner, Los Angeles Department of City Planning  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

On behalf of the Green LA Coalition Transportation Work Group, I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area.

We believe CASP could have a negative, irreversible impact for the local community. While we support and laud many of CASP’s goals, we believe that there are several shortcoming of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

Below is a summary of our concerns:

- CASP in its current form is likely to accelerate the displacement of low-income communities of color
- CASP is insufficient in providing incentives for affordable housing
- Given the toxicity of the area, CASP must do more to address environmental justice
- CASP should support local jobs for local residents

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

17-1  
17-2  
17-3



17-3

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with both SEACA, Public Counsel, and Green LA in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

17-4

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

Sincerely,

Stephanie Taylor  
For Green LA Transportation Work Group

Cc: Councilman Ed Reyes, CD 1

## Public Counsel-SEACA Proposed Affordable Housing Alternative for CASP

### Community-Oriented Development (COD) Overlay Zone

**Specific Plan language** must specifically express the need for affordable housing in the CASP; City should express commitment to planning for affordable housing and a jobs/housing mix such that current residents of CASP are not displaced by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. *The median income in Lincoln Heights is approx. \$25,300 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income). CASP includes parts of Chinatown, Lincoln Heights, and Cypress Park.*

#### **Set fixed quantities of building permits based on target levels of development**

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments
  - o The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use *Regional Housing Needs Assessment* (RHNA) allocations for Los Angeles to determine quantity of residential permits.
- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - o 21-22% Extremely Low Income (ELI)
  - o 21-22% Very Low Income (VLI)
  - o 27% Low Income (LI)
  - o 30% Moderate

#### **Bedroom-Unit Mix Requirement**

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - o Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom

- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - o Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

## **Super Density Incentives for COD Overlay Zone**

### **FAR**

- **Keep base FAR for residential (and mixed-use including residential) at 1.5:1**
- LA Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI).
- **Density bonus incentive**
  - o **1.5:1 FAR to 2.025:1 FAR = 35% increase in density = DB Ordinance, 11% VLI or 20% LI**
- **Super density bonus incentive**
  - o **1.5:1 FAR to 3:1 FAR = 100% increase in density = Super DB Ordinance, 7% ELI or 18% VLI required (NO LI)**
  - o **1.5:1 FAR to 4:1 FAR = 167% increase in density = Super DB Ordinance, 10% ELI or 25% VLI (NO LI)**
- **Factors to consider:**
  - o Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
  - o Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

### **Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - o Parking will be given at the rate of .5 space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - o Parking will be given at the rate of 1 space maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)

- Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

**Entitlement Process**

- Fast-track permitting for projects that have 70% or over affordable housing units

Nov.14, 2011

L.A. City Councilmember Ed Reyes  
200 N. Spring St., Room 410  
Los Angeles, CA 90012

Dear Councilmember Reyes:

Re: Cornfields Arroyo Seco Specific Plan (CASP)

The Little Tokyo Service Center (LTSC) would like to request your support for ensuring that positive outcomes can be developed for some crucial areas of need that can directly improve the lives of low-income individuals and families that are potential stakeholders in the proposed Cornfields development.

LTSC has, in the past, worked with your office to develop affordable housing and child care services and we know that you are in support of the needs of your constituents and have acted pro-actively on their behalf. We would urge that as the CASP project development continues to take shape, that you would:

- \* Ensure that significant units of affordable housing be incentivized for the project area.
- \* Ensure that environmental health concerns are adequately addressed and ameliorated.
- \* Ensure that employment opportunities for local residents be made available
- \* Ensure that the community, with all of its diverse constituencies, be encouraged to participate meaningfully in all major decisions related to the project.

Thank you for your attention to this matter, and for your support on behalf of the community that you represent.

Sincerely,



Bill Watanabe, Executive Director  
Little Tokyo Service Center CDC  
231 East Third Street, #G104  
Los Angeles, CA 90013  
213/473-1607 (Office) 213/631-0768 (cell)  
213/473-3031 (Fax)  
BW@LTSC.org



City Councilmember Ed Reyes  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

**Re: Cornfields Arroyo Seco Specific Plan**

Dear Councilmember Reyes:

Thank you for your leadership on efforts to redevelop the Arroyo Seco. We believe strongly in the goals of livability and economic development and therefore are concerned that the Cornfields Arroyo Seco Specific Plan (CASP) falls short of accomplishing these goals. We feel that the plan in its current draft does not provide strong enough guarantees to meet the social equity and environmental protection goals, specifically as it relates to the needs and concerns of local residents and small businesses. We advocate for the following changes to the plan:

- Protect and increase the existing stock of affordable housing. At least 40% of new housing construction should be set aside for affordable housing if CASP becomes a Project Area of the Community Redevelopment Agency (CRA), and 15% if it does not become a CRA project. All affordable housing should target residents who fall within 30-60% of the Area Median Income (AMI).
- Conduct a Health Impact Assessment of the Plan and a Cumulative Impact Analysis that includes the Spring Street Bridge Widening, the Clean Tech Corridor project, the California High Speed Rail project, and existing environmental hazards within the Plan Area.
- Identify potential park sites, housing developments, and other sensitive land uses within CASP that abide by CARB *Air Quality and Land Use Guidelines* and prioritize development of such parcels.
- Work with community members, public health officials, and researchers to identify potential buffer zones near hazard sources using CARB land use guidelines. Development proposals within buffer zones should include mitigation measures and involve a public hearing process.
- Prioritize development of new parks smaller than 5 acres with active recreational amenities, such as playgrounds for children, tables for elderly, and a variety of sports facilities. Parks should be located in a number of locations spread throughout the CASP area, not just clustered in certain areas.
- Provide more meaningful, culturally- and age-appropriate public participation on a more consistent and timely basis with better translation and interpretation services for all events, meetings, newsletters, and outreach materials in the following languages: Vietnamese, Khmer, Spanish, and Chinese (written in *Simplified* Chinese, translation in Cantonese and Chiu Chow).
- Conduct research to identify and actively recruit job sectors that are growing, provide a significant number of entry-level positions for the predominantly Limited English Proficient (LEP) residents of the area, offer a significant number of living wage jobs, and provide career ladder opportunities for employees.
- Protect the existing job base and increase the number of living-wage jobs in the area by providing support for existing businesses to remain in the area and requesting that new employers, brought in as a result of the Plan, sign a local hire agreement that prioritizes the hiring of local residents and provides living wage jobs, as defined by the City's Living Wage Ordinance.
- Ensure that the Community Land Trust established in the plan expend funds generated from the plan to projects located within 2 miles of the CASP boundaries and involves a public input process.

We recognize and support many of the initial goals of the plan but want to ensure that the social equity and environmental protection goals are strengthened to adequately meet the needs of current residents, local business owners, and other key stakeholders.

Sincerely,

Aiha Nguyen, Senior Policy Analyst  
Los Angeles Alliance for a New Economy

**WANT MORE HEALTHY, JUST, AND LIVABLE COMMUNITIES? JOIN OUR CAMPAIGN.**

We need **YOUR** support to improve public health and air quality, create safe and sustainable jobs, and protect affordable housing in the neighborhoods of Lincoln Heights, Cypress Park, and Chinatown.

We are asking for your support for an exciting campaign around the *Cornfields Arroyo Seco Specific Plan (CASP)* in Los Angeles. CASP will determine how the neighborhood is built and we believe that CASP will have a profound, irreversible impact on the future of our community. While we support CASP's overall goals of improving livability and economic development, we are concerned that CASP in its current form does not provide strong enough guarantees to protect environmental health and social equity, specifically as it relates to the needs and concerns of local residents and small businesses.

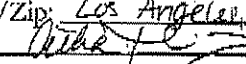
As it stands, CASP will continue to allow the development of unhealthy neighborhoods where homes are located next to polluting facilities and parks next to freeways. CASP does not set aside land or support for the development and preservation of affordable housing, nor does it aim to provide living-wage jobs in a neighborhood where 36% of residents live below the poverty line. Furthermore, the City has not been engaging in meaningful public participation around the Plan.

The current draft of CASP is looking to create new homes that most people in our community cannot afford and we want to take this opportunity to ensure that the Plan meets the needs of existing community residents by:

- **Creating A Healthy Environment Where We Live, Work, Learn, and Play** by reducing the exposure of residents to environmental hazards in the Plan area
- **Creating More Affordable Housing** by offering incentives to new housing developments to be affordable to low-income households
- **Creating Safe and Sustainable Jobs for Local Residents** by targeting industries that offer living-wage jobs and provide career ladder opportunities, while also protecting existing small businesses and employers
- **Providing Meaningful Public Participation** on a more consistent and timely basis to update stakeholders on the progress of the Plan

**What you can do:**

1. Endorse the campaign by signing this endorsement form
2. Send a letter to Councilmember Ed Reyes (see back)
3. Mobilize your members and staff to support the campaign by signing this petition
4. Participate in upcoming meetings and public hearings

Organization: Los Angeles Alliance for a New Economy (LAANE)  
 Contact Person: Aina Nguyen  
 E-Mail: annguyen@LAANE.ORG Phone: (213) 977-9400  
 Address: 4104 Lucas Ave., #202  
 City/State/Zip: Los Angeles, CA 90017  
 Signature: 

Fax completed endorsement forms to (213) 928-4100 or email to info@seaca-la.org.

**Southeast Asian Community Alliance (SEACA)**

970 N. Broadway, Suite 209  
 Los Angeles, CA 90012  
 (213) 628-8667



November 21, 2011

**Submitted by email**

Ms. Claire Bowin  
 City Planner  
 Los Angeles Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, CA 90012  
 Email: [Claire.bowin@lacity.org](mailto:Claire.bowin@lacity.org)

**RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft EIR, ENV-2009-599-EIR**

Dear Ms. Bowin:

On behalf of the Los Angeles Conservancy, thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Cornfield Arroyo Seco Specific Plan and Redevelopment Plan (CASP). The Los Angeles Conservancy is the largest local preservation organization in the United States, with over 6,500 members. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

The area proposed for the Cornfield Arroyo Seco Specific Plan has long been important in the growth and industrial history of Los Angeles. The Conservancy appreciates the efforts made in the Draft EIR to identify and protect historic resources, but more scrutiny is needed to determine the potential adverse impacts of CASP policies on historic resources in the plan area.

**I. The Draft EIR has not adequately evaluated the impacts of CASP on historic resources**

A key policy under the California Environmental Quality Act (CEQA) is the lead agency's duty to "take all action necessary to provide the people of this state with historic environmental qualities and preserve for future generations examples of major periods of California history."<sup>1</sup> CEQA "requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects."<sup>2</sup> Courts often refer to the EIR as "the heart" of CEQA

<sup>1</sup> Public Resource Code, Sec. 21001 (b),(c).

<sup>2</sup> *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41, italics added; also see PRC Secs. 21002, 21002.1.

20-1 because it provides decision makers with an in-depth review of projects with potentially significant environmental impacts and analyzes a range of alternatives that reduce those impacts.<sup>3</sup>

20-2 Although the Draft EIR concludes that development of individual projects could result in adverse impacts to historic resources unless mitigation measures are implemented, the effect of altering the underlying zoning as proposed in CASP has not been evaluated. For example, two of the largest historic resources in the plan, William Mead Homes and the Lincoln Heights Jail, will be directly affected by proposed land use changes that have the potential to increase development pressures or limit revitalization options.

**a. William Mead Homes**

20-3 Owned and operated by the Housing Authority of the City of Los Angeles, the 1942 William Mead Homes is among the first group of ten public housing projects developed in Los Angeles to address the urgent need for safe, sanitary housing for the working poor with access to sufficient sunlight and fresh air. With its steel casement windows and brick construction, William Mead is among the most visually distinct and intact of the remaining historic public housing complexes in Los Angeles. It has been determined eligible for the National Register of Historic Places for its association with the national trend in subsidized housing programs.

20-4 Currently zoned for medium residential, William Mead Homes is the sole residential area proposed for a zoning change in CASP. The proposed change to one of the hybrid industrial land use categories (Urban Village) would allow for a mix of uses, such as retail, light industrial, and other commercial uses up to 65% of allowable floor area. This change in land use zoning is incompatible with the existing and historic use of William Mead Homes and its garden apartment layout of two and three-story apartment buildings situated between ample courtyards and front yards.

20-5 The Specific Plan also envisions radical changes for the predominately industrial neighborhood surrounding William Mead, which compound development pressures. Changes to land use zoning would introduce new residential and commercial uses and instantly double each surrounding parcel's allowable floor area ratio (FAR), which could be further increased with the Bonus FAR and Transfer of FAR programs. While the Draft EIR asserts that no project is proposed for William Mead, it also states that the Housing Authority "recognizes that recent experiences both locally and elsewhere in the United States have demonstrated the benefits of renovating existing low income housing projects into mixed income and mixed-use projects."<sup>4</sup> Based on the Housing Authority's current redevelopment plans for the Jordan Downs public housing complex in Watts, which proposes demolition of all existing buildings for a new mixed-use, mixed-income project, and the existing low FAR of William Mead, we are concerned the proposed land use

<sup>3</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795; *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123.

<sup>4</sup> "Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report," September 2011, p.13-10.

change in CASP will amplify and facilitate pressures to redevelop William Mead in a way that jeopardizes its status as a historic resource.

20-5

The Final EIR should evaluate the potential direct and indirect impacts of this zoning change on William Mead Homes and its surroundings, and propose mitigation measures to ensure new development in the area will be sensitive to the mass, scale, and design of this important historic resource.

**b. Lincoln Heights Jail**

At the Lincoln Heights Jail, CASP proposes a Greenways zoning designation for this block (Block 52) along the east bank of the Los Angeles River. Initially constructed in 1931 as the Los Angeles City Jail, the robust Art Deco-style building received a Bauhaus-influenced addition by prominent local architects Gordon B. Kaufman and J. E. Stanton in 1949. The Lincoln Heights Jail, declared a city Historic-Cultural Monument in 1993, continues to be owned by the City of Los Angeles and is partially occupied by community-based nonprofit organizations.

20-6

The Greenway zoning restricts uses along the river-adjacent properties to recreation, arts, educational, and other community-related activities. Such uses are appropriate for the Lincoln Heights Jail, but given the large scale of the building that is already above the allowable FAR of 1.5:1, a greater range of available uses may offer additional opportunities to rehabilitate the building without the threat of demolition. The Urban Innovation zoning proposed in the Modified Project Alternative would allow some housing and commercial office uses in addition to light industries, but would prohibit entertainment and cultural facilities and only allow ancillary recreational uses. An option should be considered that permits a flexible range of possible uses that serve the existing community, retain public accessibility, and stimulate viable rehabilitation of the Lincoln Heights Jail should be considered.

20-7

**II. Additional clarification on implementing CASP is needed to avoid impacts to historic resources.**

We appreciate the additional review that designated historic resources will receive under Mitigation Measure Cultural Resources 2 (CR2) and are encouraged to see that the 23 potential resources identified in the Draft EIR's historic resources survey will similarly benefit from this protection. As any list of historic resources is rarely static, we urge the inclusion of a statement in CASP similar to that proposed for the Hollywood Community Plan update, acknowledging that the inventories of listed resources are continuously updated by the inclusion of new historic resources. It should also be noted that culturally significant resources were not surveyed but may be identified in the future. An effective date of the inventories and an accompanying map should also be included, as well as directions to contact the Planning Department for the most up-to-date information.

20-8

To fully implement the mitigation measure, the process and standard for reviewing projects that impact historic resources should be clarified and incorporated in CASP. For

20-9

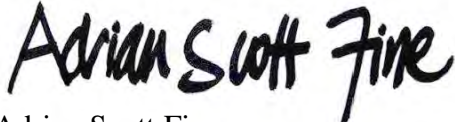


20-9

instance, the city department that conducts permit review for historic properties should be corrected from the Department of Cultural Affairs to the Cultural Heritage Commission and its staff at the Office of Historic Resources in the city's Department of City Planning. Additionally, the thresholds and triggers that initiate project review, and those that allow for expedited clearance, should also be detailed. Incentives available to owners of historic properties in CASP should be incorporated as well. These may include the code flexibility available under the California Historic Building Code, the Mills Act contract program, Federal Rehabilitation Tax Credit, and New Market Tax Credit, as well as the Transfer of FAR Program specific to CASP.

Thank you for the opportunity to comment on the Draft EIR for the Cornfield Arroyo Seco Specific Plan and Redevelopment Plan. Please feel free to contact me at 213-430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) should you have any questions.

Sincerely,



Adrian Scott Fine  
Director of Advocacy

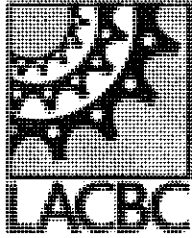
cc: Office of Historic Resources, City of Los Angeles  
Councilmember Ed Reyes, CD 1  
Southeast Asian Community Alliance

We, the Los Angeles County Bicycle Coalition, want to thank Planning for their efforts so far on the CASP but we echo the concerns of the community regarding provisions for affordable housing.

Our City of Lights program works with many Day Laborers at the IDEPSCA Day labor center located at the Home Depot on Figueroa. We want to ensure the many people who currently live, work or look for work in the area will benefit from this plan and their opportunities to access affordable housing next to abundant active; ~~abundant~~ public transit options will be improved.

We feel there is a tremendous opportunity to take advantage of the existing transit options; the ~~plan~~ planned bikeways <sup>to industrial job generating uses</sup> to ~~also~~ support affordable housing ~~that~~ create a more equitable community. 21-1

This plan also provides an opportunity to improve the safety of the roadways for all users, but especially <sup>for</sup> people who walk & bike. So we are pleased that planned bikeways are included in the plan & DEIR but we want to ensure pedestrian enhancements are implemented, including improved high visibility crosswalks, pedestrian crossing islands, curb extensions & bulbouts. These in addition to bikeways can help encourage safer <sup>vehicle</sup> travel speeds and better link residents & employees to transit, work, school & parks.



Los Angeles County Bicycle Coalition  
634 S. Spring St. Suite 821  
Los Angeles, CA 90014  
Phone 213.629.2142  
Facsimile 213.629.2259  
www.la-bike.org

November 23, 2011

Ms. Claire Bowin  
City Planner, Los Angeles Department of City Planning  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

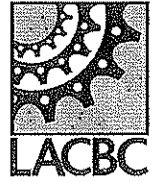
Dear Ms. Bowin:

22-1 [ On behalf of the Los Angeles County Bicycle Coalition (LACBC), we thank you for your efforts on the CASP and support and laud many of CASP's goals, in particular we feel this plan can help increase active and public mobility options through the inclusion of bikeways in conjunction with the existing light rail stations and bus stops. However, we feel there are several shortcoming of the CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

[ We applaud the urban design, and pedestrian and bicycle infrastructure requirements along with new complete street standards in the proposed alternative that will facilitate the use of pedestrian and bicycle mobility. We are concerned however with several items not addressed in the Draft EIR. Below is a summary of our concerns:

- 22-2 [
- The DEIR fails to analyze any traffic-related safety implications from increased vehicular, transit, pedestrian and bicycle traffic, in addition to increased pass-through traffic, in the project area arising out of the six-fold population increase from the Project;
  - The DEIR fails to identify significant impacts on bicyclists/pedestrians due to increased vehicle traffic, especially near schools and other facilities frequented by children on foot or bicycle;
  - The DEIR fails to recognize the safety hazard as a result of the lack of continuity between Class II bike lanes, specifically W. Broadway to San Fernando Road, San Fernando Road/S. Ave. 20 to N. Main Street, and W. Ave. 26 to Figueroa Street;
  - Where Class II bike lanes are not feasible due to high traffic volumes that require maximum peak hour lanes, the DEIR fails to consider Class III bike lanes (sharrows and/or signage) as a mitigation tool to maintain bikeway connectivity; And,
  - The DEIR fails to address the traffic and safety impacts of one-way bike lanes along S. Ave. 18 and S. Ave. 19 between W. Broadway and Barranca Street.

22-3 [ CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and ensure affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account the



issues we have cited and the concerns of the community regarding affordable housing. Thank you for the opportunity to comment on the CASP and the DEIR.

22-3

Sincerely,

Alexis Lantz  
Planning & Policy Director



# METABOLIC STUDIO

November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

As a representative of the Metabolic Studio, I have worked as part of SEACA and Public Council's coalition to organize the community, and we join and incorporate by reference Public Counsel and SEACA's letter they are submitting today. The Metabolic Studio transforms resources into energy, actions, and objects that nurture life. We want to protect the rich culture and diversity of William Mead, Chinatown and Lincoln Heights residents by demanding CASP include affordable housing, remediation of toxic sites, creation of sustainable healthy jobs and a community-lead development process.

On behalf of The Metabolic Studio, I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

Below is a summary of our concerns:

- **CASP in its current form is likely to accelerate the displacement of low-income communities of color**
- **CASP is insufficient in providing incentives for affordable housing**
- **Given the toxicity of the area, CASP must do more to address environmental justice**
- **CASP should support local jobs for local residents**

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with SEACA, Public Counsel, William Mead and The Metabolic Studio in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

Sincerely,

Meredith Hackleman  
Metabolic Studio Grower  
1745 N. Spring Street #4  
Los Angeles, CA 90012  
metabolicstudio.org  
mhackleman@metabolicstudio.org  
323-697-4482

Cc: Councilman Ed Reyes, CD 1

23-3

23-4





**WANT MORE HEALTHY, JUST, AND LIVABLE COMMUNITIES? JOIN OUR CAMPAIGN.**

**We need YOUR support to improve public health and air quality, create safe and sustainable jobs, and protect affordable housing in the neighborhoods of Lincoln Heights, Cypress Park, and Chinatown.**

We are asking for your support for an exciting campaign around the *Cornfields Arroyo Seco Specific Plan (CASP)* in Los Angeles. CASP will determine how the neighborhood is built and we believe that CASP will have a profound, irreversible impact on the future of our community. While we support CASP's overall goals of improving livability and economic development, we are concerned that CASP in its current form does not provide strong enough guarantees to protect environmental health and social equity, specifically as it relates to the needs and concerns of local residents and small businesses.

As it stands, CASP will continue to allow the development of unhealthy neighborhoods where homes are located next to polluting facilities and parks next to freeways. CASP does not set aside land or support for the development and preservation of affordable housing, nor does it aim to provide living-wage jobs in a neighborhood where 36% of residents live below the poverty line. Furthermore, the City has not been engaging in meaningful public participation around the Plan.

The current draft of CASP is looking to create new homes that most people in our community cannot afford and we want to take this opportunity to ensure that the Plan meets the needs of existing community residents by:

- **Creating A Healthy Environment Where We Live, Work, Learn, and Play** by reducing the exposure of residents to environmental hazards in the Plan area
- **Creating More Affordable Housing** by offering incentives to new housing developments to be affordable to low-income households
- **Creating Safe and Sustainable Jobs for Local Residents** by targeting industries that offer living-wage jobs and provide career ladder opportunities, while also protecting existing small businesses and employers
- **Providing Meaningful Public Participation** on a more consistent and timely basis to update stakeholders on the progress of the Plan

23-5

**What you can do:**

1. Endorse the campaign by signing this endorsement form
2. Send a letter to Councilmember Ed Reyes (see back)
3. Mobilize your members and staff to support the campaign by signing this petition
4. Participate in upcoming meetings and public hearings

Organization: The Metabolic Studio  
 Contact Person: Meredith Hackleman  
 E-Mail: mhackleman@metabolicstudio.org Phone: 323 697 4482  
 Address: 1745 N. SPRING ST  
 City/State/Zip: LA 90012  
 Signature: [Handwritten Signature]

Fax completed endorsement forms to (213) 928-4100 or email to info@seaca-la.org.

**Southeast Asian Community Alliance (SEACA)**

970 N. Broadway, Suite 209  
Los Angeles, CA 90012  
(213) 628-8667



# Pacoima Beautiful

ENVIRONMENTAL EDUCATION. LEADERSHIP DEVELOPMENT & ADVOCACY

November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

Pacoima Beautiful is a member-driven environmental health and justice non-profit organization based in the North East San Fernando Valley. Our mission is to empower the community through programs that provide environmental education, advocacy and local leadership in order to foster a healthy and safe environment. As such, we are concerned with development and land uses choices that will affect the health and well-being of low-income communities of color such as ours and the environment. Access to clean air and quality jobs, affordable housing, open space, and community-serving small businesses are vitally necessary resources for communities such as Pacoima and the CASP Project area. Neighborhoods such as ours must be preserved and fostered as the home of vibrant immigrant communities, with development that serves the needs of existing residents rather than threatening to displace long-term community members to outlying suburbs with few supportive social networks or opportunities.

On behalf of Pacoima Beautiful, I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections. We believe CASP as currently configured will have a negative, irreversible impact for the local community.

Below is a summary of our concerns:

- **CASP in its current form is likely to accelerate the displacement of low-income communities of color**
- **CASP is insufficient in providing incentives for affordable housing**
- **Given the toxicity of the area, CASP must do more to address environmental justice**
- **CASP should support local jobs for local residents**

24-1 Given the level of renters, we also strongly support active recreation opportunities should be emphasized within the CASP. Additionally, multi-lingual and renter-targeted public participation is vital for communities like the CASP Project area and Pacoima – such as multiple languages at appropriate reading levels.

24-2 In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

24-3 We encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

We also encourage the City to continue working with both SEACA, Public Counsel, Pacoima Beautiful and others in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

24-4 CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. This process and plan are important leading indicators for communities like ours, who anxiously anticipate the opportunity to participate in our Community Plan updates. Thank you for the opportunity to comment on the CASP and the DEIR and for your engagement with SEACA and Public Counsel on these important issues.

Sincerely,



Lauren Ahkiam  
Pacoima Beautiful  
11243 Glenoaks Blvd. Suite 1,  
Pacoima, CA 91331

Cc: Councilman Ed Reyes, CD 1

*The physician and health advocate voice for a world free from nuclear threats  
and a safe, healthy environment for all communities.*

November 23, 2011

Ms. Claire Bowin  
City Planner  
Los Angeles Department of City Planning  
200 N. Spring Street, Room 667  
Los Angeles, CA 90012



**RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002**

Dear Ms. Bowin:

On behalf of Physicians for Social Responsibility- Los Angeles and 4,000 physician and health advocate members, I am submitting comments on the Draft EIR for the Cornfield Arroyo Seco Specific Plan and Redevelopment Project (Specific Plan).

The Draft EIR for the Specific Plan **fails** to meet adequate mitigation measures for Impact Air Quality 1 & 2 and increases the risk for families living in the Specific Plan to be exposed to adverse health impacts from freeways and air pollution, particularly families living adjacent to the I-110, I-10 and I-5 freeways. } 25-1

**California Non-Attainment Standard of the Clean Air Act**

The current NAAQS monitoring standards do not capture the full impact of air pollution from major freeways and highways. The NAAQS monitoring network used in the South Coast Air Basin does not monitor for PM<sub>2.5</sub> near heavily trafficked highways even though EPA has found that PM<sub>2.5</sub> concentrations elevate 8% -60% for high traffic roadways compared to background concentrations<sup>1</sup>. Among the key predictors of PM<sub>2.5</sub> are total traffic volume and traffic congestion. By not measuring for PM<sub>2.5</sub> near major roadways, the direct health impact of air pollution due to volume and traffic congestion on “sensitive receptors” such as childcare facilities, schools, etc. will not be known. NAAQS standards used in the Specific Plan can potentially leave out the local impact of air pollution from I-110, I-10 and I-5 freeways on residents living adjacent or within 300 feet or less of these freeways. In doing so, the Specific Plan fails to develop mitigation standards for local air impacts associated to local traffic exposure. } 25-2

**Health Impacts from Air Pollution**

Harvard Six Cities study<sup>2</sup> and the American Cancer Society cohorts found<sup>3</sup> “higher community exposures to fine particulate air pollution to be associated with premature mortality and } 25-3

<sup>1</sup> Environmental Protection Agency, 40 CFR Part 93 PM<sub>2.5</sub> and PM<sub>10</sub> Hot-Spot Analyses in Project-Level Transportotlan Conformity Determinations for the New PM<sub>2.5</sub> and Existing PM<sub>10</sub> National Ambient Air Quality Standards; Final Rule, Part III. 12468 Federal Register. Vol. 71, No. 47 / Friday, March 10, 2006 / Rules and Regulations

<sup>2</sup> Dockery DW, et al. “An Association between air pollution and mortality in six U.S. cities.” *New England Journal of Medicine* 1993;329:1753-9.

<sup>3</sup> Pope Car, Thun MJ, Namboodiri MM, et al., “Particulate air pollution as a predictor of mortality in a prospective study of U.S. adults.” *American Journal of Respiratory & Critical Medicine* 1995; 151: 669-74.

increased lung cancer incidence...<sup>4</sup> Several other health studies have also associated health impacts from living in close proximity to freeways. For example, living close to a freeway or high traffic corridor has been linked to<sup>5</sup>:

- Decreased life expectancy
- Lung cancer
- Respiratory disease and decreased lung function
- Reproductive health problems, such as preeclampsia and preterm delivery
- Heart and lung disease, and
- Increased asthma symptoms

25-3 Additionally, a study conducted in New York linked hospitalization for asthma cases to proximity of living close to a major freeway. The study found that children hospitalized for asthma were more likely to live on roads with the highest areas of vehicle miles traveled (VMT) within 200 meters and were more likely to have trucks and trailers passing by within 200 meters of their residence.<sup>6</sup> Another study examined whether motor vehicle exhaust from freeways has an effect on respiratory health of children. The study found that doctor-diagnosed asthma, in addition to cough, wheeze and runny nose, were significantly more often reported for children living within 100 m from the freeway. Truck traffic intensity was found to be significantly associated with chronic respiratory symptoms<sup>7</sup>. While these studies show that living close to a major roadway is associated with increased asthma hospitalizations and asthma-like symptoms, another study has linked living close to a major roadway to an increase risk of coronary mortality. This study found that individuals who lived close to major roadways and were consistently exposed to traffic (<or=150 m from a highway or <or=50 m from a major road) had an increased percentage of coronary mortality. This study also found that moving away from major roadways was associated with decreased risk.<sup>8</sup>

25-4 It has become impossible to deny the negative health impacts that are associated with living next to or adjacent a major freeway and the need to create “buffer zones” that protect the public’s health. The California Air Resources Board (CARB) has recommended local governments to avoid siting “sensitive receptors” (childcare centers, schools, etc.) within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day.<sup>9</sup> CARB made its recommendation based on data that shows that “air pollution exposures here (i.e. localized) can be reduced as much as 80% with the recommended separation.” CARB also recommends that “site-specific project design improvements should also be considered when siting new sensitive land uses” because they may help reduce air pollution exposures.

<sup>4</sup> Dickey, Jefferson H., MD., “Air Pollution and Primary Care Medicine,” *Physicians for Social Responsibility*, Viewed Nov. 14, 2011, [http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html#OZONE-\(O3\)](http://www.psr.org/chapters/boston/health-and-environment/air-pollution-and-primary.html#OZONE-(O3)).

<sup>5</sup> Various studies:

Gauderman, W. James, Ph.D, et al., *N Engl J Med* 2004; 351:1057-1067.

Jun Wu et al., *Environmental Health Perspectives* 2009; 117: 1773-9.

McConnell, Rob MD et. al., *Lancet* 2002; 359:386-391.

Arden, Pope C III, PhD et al., *JAMA* 2002; 287; 1132-1141.

<sup>6</sup> Lin, et al., Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic, *Environmental Research, Section A*; 2002; 88:73-81.

<sup>7</sup> Van Vliet et al., “Motor exhaust and chronic respiratory symptoms in children living near freeways”, *Environmental Research* 1997; 74:12-132.

<sup>8</sup> Gan, W.Q., “Changes in Residential Proximity to Road Traffic and the Risk of Death from Coronary Heart Disease”, *Epidemiology* 2010; 21(5):642-649.

<sup>9</sup> California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005, <http://www.arb.ca.gov/ch/handbook.pdf>.

Due to the overwhelming evidence presented in studies associating health impacts to proximity of highways, the Specific Plan needs to consider health impacts associated to local heavy traffic exposure and not just regional air impacts.

25-4

**Comments and Recommendations to the DRAFT EIR for the Cornfield Arroyo Seco Specific Plan**

Impact Air Quality 1: The Proposed Alternative would result in the total vehicular emissions of ozone precursors exceeding the SCAQMD quantitative thresholds. This potential impact is considered to be significant.

As shown in Table 11-2, the SCAQMD is in non-attainment status for state and national ambient air quality standard.

25-5

The suggested mitigation measure to the impacts of Air Quality 1 are assumed to occur by integrating mix-use designs with non-motorized transportation modes but do not set in place specific measures that would reduce current vehicle emissions or future vehicle emissions from the substantial growth of the project. Any increase in traffic or traffic congestion to this area will increase the health impacts associated with ozone, PM10, and PM 2.5 and other criteria pollutants.

Impact Air Quality 1 Recommendation:

- Transit Demand Management (TDM) strategies beyond reducing vehicle emissions must be designed and included in the Specific Plan prior to the adoption of the draft EIR.
- The Draft EIR should analyze mitigation measures, for automobile and diesel truck emissions that can be implemented at the eleven (11) hot spots on Table 11-9 and at residences and other sensitive receptors within 300 feet from the I-5, I-10 and I-110.
- Include localized monitoring stations for all the hot spots on Table 11-9 checking for PM2.5 and PM 10.

25-6

25-7

25-8

Impact Air Quality 2: The Proposed Alternative could result in an increased risk of cancer and other negative health effects due to Toxic Air Contaminants in the vicinity of the freeways. This potential impact is considered to be potentially significant.

The proposed mitigation measure for Air Quality 2 establishes “zoning that residential uses, daycare centers, medical facilities, and other sensitive receptors are set back at least 300 feet from freeways, unless the developer carries out a Toxic Air Contaminant assessment acceptable to the City and provides for any resulting mitigation as an integral part of the design of the facilities.”

25-9

CARB indicates that concentrations of traffic related pollutants decline with distance from the road and that the potential cancer risks decreases with distance from freeways at 500 feet. Traffic related studies have shown that at 300 feet, cancer risk was still attributed.

Impact Air Quality 2 Recommendation

- Change the proposed recommendation so that new sensitive receptors are set back at a minimum of 500 feet from freeways.

25-10



- 25-11 [ • As part of the “integral part of the design of the facilities” include air monitoring for current sensitive receptors in the Specific Plan. Particularly for schools, daycares and medical facilities located within 500 feet or less of a freeway.
- 25-12 [ • Integrate “buffer” or mitigation strategies along the I-5, I-10 and I-110 wherever sensitive receptors will be zoned.
- 25-13 [ • Analyze mitigation strategies that for air pollutants, noise and vibration.

25-14 [ **General Recommendations**

If this project is to be considered a Transit Oriented Project (TOD) and is intended to decrease VMT by increasing non-motorized transportation modes and mixed-use projects, thorough mitigation strategies to protect public health should also be included as part of the plan. We highly suggest that a Health Impact Assessment (HIA) is conducted to measure air quality impacts and mitigation strategies for this project.

25-15 [ We are also in support of the comments and recommendations that Southeast Asian Community Alliance (SEACA) and Public Counsel have written, particularly on implementing a Community Oriented Development Overlay Zone (COD) in the Specific Plan. Any development that occurs within the Specific Plan should ensure that displacement of local residents is avoided.

25-16 [ We are optimistic that the Specific Plan will ensure the health of the residents living in the area is not impacted by air pollution and/or displacement.

We are more than happy to answer any questions that you may have.

Sincerely,



Patricia Ochoa  
Environment and Health Coordinator  
Physicians for Social Responsibility- Los Angeles

Cc: Serena Lin, Public Counsel  
Sissy Trinh, SEACA

STATEMENTS OF SERENA W. LIN and ANNE LAINER MARQUIT

I am an attorney with Public Counsel here on behalf of SEACA. We are opposed to the CASP plan in its current form because it contains no incentives for affordable housing and actually undermines the City density bonus ordinance by giving away increases in FAR and reducing parking. Given the current lack of affordable housing subsidies, it is ever more important to use land use tools to generate affordable housing. The City can achieve significant savings through smart zoning.

The Area Median Income of Lincoln Heights is Extremely Low at less than \$25,300 for a family of four. We have worked long hours with Jill Sourial of Councilman Reyes' office and Claire Bowin of the Planning Department to develop this current draft of the Community-Oriented Development Overlay Zone (AKA the COD zone) and the related Super Density Bonus Incentives. Both these proposals are still in draft form. We believe these concepts are valuable tools for the City to consider.

Under the COD zone, the City will create 3-5 development phases, each of which sets a target square footage for industrial and commercial development, and a target number of units for residential development, sub-divided into market-rate and affordable units.

In order to move from one phase to the next, the square footage and unit targets in each type of development must be met. If the CASP area fails to achieve its affordable housing target for any Phase, then the allotted market-rate, industrial, and commercial development for the subsequent phase cannot proceed until ALL the targets have been met.

Because there are no set timelines by which the targets must be met, all development can take place within any phase until it reaches its target for that use.

By controlling the amount of development in industrial, commercial, and residential uses, the City will be able to create the right balance of jobs and housing and prevent displacement of the current community. Furthermore, this plan will ensure that the area does not become overly trafficked. The COD zone will not require any individual developer to set aside affordable housing, but instead sets overall targets for the area.

The COD Overlay Zone requires a bedroom unit mix for all buildings 30 units and above. This requirement ensures that there are enough 2 and 3 bedroom units for the high number of families currently residing in the area, and additionally, helps to prevent displacement of families.

In order to meet the development goals of the COD zone, we have created a Super Density Bonus Ordinance to incentivize mixed-income housing. Currently, the CASP plan raises the base FAR of the area from 1.5:1 to 3:1, and in some places allows a maximum of 6:1.

26-1

We object to this give-away of density to developers. Any increase in density must be exchanged for affordable housing units. The base FAR should be kept at 1.5:1, and developers should be allowed to use the City's own density bonus ordinance to increase density by 35% to a corresponding FAR of roughly 2:1. To go beyond the limits of the density bonus ordinance and build at a 3:1 FAR or at most a 4:1 FAR, a developer must build a greater percentage of Very Low Income units or a percentage of Extremely Low Income units.

We have distributed a proposal containing specific percentages of very low and extremely low income units corresponding to an increase in FAR. The required percentage of Very Low Income units in exchange for an FAR increase was calculated using the density bonus ordinance as our base. We did so with the understanding that the density bonus was developed after much deliberation between stakeholders and the City, and that it is already a conservative scheme with regards to the percentage of affordable housing it incentivizes.

26-1 The LA density bonus ordinance does not provide for extremely low income units at all. Therefore, the numbers of Extremely Low Income units in our proposal is based off a formula which is less costly than constructing the corresponding Very Low Income units. The need for ELI units is so great in Lincoln Heights and Chinatown that simply incentivizing VLI units would result in the displacement of local families.

Further, because the current CASP parking proposal gives away the density bonus parking incentive by lowering the residential maximum to 1 space per unit, we have created an incentive plan that gives parking in exchange for affordable housing. An entire project can generate 1 to 1.5 parking spaces for every residential unit in the development, only if they provide affordable housing. Without affordable housing, a development is not entitled to any parking. This parking proposal encourages the use of non-automobile travel which reduces traffic and air pollution, and does not undermine the City density bonus ordinance.

We need both the COD Overlay Zone and the Super Density Bonus Ordinance. Without the incentives, we won't reach our COD targets. Without the COD targets, developers are less likely to take advantage of the incentives.

I submit this statement to the record.

## Community-Oriented Development (COD) Overlay Zone

### Specific Plan language

Must specifically express the need for affordable housing in the CASP; current residents do not want to be displaced from their homes by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. *The median income in Lincoln Heights is approx. \$25,000 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income).*

### Set fixed quantities of building permits based on target levels of development

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments
  - o The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use *Regional Housing Needs Assessment (RHNA)* allocations for Los Angeles to determine quantity of residential permits.
- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - o 21-22% Extremely Low Income (ELI)
  - o 21-22% Very Low Income (VLI)
  - o 27% Low Income (LI)
  - o 30% Moderate

26-2

### Bedroom-Unit Mix Requirement

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - o Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom
- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - o Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

## Super Density Incentives for COD Overlay Zone

### FAR

- **Keep base FAR for residential (and mixed-use including residential) at 1.5:1**
- LA Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI).
- **Density bonus incentive**
  - o **1.5:1 FAR to 2.025:1 FAR = 35% increase in density = DB Ordinance, 11% VLI or 20% LI**

**Super density bonus incentive**

- 1.5:1 FAR to 3:1 FAR = 100% increase in density = Super DB Ordinance, 7% ELI or 18% VLI required (NO LI)
- 1.5:1 FAR to 4:1 FAR = 167% increase in density = Super DB Ordinance, 10% ELI or 25% VLI (NO LI)
- **Factors to consider:**
  - Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
  - Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

**Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - Parking will be given at the rate of 1 Space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)
  - Parking will be given at the rate of 1.5 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

**Entitlement Process**

- Fast-track permitting for projects that have 70% or over affordable housing units



November 23, 2011

Claire Bowin, City Planner  
 Los Angeles Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, CA 90012

Re: Draft Environmental Impact Report for the Cornfields-Arroyo Seco Specific Plan and Redevelopment Plan, SCH No. 2009031002

Dear Ms. Bowin:

On behalf of the Southeast Asian Community Alliance (“SEACA”), Public Counsel, Chatten-Brown & Carstens (“CBC”), and the Natural Resources Defense Council (“NRDC”), we submit these comments on the Draft Environmental Impact Report (“DEIR”) for the Cornfield-Arroyo Seco Specific Plan and Redevelopment Plan (“the CASP”, “the Specific Plan,” or “the Project”).<sup>1</sup> SEACA was founded in 2002, with the stated mission to build power among Southeast Asian youth and their communities in Los Angeles for a more just and equitable society through intergenerational, multiethnic dialogue, leadership development, and community organizing. SEACA is located in Los Angeles’ Chinatown district, which borders the CASP area. Many of SEACA’s members live within the CASP area, and SEACA’s members and their families would be affected by the environmental impacts of the Project.

Public Counsel is the nation's largest not-for-profit law firm of its kind with a 40-year track record of fighting for the rights of families, seniors, children and youth, people of color, persecuted immigrants, military veterans and nonprofit organizations and small businesses. Founded in 1970, Public Counsel addresses civil rights issues affecting thousands of people through impact litigation and policy advocacy and delivers \$88 million of free legal assistance each year to individuals.

Chatten-Brown & Carstens is a public interest law firm that represents nonprofit organizations and community groups in matters relating to environmental, land use, municipal, and natural resources law. CBC worked with the community to secure the parkland at Los Angeles State Historic Park (The Cornfields), and has been actively engaged in the revitalization

<sup>1</sup> Please note that we have also submitted electronic copies of all supplemental references cited in this letter, on a CD titled “SEACA/PublicCounsel/CBC/NRDC Comment Letter: Supplemental References.” This CD has been hand delivered to the City on November 23, 2011, with a hard copy of this letter.



of the Los Angeles River. Accordingly, CBC is interested in ensuring that future planning for the area protects the environment as well as the community's interest in environmental justice.

NRDC is a nonprofit environmental organization that uses law, science and the support of 1.3 million members and online activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things. NRDC has more than 100,000 members in California, including thousands of members in the City of Los Angeles.

27-1 [ The Project would enable future development of retail, residential, commercial, civic, and industrial uses on more than 600 acres in Lincoln Heights and Chinatown. It would provide for a population increase of more than 27,000 people, more than 7,500 new residential dwelling units, 211,000 square feet of commercial, 4.7 million square feet of light industrial, new institutional uses, and 52 new acres of parks and open space. The CASP would leave in place two existing residential zoning districts, and would adopt four new zoning designations for different parts of the CASP area.

27-2 [ These new zoning areas would provide for extensive mixed-use development, including commercial, industrial, residential, open space, and community uses. While we applaud the City's efforts to bring manufacturing and industrial jobs into the CASP area, we caution that some aspects of the Plan, if implemented, would have significant impacts that have not been adequately analyzed. Specifically, we are concerned that the DEIR fails to adequately disclose, analyze, and mitigate many of the CASP's significant adverse environmental impacts.

Importantly, many of the CASP's significant environmental impacts could be reduced with the implementation of the "Community-Oriented Development Overlay Zone Alternative," described below in Section III. The Alternative provides incentives for developers to increase affordable housing in CASP, while meeting each of the City's stated objectives. The City should consider this worthy alternative in a recirculated DEIR and should amend the CASP to include this alternative.

### SUMMARY

27-3 [ The Legislature intended through the California Environmental Quality Act (CEQA) to "[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions." (Pub. Res. Code §21101). CEQA serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564).

CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights*"). The environmental impact report (EIR) process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (*In Re*

*Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162). An EIR is an “environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Laurel Heights, supra*, 47 Cal. 3d at 392 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 822).

The EIR is also intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (14 C.C.R. §15003(d). Title 14, the CEQA implementing regulations, hereafter referred to as the “Guidelines”). In this way, the EIR “protects not only the environment but also informed self-government.” (*Citizens of Goleta Valley, supra*, 52 Cal.3d at 564).

As stated in the CEQA statute:

[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”

(Pub. Res. Code § 21061). The EIR must not be obscure or incomplete. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 443). An EIR that is confusing or self-contradictory is inadequate. (*San Joaquin Raptor Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 656 fn. 4). Courts have also emphasized that an EIR cannot be merely conclusory. (*See Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569 [“As we have frequently observed, it is only the EIR that can effectively disclose to the public the ‘analytic route the ... agency traveled from evidence to action.’ ... In general ‘the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.’”](citations omitted)).

The DEIR concedes that the CASP would have significant and adverse impacts that cannot be mitigated with regard to traffic, vehicular emissions of ozone precursors, and increased ambient noise. As these comments show, the DEIR’s conclusions and analysis with respect to land use, air quality, energy and greenhouse gases, transportation, hazards, visual resources, noise and vibration, cultural resources, biological resources, public services, utilities, population and growth-inducing impacts, and cumulative impacts are faulty. Furthermore, the DEIR’s analysis is infected by a vague project description, and many of its mitigation measures are inadequate, unenforceable, or improperly deferred until after the close of the CEQA process. For these reasons, we urge the City to revisit its analysis of the CASP to correct the serious shortfalls described below, and to identify meaningful, enforceable, and effective mitigation.

We also urge the City to review and adopt a “Community-Oriented Development Overlay Zone Alternative,” in the CASP as described below in Section III. The Alternative provides incentives for developers to increase affordable housing in CASP, while meeting each of the City’s stated objectives.

27-3

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Finally, we urge the City to recirculate the DEIR for public comment, as required by CEQA when significant new information, such as previously unidentified significant impacts of the project or a feasible project alternative, is added to an EIR after it has initially been made available for comment. (Guidelines §15088.5).

## ANALYSIS

### **I. Tiering is Misused**

As an initial matter, the CASP DEIR is a program-level document. (DEIR, p. 1-3). The DEIR intends, however, that for six classes of projects that meet certain criteria, no further environmental review will be conducted; rather, this DEIR will serve as the project-level analysis for these undertakings. (DEIR, p. 1-3). Projects subject to this administrative review include projects with less than 50 dwelling units or guest rooms, commercial projects of less than 50,000 gross square feet of commercial floor area, demolition of existing buildings that are not historical resources, and exterior remodelings. The DEIR provides no justification or analysis of the size and scope of the projects selected for exemption from further environmental review. Presumably, a mixed-use project including up to 49 residential units and 49,999 square feet of commercial floor space could avoid further environmental analysis.

27-7

This broad use of tiering is a misapplication of CEQA and potentially allows dozens of mid-scale projects to sneak through the approval process without any meaningful evaluation of their potentially significant environmental impacts. As the CEQA Guidelines explain: “[t]iering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental impacts of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.” (*Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4th at 431, citing Guidelines §15152(b)). Tiering may be appropriate, for example, for a large multi-phase project where traffic impacts and other common environmental impacts are evaluated in a program-level EIR, and impacts specific to individual buildings’ designs would be properly analyzed in later tier documents. (*Id.*, citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 198).

However, tiering does not allow an agency to defer its identification of significant environmental impacts that the larger plan, policy or program will cause. (*Stanislaus Natural Heritage Project, supra* 48 Cal.App.4th at 198). Thus, here, the City cannot rely on CEQA’s tiering provisions to avoid identifying, evaluating, and mitigating significant environmental impacts that are likely to occur with the implementation of the CASP. For example, specific air quality impacts due to exposure of sensitive receptors can only be analyzed at a project-specific scale. Similarly, given the brownfields nature of the CASP area, potential impacts due to exposure to hazards must be identified and disclosed in a more detailed way so that meaningful and effective mitigation measures can be imposed.

The City cannot use tiering to avoid reaching significance conclusions regarding land use, air quality, greenhouse gas emissions, and myriad cumulative impact areas such as light and noise. This is particularly true where the cumulative impacts analysis, discussed below, fails to

account for the cumulative impacts of multiple projects within the CASP area being constructed and operated simultaneously.

27-7

## II. The DEIR's Impact Analysis is Inadequate

The following sections identify specific deficiencies and legal shortcomings of the DEIR. The DEIR should be revised and recirculated to disclose the numerous environmental impacts discussed below.

27-8

### A. Land Use

The CEQA Guidelines provide that the "EIR shall discuss any inconsistencies between a proposed project and applicable general plans and regional plans." (Guidelines, §15125(d); *see also* Cal. Gov. Code §65454 ["No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan."]). Because various land use controls must be consistent with the general plan, a general plan is the "constitution for future development...located at the top of the hierarchy of local government law regulating land use..." (*DeVita v. County of Napa* (1995) 9 Cal. 4th 763, 773 (internal citations omitted)). The CASP is inconsistent with numerous objectives and policies in the City's General Plan, and the DEIR fails to thoroughly analyze this issue of consistency or provide adequate mitigation.

#### i. The DEIR Fails to Analyze the Consistency Between the CASP and the City's Land Use Element

The majority of the CASP area includes portions of the City's Central City North and Northeast Los Angeles Community Plans, and a smaller portion of the CASP area includes the Silverlake-Echo Park Community Plan area. (DEIR, p. 3-1). These Community Plans serve as the Land Use Element for the City's General Plan. The DEIR fails to analyze the CASP's consistency with the goals and policies of these existing Community Plans, including:

27-9

- Central City North Community Plan Policy 1-4.2 – "Ensure that new housing opportunities minimize displacement of existing residents."<sup>2</sup>
- Central City North Community Plan Policy 2-1.3 – "Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood."<sup>3</sup>
- Central City North Community Plan Objective 4-1 – "To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational needs of the community."<sup>4</sup> (For further discussion, *see* Section II.K below).

<sup>2</sup> Central City North Community Plan, <http://cityplanning.lacity.org/complan/pdf/ccncptxt.pdf> at p. III-4.

<sup>3</sup> *Id.* at III-5.

<sup>4</sup> *Id.* at III-11.

- Central City North Community Plan Objective 5-2 – “To ensure the accessibility, security and safety of parks by their users, particularly families with children and senior citizens.”<sup>5</sup> (For further discussion, *see* Section II.K below).
- Northeast Los Angeles Community Plan Policy 1-6.3 – “Ensure that redevelopment activity minimizes displacement of residents.”<sup>6</sup>
- Northeast Los Angeles Community Plan Objective 3-1 – “To resolve conflicts between industrial uses and other adjacent uses.”<sup>7</sup>

In particular, both the Central City North and the Northeast Los Angeles Community Plans contain policies to minimize displacement of existing residents. The DEIR fails to include any analysis of potential displacement of existing residents in the proposed Project area, as discussed in Section B, below, and thus the DEIR does not adequately discuss the Specific Plan’s compatibility or consistency with the City’s land use element.

The Central City North Community Plan also contains policies regarding the recreational needs of the community and access to parks. The DEIR fails to address these policies. In fact, although the DEIR’s significance threshold is whether the CASP would “[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project,” (DEIR, p. 3-25), the DEIR never addresses any Community Plan policies. The City is required to perform this analysis and cannot rely upon an incomplete DEIR.

## ii. The CASP Results in Conflicting Adjacent Land Uses

The CASP creates a new Hybrid Industrial land use designation, which would permit a mix of industrial, commercial, and residential land uses. (DEIR, p. 3-17). This new land use designation would replace existing commercial and industrial land use categories. The vast majority of the CASP area would fall under the Hybrid Industrial land use designation. (*See* DEIR, Figure 3-10, Proposed Generalized Land Use). By combining previously distinct land uses into one broad land use category, the proposed Specific Plan creates the potential for conflicting adjacent land uses within the Project area. The creation of three zoning districts within the new Hybrid Industrial land use designation provides an illusion of a more detailed and sophisticated delineation of uses when in reality each district allows for industrial, commercial, and residential land uses without analyzing the impacts of shifting the underlying industrial zoning to include residential and/or commercial. (DEIR, p. 3-19).

The failure to assess the impacts of removing meaningful zoning designations is especially glaring because existing uses in the area are predominantly industrial, absent three distinct pockets of residential. (DEIR, p. 3-7). The noise, safety, visual, and hazardous impacts of industrial uses will inevitably conflict with newly permitted residential and commercial uses in

<sup>5</sup> *Id.* at III-12.

<sup>6</sup> Northeast Los Angeles Community Plan, <http://cityplanning.lacity.org/complan/pdf/nlacptxt.pdf> at p. III-9.

<sup>7</sup> *Id.* at III-13.

the Project area, as well as with non-industrial surrounding land uses in Lincoln Heights, Chinatown, and Solano Canyon.

The DEIR acknowledges that conventional zoning separates commercial, industrial, and residential uses (DEIR, p. 3-19), and concedes that the CASP would allow light-industrial, commercial, and residential uses to be developed in close proximity. (DEIR, p. 3-27). However, it presupposes a less-than-significant finding by assuming that “regulatory standards” in the Specific Plan will eliminate all potential conflicts. (*Id.*) This conclusion is entirely without foundation and its conclusory nature violates CEQA. (*See Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

27-12

Given that the DEIR also permits a broad misuse of tiering, providing environmental exemption for mid-range commercial projects up to 49,999 square feet and residential projects up to 49 units (DEIR, p. 1-3), the DEIR also fails to account for the cumulative impacts of wide-scale commercial and residential uses, or even a wide-ranging combination of mixed residential, commercial, and industrial uses on formerly industrial land.

27-13

**iii. The DEIR Fails to Analyze the Consistency Between the Specific Plan and the City’s Housing Element & General Plan Housing Goals, Objectives and Policies**

The DEIR fails to analyze the Specific Plan’s consistency with the Housing Element of the City’s General Plan. In fact, the DEIR Land Use section fails to even mention the City’s 2006-2014 Housing Element, adopted January 14, 2009.<sup>8</sup> The DEIR claims, in another section (Chapter 13 Population, Housing and Employment), never cross-referenced in the Land Use Chapter, that the CASP responds to various General Plan housing objectives and policies. (DEIR pp. 13-16, 13-17). However, there is no discussion or analysis anywhere in the DEIR to illustrate how the CASP responds to specific objectives and policies in the Housing Element.

27-14

In fact, the majority of the General Plan housing policies referenced in the DEIR involve incentives for affordable housing. (DEIR pp. 13-16 to 13-18). However, the Specific Plan fails to include a single affordable housing incentive, policy, or program. Thus, the DEIR failed to identify a significant environmental impact—the inconsistency of the CASP with the General Plan; and, moreover, the City cannot adopt the CASP because the CASP fails to comply with the General Plan.

27-15

By failing to include any affordable housing incentives, the Specific Plan is inconsistent with not only the City’s General Plan policies but also the following Housing Element goals, policies, and programs which require the provision of a range of affordable residential units in accordance with the City’s Regional Housing Needs Allocation (RHNA). The RHNA requires the City to provide 27,238 Very Low Income units, 17,495 Low Income units, and 19,304 Moderate Income units between 2006 and 2014. (DEIR, p. 13-12, Table 13-10). Specifically, the Housing Element states:

<sup>8</sup> [http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HE\\_Final.pdf](http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HE_Final.pdf).



- “It is the overall housing goal of the City of Los Angeles to create for all residents a city of livable and sustainable neighborhoods with a range of housing types, sizes and costs in proximity to jobs, amenities and services. In keeping with decades of federal Housing Acts and the Universal Declaration of Human Rights that declared housing as a human right, the City will work towards assuring that housing is provided to all residents.”<sup>9</sup>
- Policy 1.1.2 “Promote affordable rental housing for all income groups that need assistance”<sup>10</sup>
- Policy 1.1.3 “Facilitate new construction of a variety of housing types that address current and projected needs of the city’s households”<sup>11</sup>
- Policy 1.1.4 “Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards”<sup>12</sup>
- Policy 1.2.2 “Encourage and incentivize the preservation of affordable housing to ensure that demolitions and conversions do not result in the net loss of the City’s stock of decent, safe, healthy, sanitary, or affordable housing”<sup>13</sup>
- Objective 1.4 “Promote an equitable distribution of affordable housing opportunities throughout the City”<sup>14</sup>
- Policy 1.4.1 “Provide incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers”<sup>15</sup>
- Policy 1.4.2 “Promote the development of new affordable housing units citywide and within each Community Plan area”<sup>16</sup>
- Policy 2.1.2 “Establish development standards that enhance health outcomes”<sup>17</sup>
- Policy 2.4.4 “Promote residential development that meets the needs of current residents as well as new residents”<sup>18</sup>

27-15

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<sup>9</sup> City of Los Angeles 2006-2014 Housing Element, p. 6-1.

<sup>10</sup> *Id.* at 6-8.

<sup>11</sup> *Id.* at 6-10.

<sup>18</sup> *Id.* at 6-13.

<sup>13</sup> *Id.* at 6-21.

<sup>14</sup> *Id.* at 6-45.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 6-48.

<sup>17</sup> *Id.* at 6-56.

<sup>18</sup> *Id.* at 6-78.

- Policy 4.1.6 “Eliminate zoning and other regulatory barriers to the placement and operation of housing facilities for the homeless and special needs populations in appropriate locations throughout the City”<sup>19</sup>

27-15

In addition to failing to analyze the Specific Plan’s consistency with the Housing Element’s policies and objectives, the DEIR fails to analyze the Specific Plan’s consistency with the Housing Element’s Inventory of Sites, which identifies land suitable for residential development and with the capacity to accommodate its RHNA at every affordability level. Of particular concern are the 13 sites identified in the Central City North Community Plan area that also fall within the Project Area.<sup>20</sup>

The Housing Element relies on these inventoried sites to meet its RHNA obligations under state law. The Specific Plan’s proposed elimination of Industrial and Commercial land use designations and its creation of a new Hybrid Industrial land use designation and three new zoning districts changes the underlying zoning on these sites, potentially making these sites no longer appropriate for inclusion in the City’s inventory or to count towards the City’s RHNA obligations. Without a complete analysis of this change in zoning and its impact on the sites listed in the City’s Housing Element inventory, there is no certainty that these sites remain appropriate to meet the City’s future housing capacity. The City may not approve the Specific Plan without analyzing and resolving inconsistencies with its General Plan, including inconsistencies with the Housing Element and its policies and objectives. (Gov’t Code §65454). The DEIR must be revised to identify and mitigate for this significant impact; as discussed below, our proposed “Community-Oriented Development Overlay Zone Alternative” must be considered as a feasible means of reducing this impact.

27-16

#### **iv. CASP’s New Zoning for William Mead Impermissibly Conflicts with the Housing Element of City’s General Plan**

The Project area includes one of the City’s remaining public housing projects, William Mead. William Mead houses 442 Los Angeles households with lower-incomes and is a community cultural resource, eligible for the National Register of Historic Places. (DEIR, p. 3-7). Currently, William Mead is designated solely for residential land use. (*Id.*) However, the CASP changes the land use designation on the relevant parcels to Hybrid Industrial, a mixed use designation. (*Compare* Figure 3-6, Existing Generalized Land Use, to Figure 3-10, Proposed Generalized Land Use). The CASP also proposes to place dense mixed-use residential, commercial, and industrial corridors in the area directly bordering William Mead which will lead to a development and design scheme that is both incompatible with this area and that isolates current residents.

27-17

The DEIR fails to disclose that by changing the land use designation, it not only fails to preserve this valuable public housing site, but actually creates a set of zoning incentives for new development to replace William Mead. This new land use and zoning designation for the

<sup>19</sup> *Id.* at 6-94.

<sup>20</sup> See <http://planning.lacity.org/HousingInitiatives/HousingElement/Final/AppendixH/HEAppHCCN.pdf>

27-17 William Mead parcels conflicts with the City’s Housing Element, in particular with Policy 1.2.2 on preservation (*see above*).

**B. Population, Housing and Employment, and Growth-Inducing Impacts**

**i. The DEIR Fails to Adequately Analyze Project Impacts on Housing, Businesses, and the Displacement of Current Residents**

Under certain circumstances, an EIR must consider the economic and social effects of a project. Namely, “if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (1994) 124 Cal. App. 4<sup>th</sup> 1184, 1205, citing *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019 (*Friends of Davis*); *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445-446 (“*Mt. Shasta*”)).

27-18 For example, a project that may cause school overcrowding had the potential to cause a significant impact because a new school would have had to be built elsewhere. (*El Dorado Union High School Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123, 131). Here, there is evidence that the Specific Plan will inevitably lead to the displacement of existing businesses and residences. Therefore, this displacement will likely cause significant impacts as the City of Los Angeles and surrounding region absorb the needs of the displaced by building affordable housing and business resources elsewhere.

In another example of economic effects leading to physical impacts, an agency was required to consider whether a planned shopping center might take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of the downtown area. (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 169-170). Similarly, where there is evidence that construction of two Wal-Mart Supercenters “could cause a ripple of store closures and consequent long-term vacancies that would eventually result in general deterioration and decay within and outside the market area of the two shopping centers,” the EIR must address this impact. (*Bakersfield Citizens, supra*, 124 Cal.App.4<sup>th</sup> at 1208).

27-19 The DEIR concedes in Section 17.2.12 that existing businesses will be displaced, stating “[s]ome existing businesses may choose to move out of the Project Area to seek areas that do not restrict specific uses such as trucking and warehouse uses.” (DEIR, p. 17-7). However, the DEIR gives no consideration to the potential adverse impacts to the communities where these businesses would relocate, instead assuming, without any study or analysis, that “[t]his induced and cumulative effect would be beneficial to the areas receiving the relocates.” (*Id.*). This conclusion is unsupported by any facts or analysis, in violation of CEQA. (*Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390 [“The EIR must contain facts and analysis, not just the bare conclusions of the agency.”]).

The DEIR fails to identify and discuss the physical effects of businesses being displaced from the CASP area and relocating elsewhere, and does not study impacts such as noise, traffic, and air quality on surrounding areas in the City and other receiving communities. Since the Project area is predominantly industrial and includes many hazardous uses, the DEIR should also identify the hazards that will accompany any relocation into the rest of the City. Although an agency is not required to engage in mere speculation (Guidelines §15145), the DEIR's failure to even recognize these potential impacts is a violation of CEQA.

27-19

As discussed earlier, the Project area has an extremely low median income. According to the 2000 census, the Average Median Income for the Lincoln Heights area, which constitutes a significant portion of the Plan, was \$25,300 for a family of four.<sup>21</sup> The CASP expects to accommodate more than 7,500 new housing units (DEIR, Table 2.2, Program Assumptions), but fails to contain a single affordable housing policy or affordable housing incentive to ensure that any of the 7,500 units produced are affordable for existing residents. Thus it will likely lead to a disproportionate production of market rate units.

The Specific Plan area is transit-rich, characterized by several large public infrastructure projects. Current and future residents will have access to three Metro Gold Line stations: the Lincoln Heights/Cypress Park Metro Gold Line station in the Project area, and the Chinatown and Heritage Square Stations immediately adjacent to the Project area. The transit-intensive character of the Specific Plan area places current residents at greater risk of displacement because proximity to transit has been demonstrated to have a premium value increase on nearby properties, such as those near the stations mentioned above, compared to similar properties throughout the city that are not located near transit.<sup>22</sup> This increase in value is especially true for commercial and residential properties.<sup>23</sup> "Through what is known as the *compensation principle*, reduced transportation costs allow households to spend more on housing and, in turn, bid up the rents or prices of homes located in areas with low commuting costs."<sup>24</sup>

27-20

Rise in property values is a key determinant in demographic changes and displacement. This is especially true for areas with a higher initial proportion of rental properties, as neighborhoods with a large number of renters are more susceptible to displacement.<sup>25</sup> "Renter occupancy and high rent burdens are likely the most strongly associated with displacement, since renters may not have the choice to stay in their unit as rents increase."<sup>26</sup> The proportion of renters (82.5% renter occupied units) is greater in the Project Area than in the City of Los Angeles as a whole, indicating a higher potential for demographic change and displacement. (DEIR, p. 13-8).

<sup>21</sup> U.S. Census Bureau, American Fact Finder, 2000 Census. Please see [Exhibit B](#).

<sup>22</sup> See Wardrip, Keith (2011) Public Transit's Impact on Housing Costs: A Review of the Literature, *Center for Housing Policy*.

<sup>23</sup> Fogarty, N. et al. (2008) Capturing the Value of Transit. *Center for Transit-Oriented Development*.

<sup>24</sup> See Kilpatrick, J.A., Throupe, R.L., Carruthers, J.I. & Krause, A. (2007). The impact of transit corridors on residential property values. *Journal of Real Estate Research*, 29 (3), 303-320.

<sup>25</sup> Pollack, S., Bluestone, B., Billingham, C. (2010) *Maintaining Diversity in America's Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change*. Dukakis Center for Urban and Regional Policy ("Dukakis/Pollack").

<sup>26</sup> Chapple, K. (2009). *Mapping susceptibility to gentrification: The early warning toolkit*. Berkeley, CA: University of California Berkeley Center for Community Innovation.

27-20 The DEIR has failed to analyze the potential that Project area residents could be displaced due to rising property values and increased housing costs in the CASP area, which could then have indirect environmental impacts such as increased Vehicle Miles Traveled (VMT) and traffic congestion, with attendant air quality and greenhouse gas impacts, and impacts on construction of infrastructure and public services elsewhere.

27-21 The CASP also may undermine existing City ordinances that protect affordable housing. Specifically, the DEIR fails to mention, let alone analyze, the impact and consistency of the CASP with the City's Rent Stabilization Ordinance (No. 152,120). The DEIR similarly fails to mention or analyze the impact and consistency with the City's Density Bonus Ordinance. The DEIR also fails to mention or analyze the proposed Specific Plan's impacts on the City's homeless shelter ordinance (No. 161,427). Since 1986, the City has permitted the establishment of shelters for homeless people in a number of zones, including C2 and CM, as a matter of right, as required by California Gov't Code Section 65583(a)(4).<sup>27</sup> There are several parcels within the Project Area that are currently zoned C2 but will be rezoned as a result of the land use and zoning changes proposed in this Specific Plan.

27-22 In addition, neighborhood revitalization can attract not only higher- income residents, but also car-owning residents. "People of color, low-income households and renters are all more likely to use transit than the average American."<sup>28</sup> Currently, 40 percent of the Project area population uses transit or "other" means of transportation to get to work, rather than driving. (DEIR, p. S-3). However, one study shows higher income households that are attracted to Transit Oriented Development "bring and use more vehicles and may therefore undermine efforts to shift commuting trips to the newly-built transit."<sup>29</sup> The zoning changes designated by the Specific Plan, in conjunction with the build-out of the Metro Gold line have the potential to increase housing cost burdens on the existing residents and lead to displacement of the population most likely to use transit, resulting in traffic, air quality and greenhouse gas emissions impacts, discussed further in this letter.

27-23 Displacement may not occur immediately, as residents are likely to face rapidly increasing rents until they can no longer afford to remain in the area.<sup>30</sup> Minagar & Associates, a professional traffic engineering, transportation planning, and Intelligent Transportation Systems firm, conducted a thorough peer review of the Transportation chapter of the DEIR, and concluded that between 6,000 and 7,000 residents in the Project Area would be displaced should CASP be implemented. (Minagar Report, p. 36). The potential displacement of at least 6,000 low income residents will have significant impacts throughout the City and the region, as displaced residents of the Project area will be forced to seek housing elsewhere. This will lead to indirect environmental impacts of the Project, as area residents may no longer have access to transit and may be required to drive to work, as discussed below, and as public services and infrastructure in the receiving communities must be expanded to serve new residents. The DEIR has failed to

<sup>27</sup> City of Los Angeles 2006-2014 Housing Element, p. 1-21.

<sup>28</sup> Dukakis/Pollack, *supra*.

<sup>29</sup> Dukakis/Pollack, *supra*.

<sup>30</sup> Chapple, K. (2009), *supra*.

analyze the impacts of these zoning changes and the increased population expected to be attracted to the area on the potential for existing residents to be displaced. The CEQA Guidelines require this analysis. (*See* Guidelines, Appendix G, Question XIII(b) [“Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.”]). Without analysis of this risk, the City fails to provide appropriate mitigation measures. However, as discussed further below, an alternative, like our suggested Community-Oriented Development Overlay Zone Alternative, which seeks to preserve and promote affordable housing development, would substantially lessen or avoid these adverse displacement impacts.

27-23

## ii. The DEIR Contains Inconsistent Demographic Data

The DEIR states that “[t]hree categories of demographic data are included in the analysis” – study area data, Project Area data, and citywide data. (DEIR, p. 13-1). Study area data includes data on the relevant four Census Tracts. Project Area data is a sub-set of the study area data in that it only includes data on that portion of the four Census Tracts that lies within the Project Area boundaries. Clearly, the Project Area data is the relevant data, but the DEIR fluctuates between using data based on the Project Area and data based on the study area. However, the DEIR fails to provide all of the relevant data and, in several cases, omits the relevant information needed to describe the Project area. This fluctuating and inconsistent description of existing conditions in the Project area is inadequate under CEQA. (*See San Joaquin Raptor Center, supra*, 149 Cal. App. 4<sup>th</sup> at 645 [“The decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.”]).

27-24

The data presented on the Project Area’s average household income is actually study area data, as is the data presented on household size and poverty rates. (DEIR, pp. 13-6, 13-7). The DEIR must be revised to include accurate data regarding the Project Area demographics in order to meaningfully analyze the impacts of the proposed Specific Plan on the Project Area’s population, housing, and employment.

27-25

The DEIR fails to clearly state the baseline population. In Table 13-3, Proposed Alternative Population and Program Assumptions, the DEIR cites the population of the area as 4,802 persons in 2003. (DEIR, p. 13-4). The data source for this table lists Arup North America, June 2009. (*Id.*). The DEIR does not clarify whether this information is a projection, an actual point-in-time measurement, or merely the capacity for the area. The DEIR also includes a 2000 population of 4,671 and a 2007 population of 5,304 in Table 13-6 Project Area Demographics. The data source for this table is the Los Angeles City Planning Demographics Research Unit. (DEIR, p. 13-5). It is unclear which figure the DEIR is using as its population baseline, and therefore, it is impossible for the DEIR to adequately analyze the population impacts of the Specific Plan.

27-26

It is impossible to validate the number contained in this section as the DEIR omits the methodology used to derive the above numbers. (DEIR, p. 3-2). This data set is difficult to cross-

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27-27 reference and appears to be either invalid or misleading.<sup>31</sup>

### iii. The DEIR Fails to Adequately Analyze Impacts on Population

The DEIR is incorrect that population and housing do not need to be addressed. (See DEIR 13-19). Appendix G to the CEQA Guidelines expressly includes the category of “Population/Housing” in the factors for which potential impacts should be assessed and includes questions about population and housing impacts. These questions ask whether the project:

- Would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The Project answers “yes” to all three of these questions: it proposes new homes and businesses in the CASP area, and it rezones the existing William Mead Homes development, which is currently home to 442 families, to mixed-use, not exclusively residential. This zoning change opens the door to convert these residences to another use, which would result in a loss of existing housing and the displacement of substantial numbers of people. Thus it is improper for the DEIR to ignore population and housing concerns; it must analyze these concerns in a recirculated DEIR.

The DEIR states that the proposed Specific Plan “would induce substantial population growth in the Project Area, either directly or indirectly, by allowing new homes and businesses and the extension of roads or other infrastructure,” yet concludes that “[t]his potential impact is considered to be less than significant.” (DEIR, p. 13-19). The DEIR is deficient because it fails to sufficiently cite, analyze, or even state, the assumptions it uses in determining population-related figures. The DEIR appears to utilize different data sources to generate population information, and it does not state the methodologies it uses to derive its population data.

In addition to the conflicting baseline data, described above, there is no actual Project Area population projection for the Proposed Alternative. Instead, the DEIR includes citywide population projections and study area population projections, 4,277,732 and 15,765 in 2025, respectively. (DEIR, pp. 13-2, 13-5, Table 13-2, Table 13-5). The DEIR notes the total population that can be accommodated in the future under the proposed alternative (31,855 in

<sup>31</sup> The American Fact Finder’s data for average household income is based upon 1999 dollars and not 2000 dollars. The DEIR fails to reference the source of its calculations. The 2000 census states the citywide average/median household income is \$36,687 in 1999 dollars, as opposed to the DEIR’s use of \$58,724. Source: US Census Bureau, American Fact Finder, [Exhibit C](#).

2035), but it appears this figure is not an actual projection of the expected population for the Project area in that year but is instead a measurement of population *capacity* for the area. (DEIR, p. 13-4, Table 13-3). Because the DEIR neglects to analyze the population growth under its proposed alternative and omits the relevant data, it is defective.

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The DEIR states that “[i]mplementation of the Proposed Alternative would add substantially to the population of the Project area and the additional population would contribute to the expected growth of the City of LA... represent[ing] an increase of less than one half a percent in *citywide* population growth between 2009 and 2025.” (emphasis added). (DEIR, p. 13-19). However, the DEIR provides no numerical analysis of this substantial increase in *Project area* population. By inappropriately analyzing the impacts of this Specific Plan on the overall population of the City of Los Angeles, the DEIR improperly dilutes the actual impact of the Proposed Alternative. Courts have rejected the use of a “ratio” theory, where a project’s impacts are considered small because the project’s contributions to an overall problem are miniscule. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721).

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The increase in population that can be accommodated in the Project area under the proposed Specific Plan (31,855) is over six times the 2007 Project area population. The DEIR relies on the assumption that “[i]mplementation of the Proposed Alternative will assist in accommodating the projected increase in population in the Project Area, providing for a population range of up to 31,855 residents.” (DEIR, p. 13-17). However, the DEIR fails to clearly state what the projected increase in population in the Project area actually is.

Without clear and accurate data, there can be no meaningful analysis of the population impacts of the CASP. The DEIR needs to be revised to include the relevant Project area data and should subsequently be recirculated.

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#### **iv. The DEIR Fails to Adequately Analyze Impacts on Overcrowding**

The DEIR fails to adequately analyze the proposed Project’s impacts on affordable housing, overcrowding, and existing residents of the Specific Plan area. The DEIR acknowledges the lack of affordable rental housing in the City of Los Angeles, as well as its existing low vacancy rates. In fact, the DEIR states that there is a “clear need for new housing to accommodate an evolving range of household types and size, and provide a greater variety in housing prices for all income levels.” (DEIR, p. 13-7). The DEIR also acknowledges that according to its Housing Element, the City of Los Angeles has a recognized affordable housing need of 27,238 units of very low-income housing and 17,495 units of low-income housing for the period of 2006-2014. (DEIR, p. 13-12). As of the City’s most recent Annual Progress Report on the Implementation of the Housing Element, only 423 units of very low-income housing and 67 units of low-income housing have been permitted from 2006 to December 31, 2009.<sup>32</sup>

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As noted above, there are serious defects in the relevant household income data presented in the DEIR; however, according to the DEIR’s figures, the average household income in the

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<sup>32</sup> City of Los Angeles Annual Progress Report on the Implementation of the Housing Element, Attachment 1, p. 3.

27-34 Study Area (\$35,873) is significantly lower compared to the City as a whole (\$55,041), and there is also a high percentage of renters (82.5%) in the Project Area. Therefore, the failure to include any analysis of how the proposed Specific Plan addresses the Project Area's need for affordable housing is notable. (DEIR, pp. 13-7, 13-8).

27-35 The DEIR also fails to provide any current data on overcrowded housing conditions in the Project Area and the impact of the proposed Specific Plan on such conditions. Presumably, the lack of proposed affordable housing policies in the Specific Plan will only lead to continued and aggravated overcrowding. Overcrowding is regarded by CEQA to be a significant environmental effect and should be analyzed. "[I]f a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect." (Guidelines §15064(c)). The DEIR should be revised so that it sufficiently addresses current overcrowding, the Project's impact on overcrowding, and mitigation of overcrowding.

**v. The DEIR Fails to Adequately Analyze the Jobs-Housing Balance**

27-36 The DEIR concludes that the jobs generated by the proposed Specific Plan are adequate to support the projected growth of new households and population. "The implementation of the Proposed Alternative would support 10,546 jobs, depending on the level and character of future project development. Employment growth anticipated with the implementation of the Proposed Alternative would support the growth of new households and population growth by providing the additional population with local employment opportunities." (DEIR, p. 13-20). However, the DEIR fails to adequately analyze the impacts of the proposed Specific Plan on the Project Area's jobs-housing balance.

27-37 First, the data and information in the DEIR that is presented to justify this conclusion is insufficient. The Proposed Alternative would increase the Project Area population presented by the U.S. Census data by almost 6 times (31,885 residents, as compared to 4,802 existing residents), but the DEIR does not define the type of jobs the CASP will create. Rather, the DEIR's analysis is limited to a statement that the Proposed Alternative will add 3,755 jobs to the area. It does not specify whether these jobs will be manufacturing, commercial, retail or some kind of secondary or tertiary category of jobs, or if they will be temporary construction jobs. There is no analysis of green jobs either, despite this project's identification as a LEED ND project that will set an example for many future projects.

27-38 Second, the DEIR fails to describe or analyze where the expected new Project Area population will work. The City emphasizes the proposed Project's job creating aspects and links job creation with expected housing development. There is nothing to indicate that the new residents of the Project Area are likely to be employed in the new hybrid industrial areas of the CASP. Rather, without demonstrating a fit between the jobs to be produced and the housing opportunities in the CASP, there is a strong likelihood that the proposed Project will result in a housing-jobs imbalance, in turn leading to increased auto transit, which will have significant impacts on traffic, air quality, and greenhouse gas emissions.

According to the DEIR, the impacts of the Proposed Alternative on employment may be significant if the Project will “[d]isplace substantial numbers of businesses and jobs, necessitating the construction of replacement facilities elsewhere, in excess of that contemplated in the General Plan; or displace businesses and jobs, increasing the distances traveled between businesses and the markets they serve.” (DEIR, p. 13-15).

The DEIR admits that “[i]mplementation of the Proposed Alternative might induce some existing industrial / commercial businesses located in the Project Area to find new locations for their business operations. Existing buildings in which they are now located could be demolished for construction of new structures, or would have portions substantially modified to allow for future adaptive reuse.” (DEIR, p. 13-21). However, the DEIR fails to address its own significance threshold -- that is, whether new facilities must be constructed elsewhere, and whether the displacement of workers will require longer commutes. For example, the Project Area is currently well-served by transit, meaning that many workers may reach their jobs in the Project area using transit. The DEIR should have analyzed whether the potential new locations for CASP-displaced businesses will require employees to commute by automobiles.

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**vi. The DEIR Fails to Mitigate the Project’s Impacts on Jobs-Housing Balance**

The DEIR fails to analyze how targeting a portion of the jobs created by the proposed Project to local residents would mitigate the Project’s significant and unmitigated environmental impacts on population and housing, air quality, greenhouse gas emissions, and traffic. This mitigation is feasible and would mitigate significant unmitigated impacts. The DEIR should be revised to include an analysis of the proposed Project’s impact on the City’s housing-jobs balance.

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The DEIR should consider feasible mitigation measures, such as local hiring requirements for construction jobs and permanent jobs, such as retail, commercial, and industrial jobs. Mitigation measures which could be undertaken by the CRA should also be further investigated, and the CRA should adopt the area as a Project area before relying upon CRA-related mitigation measures. The commenters believe that the DEIR should include mitigation:

- A local hiring requirement for construction jobs in the CASP area that provides a minimum percentage of jobs that must be filled by local residents and by “disadvantaged residents” whose households earn less than 50 percent of the median area income. Among other factors, the definition of disadvantaged residents should include limited English proficiency, immigrants, as well as those individuals who are formerly incarcerated.
- A local hiring requirement for permanent jobs that requires any development receiving City or CRA assistance to provide at least 30 percent of all work hours to local residents and 15 percent of all work hours to disadvantaged local residents, as defined above.

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These measures are feasible under CEQA. The City should recognize that “[w]ith some

27-41 projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the impositions of conditions on a project-by-project basis.” (See Guidelines § 15130(c)). The delivery of community benefits and appropriate mitigation of jobs-housing imbalance in the Project area is consistent with the understanding that “a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.” (Pub. Res. Code § 21004).

Likewise, state law outside of CEQA permits the inclusion of community benefits, such as local hiring requirements, in specific plans or community plans. (See Gov’t Code § 65452 [a “specific plan may address other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan]). A local hiring requirement would help mitigate the Project’s significant unmitigated impacts, and the DEIR should be re-circulated in a modified DEIR.

### C. Air Quality

27-42 “The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . .” (Pub. Res. Code § 21061). The Draft EIR fails to analyze and mitigate the Project’s air quality and greenhouse gases. These deficiencies require revisions to the Draft EIR to provide a complete and accurate analysis of the proposed Project’s significant environmental impacts and feasible mitigation for those impacts, as required by law. (See CEQA Guidelines § 15002(a)).

#### i. The Draft EIR Fails to Provide a Complete Air Quality Analysis

The DEIR is deficient because it fails to include sufficient substantiation for the air quality analysis. First, the DEIR completely fails to provide any of the assumptions that formed the basis of the analysis of construction emissions. Table 11-6 provides hardly any detail about how construction emissions were calculated. Moreover, Appendix 11a includes only model output without any designation of what inputs formed the basis of the analysis.

27-43 Second, this same flaw applies to the analysis of operational emissions. While the DEIR provides more detail about the model inputs for operational emissions (Draft EIR, pp. 11-19 to 11-20), it is still impossible for commenters to decipher the inputs for the conclusions contained in Table 11-6.

Third, as our comments regarding the Transportation section detail below, the DEIR fails to substantiate the calculation of VMT. (See Minagar Report, p. 20-21). This directly implicates the findings about Impact Air Quality 4, which conclude that Project impacts from VMT and population growth will be less than significant. The lack of data to substantiate the air quality analysis renders the DEIR inadequate for compliance with CEQA. (See *Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569 [“In general ‘the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.’”]).

**ii. The DEIR Excludes Feasible Mitigation Measures to Minimize the Significant Air Quality Impacts from the Proposed Project**

Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41). Under CEQA, feasible mitigation measures must be adopted that will avoid or substantially lessen significant environmental effects. (Pub. Res. Code § 21002). The DEIR clearly denotes that there are significant air quality impacts related to this development blueprint. Accordingly, the DEIR must include all feasible mitigation. The current document does not do this.

27-44

*a. The Draft EIR Must Augment and Clarify Construction Mitigation*

Given the long duration of this plan, the City must include construction mitigation that allows for, and requires, technological advancements. The DEIR provides very little detail to assure the public that the mitigation measures outlined in Table 11-17 will reduce impacts below a level of significance. In fact, many of the mitigation measures lack any detail whatsoever. Given this deficiency, we suggest that a revised DEIR include an advisory role for the South Coast Air Quality Management District ("SCAQMD") in mitigating construction-related impacts. Moreover, to provide better guidance to future developers, it is important that the DEIR further clarify construction mitigation measures. Specifically, the mitigation should allow SCAQMD to provide input via comments on the specific construction projects. At a minimum, all future projects must be required to comply with the mitigation recommendations in SCAQMD's CEQA Handbook or its Mitigation Measures and Control Efficiencies recommendations, located at [http://www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html) and incorporated by reference. This clarity will help future project proponents as they seek to mitigate construction emissions.

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*b. The Draft EIR Must Further Mitigate Health Risk*

At the outset, we are very pleased to see the City acknowledging the significant health threats posed by highways. The underlying goals of Mitigation Measure Air Quality 2 provide important protection for residential and other sensitive land uses in the near-highway environment. (*See* DEIR, p. 11-21). Unfortunately, the mitigation measure fails to provide requisite protection for sensitive sites and must be augmented.

27-46

More specifically, the current mitigation measure is flawed because it is based on a misunderstanding of the California Air Resources Board's ("CARB") guidance as it relates to highway proximity. Specifically, CARB's guidance provides the following recommendation:

Avoid siting new sensitive land uses within **500 feet** of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.<sup>33</sup>

<sup>33</sup> California Air Resources Board, Air Quality and Land Use Handbook: A Community Perspective, at 10, available at <http://www.arb.ca.gov/ch/handbook.pdf> (April 2005) (emphasis added).

27-46 Instead of using the recommended 500 foot buffer for sensitive uses, the DEIR uses 300 feet. The failure to articulate the recommendations of CARB is a significant mistake that does not provide for informed decision-making about the impacts of this Project.

27-47 Moreover, Mitigation Measure Air Quality 2 needs to be further defined to comply with CEQA. As it stands now, the mitigation measure requires a “Toxic Air Contaminant assessment” for projects within 300 feet of Interstates 5 and 110. (Draft EIR, p. 11-21). The DEIR fails to define the contents of or standards of a “Toxic Air Contaminant assessment” that will be acceptable to the City. Without a definition or enforceable standards, the mitigation measure is unduly vague and unenforceable. The DEIR cannot defer this detail until after the Project is developed, but rather must put in place the criteria and a base level of protection that will be provided under the “Toxic Air Contaminant assessment” protocol now, during the environmental review process. (*See Sacramento Old City Ass’n v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029 [deferral of specifics of mitigation is permissible only where clear performance standards and alternatives for meeting those standards are set forth in the EIR]).

27-48 Again, while we appreciate the DEIR’s health analysis in the air quality section, we think the document needs to be strengthened with more explicit requirements related to the siting of residential and sensitive land uses. Accordingly, we recommend a safe distance threshold of 1,500 feet between major highways and any new housing or sensitive site<sup>34</sup> development. The mitigation measure must be strengthened to include a direct prohibition against development of sensitive uses within 300 feet of the major highways, in addition to enhanced requirements for analysis and mitigation for all projects between 301 and 1,500 feet of the roadway. If the revised DEIR further clarifies the requirements for the “Toxic Air Contaminant assessment,” that assessment could be used to comply with the 301 to 1,500 feet requirements.

27-48 The rationale for this safety recommendation is based on the following sources of information regarding serious health impacts with proximity to major diesel pollution sources.

*1. The CARB Air Quality and Land Use Planning Guidelines*

Dozens of studies have correlated greatly increased pollutant levels and health impacts in close proximity to freeways, prompting CARB to recommend that local governments “[a]void siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.”<sup>35</sup> The caution is based on traffic-related studies concluding that non-cancer health risks attributable to proximity were strong within 1,000 feet of a major roadway and strongest within 300 feet. (*Id.*). California freeway studies show nearly a 70 percent drop in particulate pollution levels 500 feet from a roadway. (*Id.*).

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<sup>34</sup> Sensitive individuals refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses).

<sup>35</sup> CARB, Air Quality and Land Use Handbook: A Community Health Perspective, April 2005.  
<http://www.arb.ca.gov/ch/handbook.pdf>.



## 2. *Los Angeles Unified School District Health and Safety Criteria*

Los Angeles Unified School District health and safety criteria used to guide school siting prohibit the siting of new schools within 500 feet of freeways and major transportation corridors (an “exclusion zone”) and require special consideration of potential impacts within 1,500 feet of those transportation facilities.<sup>36</sup>

## 3. *Peer-Reviewed Journal Articles*

One recent study in the Los Angeles basin measured elevated air pollutants far downwind—up to 2,000—meters and up to 600 meters upwind of Interstate 10.<sup>37</sup> The study documented high concentrations of ultra-fine particulates, polycyclic aromatic hydrocarbons and nitric oxide at distances of 1,200 meters (roughly 4,000 feet) and farther downwind, especially during pre-sunrise hours when winds were low, humidity was high and there was a surface temperature inversion. Numerous other studies show elevated pollutant concentrations within up to 500 meters (1,600 feet) of freeways and busy roadways.

27-48

## 4. *Epidemiologic Studies of Health Effects and Mobile Source Emissions Prove Particulate Matter has a Significant Impact on Health*

### Attending School Near a Major Roadway Increases Asthma Risks

In California, more than 2 percent of public schools (K-12) are within 150 meters of high traffic roads, and a disproportionately large percentage of students attending these schools are economically disadvantaged and nonwhite.<sup>38</sup> A related study surveying over 1,000 elementary school students in Northern California found higher rates of asthma and bronchitis symptoms in children attending schools near busy roads and freeways.<sup>39</sup> A study of almost 1,500 children in Dutch schools found a positive relationship between school proximity to freeways and asthma occurrence.<sup>40</sup>

<sup>36</sup> Freeways, State highways or designated roadways with more than 100,000 automobile trips per day. Rail lines with high volumes of traffic.

<sup>37</sup> Hu, S. et.al., “A wide area of air pollutant impact downwind of a freeway during pre-sunrise hours,” *Atmospheric Environment* 43 (2009) 2541-2549.

<sup>38</sup> Green, R.S. et. al., (2004) “Proximity of California Public Schools to Busy Roads.” *Environmental Health Perspectives*, Vol. 112, n. 1, p. 61-66.

<sup>39</sup> Kim, J. et al. “Traffic-related air pollution and respiratory health: East Bay Children’s Respiratory Health Study.” *American Journal of Respiratory and Critical Care Medicine* 2004; Vol. 170. pp. 520-526.

<sup>40</sup> Speizer, F. E. and B. G. Ferris, Jr. (1973). Exposure to automobile exhaust. I. Prevalence of respiratory symptoms

A recent nationwide study of almost 9,000 public schools asserts that children spend a significant amount of time at school, making exposure to pollution at school an important consideration; the study found that approximately one third of students were likely to be at increased risk of acute and chronic respiratory disorders due to close proximity of their school to a freeway.<sup>41</sup> Surveys among thousands of junior high school students in Jakarta, Indonesia also revealed a link between traffic levels and respiratory impacts including phlegm, persistent cough and asthma.<sup>42</sup>

### Living Near a Major Roadway Increases Respiratory Disease

Proximity of residences to heavy traffic levels has been associated with respiratory symptoms such as persistent coughing, wheezing, asthma, and hospital admissions in many studies.<sup>43</sup> The California Children's Health Study, which began in 1992, found an 89 percent increase in the likelihood of being diagnosed with asthma for those children living close to freeways versus those living farther away.<sup>44</sup> Another report from the Children's Health Study showed adverse health impacts of local traffic exposure on children, independent of regional air quality, including decreased lung function that is unlikely to be regained and thus predisposes those individuals to cardiovascular illness later in life.<sup>45</sup> A recent review of California Health Interview Survey (CHIS) data revealed a three-fold increase in asthma related hospital visits among children living in high traffic density areas.<sup>46</sup> A similar study based on CHIS data attributes a 92 percent increase in asthma symptoms among those living near the highest traffic densities, and suggests that impacts may be disproportionately worse among those in poverty due

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and disease. *Archives of Environmental Health*. 26(6): 313-8. van Vliet, P., M. Knape, et al. (1997). Motor vehicle exhaust and chronic respiratory symptoms in children living near freeways. *Environmental Research*. 74(2): 122-32.  
<sup>41</sup> Appatova, A.S., et al. (2008) 'Proximal exposure of public schools and students to major roadways: a nationwide US survey', *Journal of Environmental Planning and Management*, 51:5,631-646.

<sup>42</sup> Duki, M.I.Z., Sudarmadi, S., Suzuki, S., Kawada, T., & Tri-Tugaswati, A. Effect of Air Pollution on Respiratory Health in Indonesia and its economic cost; *Arch Environmental Health* 58; 2003; 135-143.

<sup>43</sup> Nicolai, T., Carr, D., Weiland, S.K., Duhme, H., Von Ehrenstein, O., Wagner, C., & Von Mutius; Urban traffic and pollutant exposure related to respiratory outcomes and atopy in a large sample of children; *Eur Respir J* 2003; 21; 956-963. Brunekreef B; Janssen NA; de Hartog J; Harssema H; Knape M; van Vliet P. (1997). "Air pollution from truck traffic and lung function in children living near motor-ways." *Epidemiology*. 8(3):298-303.

Duhme, H., S. K. Weiland, et al. (1996). The association between self-reported symptoms of asthma and allergic rhinitis and self-reported traffic density on street of residence in adolescents. *Epidemiology* 7(6): 578-82.

Edwards, J., S. Walters, et al. (1994). Hospital admissions for asthma in preschool children: relationship to major roads in Birmingham, United Kingdom. *Archives of Environmental Health*. 49(4): 223-7.

<sup>44</sup> Gauderman WJ et al., "Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide." *Epidemiology*, 16:737-743, 2005. This study was confirmed by a separate Southern CA study finding an 85% higher likelihood for an asthma diagnosis among children living within 75 meters of a major road. McConnell R, Berhane K, Yao L, Jerrett M, Lurmann F, Gilliland F, et al. 2006. Traffic, susceptibility, and childhood asthma. *Environ Health Perspect* 114(5):766-72.

<sup>45</sup> Gauderman WJ et al., "effect of exposure to traffic on lung development from 10 to 18 years of age: a cohort study." *Lancet*, February 2007; 369 (19561): 571-1.

<sup>46</sup> Wilhelm et. al. (2008). Environmental Public Health Tracking of Childhood Asthma Using California Health Interview Survey, Traffic, and Outdoor Air Pollution Data. *Environmental Health Perspectives*, Vol 116, n. 8, p. 1254-1260.

to heightened vulnerability.<sup>47</sup>

These studies and other reports indicate that the distance from a major roadway matters. A study of nearly 10,000 children in England found that wheezing illness, including asthma, was more likely with increasing proximity of a child's home to main roads, with the greatest risk being for children living within 90 meters of the road.<sup>48</sup> A study in rural New York found that children living in neighborhoods with heavy truck traffic within 200 meters of their homes experienced increased risks of asthma hospitalization.<sup>49</sup> A different Dutch study found that traffic-related pollution was associated with increased respiratory infections and some measures of asthma and allergies among four year olds followed from birth.<sup>50</sup>

### Living Near a Major Roadway Increases Cancer Risk

A comprehensive Southern California study of urban toxic air pollution shows that motor vehicles and other mobile sources of air pollution are the predominant source of cancer-causing air pollution, accounting for roughly 90 percent of the cancer risk from toxic air pollution, most of which is from diesel soot (70% of the cancer risk).<sup>51</sup> CARB estimates an increased cancer risk of 100 in one million within 90 meters downwind of freeways carrying 10,000 trucks per day.<sup>52</sup> A study in Denver showed that children living within 250 yards of streets or highways with 20,000 vehicles per day are six times more likely to develop all types of cancer and eight times more likely to get leukemia.<sup>53</sup> A Danish study of several thousand children concluded that a doubling of vehicle pollution increased the risk of lymphomas by 25 percent.<sup>54</sup> An earlier English study found a cancer corridor within three miles of highways, airports, power plants, and other major polluters, showing greater risk of leukemia or other cancers within a few hundred yards from highways or other major pollution sources and decreasing risk with distance from these roadways and facilities.<sup>55</sup>

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<sup>47</sup> Meng et. al. (2008). Are Frequent Asthma Symptoms Among Low-Income Individuals Related to Heavy Traffic Near Homes, Vulnerabilities, or Both? AEP Vol. 18 No. 5, 343-350.

<sup>48</sup> Venn et al. (2001). Living Near A Main Road and the Risk of Wheezing Illness in Children. American Journal of Respiratory and Critical Care Medicine. Vol. 164, pp 2177-2180.

<sup>49</sup> Lin, Munsie, Hwang, Fitzgerald, and Cayo. (2002). Childhood Asthma Hospitalization and Residential Exposure to State Route Traffic. Environmental Research, Section A, Vol. 88, pp. 73-81.

Similarly, A San Diego study found increased medical visits in children living within 550 feet of heavy traffic. English P., Neutra R., Scalf R. Sullivan M. Waller L. Zhu L. "Examining Associations Between Childhood Asthma and Traffic Flow Using a Geographic Information System." (1999) Environmental Health Perspectives 107(9): 761-767.

<sup>50</sup> Brauer, M., et al. (2007). "Air pollution and development of asthma, allergy and infections in a birth cohort." Eur Respir J 29: 879-888.

<sup>51</sup> South Coast Air Quality Management District. Multiple Air Toxics Exposure Study-II. March 2000.

<sup>52</sup> CARB, 2005.

<sup>53</sup> Pearson et al. (2000). Distance-weighted traffic density in proximity to a home is a risk factor for leukemia and other childhood cancers. Journal of Air and Waste Management Association 50:175-180.

<sup>54</sup> Raaschou-Nielsen, O., Hertel, O., Thomsen, B.L., & Olsen, J.H. "Air Pollution from traffic at the residence of children with cancer" Am J Epidemiol 2001: 153; 433-443.

<sup>55</sup> Knox and Gilman (1997). Hazard proximities of childhood cancers in Great Britain from 1953-1980. Journal of Epidemiology and Community Health. 51: 151-159.

Motor Vehicle Pollutants Adversely Impact Reproductive and Neonatal Health

Pre- and post-natal impacts on infants born to mothers with heavy traffic exposure have also been well documented. A Los Angeles study found that pregnant woman living near heavy traffic areas with high levels of carbon monoxide were more likely to experience adverse birth outcomes such as low birth weights and preterm births.<sup>56</sup> Another study found that pregnant women with high traffic exposure were three times as likely to have a child with certain heart defects as women breathing the cleanest air.<sup>57</sup>

Proximity to Busy Roadways Increases Other Health Impacts

27-48

A wide body of research also confirms other adverse health outcomes related to close proximity to busy roadways. Dutch researchers evaluating long term exposure to traffic have found that people who lived near a main road were almost twice as likely to die from heart or lung disease and 1.4 times as likely to die from any cause compared with those who lived in less-trafficked areas.<sup>58</sup> A Canadian study of 5,000 people showed that those living within 50 meters of a major road or within 100 meters of a highway had increased risks of mortality, with an “aging effect” (i.e. years of life lost) of roughly 2.5 years, which is similar to the “aging effect” of having chronic heart disease (3.1 year Rate of Advancement for mortality).<sup>59</sup>

This significant amount of information indicates that to provide better public health protections to residents in this highly toxic area, the DEIR should seek to provide protections within 1,500 feet of the two major highways running through the Project area.

**D. Greenhouse Gas Emissions and Energy**

27-49

The DEIR fails to properly analyze and mitigate the Proposed Alternative’s greenhouse gas (“GHG”) emissions. It employs confusing baseline data, omits any quantified projection for the Project’s GHG emissions and its corresponding impacts, and fails to provide clear mitigation measures for significant GHG and energy impacts. These deficiencies require revisions to the DEIR to provide a complete and accurate analysis of the Proposed Alternative’s significant environmental impacts and feasible mitigation for those impacts, as required by law. (*See* Guidelines §15002(a) (identifying the basic purposes of CEQA)).

**i. The DEIR Uses Inappropriate Baseline Data for Estimating Existing GHG Emissions**

<sup>56</sup> Wilherm M. et al. “Local variations in CO and particulate air pollution and adverse birth outcomes in Los Angeles County, California, USA.” *Environ Health Perspect.* 113(9) 212-21, 2005.

<sup>57</sup> Ritz B, et al. “Ambient air pollution and risk of birth defects in Southern California.” *Am J Epidemiol*, 155: 17-25, 2002.

<sup>58</sup> Hoek, Brunekreef, Goldbohn, Fischer, van den Brandt. (2002). Association between mortality and indicators of traffic-related air pollution in the Netherlands: a cohort study. *Lancet*, 360 (9341): 1203-9.

<sup>59</sup> Finkelstein et.al., (2004). “Traffic Air Pollution and Mortality Rate Advancement Periods.” *Am J Epidemiol* 160: 173-177.

According to the DEIR itself, the baseline data to which the Proposed Alternative should be compared is that based on “conditions existing in the Project Area at the time the Initial Study/Environmental Checklist prepared for the EIR process was released for public review,” which is November 1, 2010. (DEIR, Project Description, page 2-1). With regard to GHG emissions, however, the DEIR reports figures that are inconsistent and confusing.

Table 16-2 labels the emissions data as “Most Recent Baseline Data Available,” but this assertion is inaccurate. For example, the 2009 U.S. GHG total emissions figure of 6,633.2 MMTCO<sub>2</sub>e has been available,<sup>60</sup> and is significantly lower than the figure of 7,150 MMTCO<sub>2</sub>e reported in the DEIR. The DEIR is inconsistent with regard to the 7,150 figure. On page 16-6 of the DEIR, it presents this figure as 2007 data, but then appears to extrapolate a 2005 per capita emissions rate. (See DEIR, p. 16-6, “In 2007, the US total GHG emissions were 7,150 MMTCO<sub>2</sub>e (EPA, 2009),” as compared to Table 16-2, identifying 23.7 TCO<sub>2</sub>e per capita in 2005).

Regarding the California GHG emissions, the DEIR presents a figure of 518 MMTCO<sub>2</sub>e for 2006, citing “ARB, 2009.” According to CARB, however, in 2006 California saw total gross emissions of 475.31 MMTCO<sub>2</sub>e, and in 2008, 477.74 MMTCO<sub>2</sub>e.<sup>61</sup> These figures are, again, significantly lower than the figure of 518 MMTCO<sub>2</sub>e reported in the DEIR. As in the discussion regarding U.S. emissions, the DEIR provides a per capita statewide emissions figure for a different year, 2005. Then in Figure 16-3 and Table 16-2, this data is labeled as that from 2004.

Figures for the City of Los Angeles are likewise inaccurate. The DEIR reports 2004 emissions of 51.6 MMTCO<sub>2</sub>e on page 16-8 and in Table 16-2, as the most recent data available. At the same time, it mentions the more recent 2007 figure of 50.3 MMTCO<sub>2</sub>e on page 16-15.

Thus, the overestimated and conflicting figures reported in the DEIR cannot serve as appropriate baseline data for estimating the significance of the Proposed Alternative’s impact. The DEIR should instead employ data for baseline conditions existing on or reasonably near the date of November 1, 2010, when the Initial Study was prepared. (Guidelines §15125(a)).

In addition, the DEIR makes no effort to describe emissions for the Project area itself. Thus, the national, state and regional estimates are not in any way connected to the Project area. At a minimum, an estimate of existing Project area emissions based on land uses should be calculated. Adequate modeling programs were available at the time the Initial Study was prepared.<sup>62</sup> Also, as discussed below in Part 3 of this section, the DEIR entirely omits any projection of the Proposed Alternative’s GHG emissions, a key element of the analysis. Without

<sup>60</sup> U.S. Environmental Protection Agency (EPA), *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 to 2009* (Apr. 15, 2011), p. ES-6.

<sup>61</sup> California Environmental Protection Agency: Air Resources Board (ARB), *California Greenhouse Gas Inventory for 2000-2008* (May 12, 2010), p. 2.

<sup>62</sup> See, e.g., OPR Technical Advisory, “OPR, CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review,” June 2009, Page 5, available at <http://opr.ca.gov/docs/june08-ceqa.pdf>, last visited 11/19/2011.

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27-51

27-51 | quantification of the Project area's existing emissions levels and projected emissions under the Proposed Alternative, the DEIR violates CEQA's disclosure purposes.

**ii. The DEIR Misinterprets the Law and Fails to Consider Existing Guidelines, in the Context of Adopting the GHG Zero Threshold Option**

27-52 | The DEIR states that the present assessment has adopted a significance threshold of zero. (DEIR, p. 16-12). It then appears to argue that the Project could have been eligible for a categorical exemption. The argument asserts that according to the California Air Pollution Control Officers Association (CAPCOA) paper, *CEQA and Climate Change*, "a categorical exemption can be granted to the project if it meets one of three criteria," and that the Proposed Alternative "should meet the first two [exemption] criteria." (*Id.*) While we applaud the use of a zero threshold standard, this argument is a misinterpretation of CEQA and the Guidelines, and even of the CAPCOA publication itself.

The CAPCOA reasoning would have allowed for reliance on a categorical exemption, including the "common sense" exemption of Guidelines section 15061(b)(3), for certain projects by providing that even if they exceeded a zero threshold, the projects could take advantage of a categorical exemption if they were consistent with certain state, local and regional GHG reduction strategies.<sup>63</sup> This discussion of categorical exemptions is misleading and confusing, since an EIR has been prepared for the CASP. Rather, this discussion appears to be an attempt by the DEIR to justify its later conclusion that the impacts of the Project are not cumulatively significant.

27-53 | Further, had the DEIR followed the CAPCOA, it would have quantified and mitigated the Project's GHG emissions. ("If the zero threshold option is chosen, all projects subject to CEQA would be required to quantify and mitigate their GHG emissions").<sup>64</sup> As explained below, such quantification is nowhere to be found in the DEIR.

27-54 | The DEIR additionally asserts that at the time of its preparation, no guidance had been published on addressing potential climate change impacts of plans and projects under CEQA. (DEIR, p. 16-11). However, as we discuss and include below in Part 5 of this section, extensive guidance had in fact been published by SCAQMD,<sup>65</sup> CARB,<sup>66</sup> and the Attorney General's office<sup>67</sup> at the time the Initial Study was prepared. These publications have served as clear

<sup>63</sup> *Id.* at 29.

<sup>64</sup> *Id.* at p. 27.

<sup>65</sup> For example, on December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim GHG significance threshold for projects where the SCAQMD is lead agency. *See* <http://www.aqmd.gov/hb/2008/December/081231a.htm>, last visited 11/19/2011.

<sup>66</sup> CARB, Preliminary Draft Staff Proposal: Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under CEQA, October 27, 2008, available at <http://www.arb.ca.gov/cc/localgov/ceqa/meetings/102708/wkspslides102708.pdf>, last visited 11/19/2011.

<sup>67</sup> California Attorney General's Office, *Addressing Climate Change at the Project Level* (Rev. Jan. 6, 2010), available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf), last visited 11/19/2011.

guidance since before the time of the Initial Study, and must be addressed.

27-54

**iii. The DEIR Uses Improper Assumptions in Estimating Impacts, and Omits a Projection of the Proposed Alternative’s GHG Emissions and Their Impact on Global Warming**

CEQA requires an EIR to “demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects to be considered in the full environmental context.” (Guidelines §15125(c)). Accordingly, the DEIR should at a minimum include an accurate projection of the Proposed Alternative’s GHG emissions and how these increased GHG emissions will affect the impacts of global warming on the environment. Here, the DEIR lacks any quantification of the Proposed Alternative’s GHG emissions, which undermines CEQA’s command that the EIR “demonstrate . . . that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights, supra*, 47 Cal. 3d at 392). Other cities have engaged in a more sophisticated GHG analysis.<sup>68</sup>

27-55

Initially, the DEIR makes several questionable assumptions regarding transit-oriented development, mixed use development, density, and reduced parking. The analysis assumes that these design characteristics will result in reduced personal automobile travel and therefore reduced operational GHG emissions. (DEIR, p. 16-13). However, this conclusion is flawed in that it assumes that much of the Project area’s new population would be willing to forego vehicular travel. Given the lack of affordable housing incentives in the Proposed Alternative, much of the post-Project population would necessarily include higher-income residents. Lower-income residents use transit heavily, at a much greater rate than higher-income individuals.<sup>69</sup> While there are myriad factors that contribute to increased VMT, including displacement of residents to suburbs not served by transit, prices of vehicles and gasoline, and location of goods and services in relation to housing, the VMT and resulting GHG emissions of the Project area could increase significantly without proper protections in place as a result of the expected increased population comprised of higher-income residents. This is discussed in more detail, with respect to transportation impacts, and as we explain below, this issue should be addressed in a revised DEIR.

27-56

The “assessment” that follows these assumptions is apparently missing from the DEIR altogether. Despite mentioning that the “GHG assessment is based on outputs produced by . . . CalEEMod,” and providing some information about this model (DEIR, p. 16-13), the DEIR is void of any quantification of total projected GHG emissions for the Project area based on the Proposed Alternative. Although some numbers for CO<sub>2</sub>e appear in tables in Appendix 11A, the DEIR itself never analyzes or provides context for these numbers. If this is indeed the GHG assessment, the presentation and lack of analysis in the DEIR violates CEQA. (*San Joaquin*

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<sup>68</sup> See Downtown Long Beach Draft EIR, Section 4.5, available at <http://www.lbds.info/civica/filebank/blobdload.asp?BlobID=3579>, last visited 11/21/2011.

<sup>69</sup> See Pollack, S., Bluestone, B., Billingham, C. (2010) *Maintaining Diversity in America’s Transit- Rich Neighborhoods: Tools for Equitable Neighborhood Change*. Dukakis Center for Urban and Regional Policy.



*Raptor Center, supra*, 149 Cal. App.4th 645 [“The decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.”]). As noted above, no baseline figure for the Project area’s existing GHG emissions is provided either. Thus, in this DEIR, not only is there no tangible baseline measurement to which the projected emissions may be compared, but there is also no calculation provided for the projected emissions. *These are fundamental elements for analyzing the impact of a project’s GHG emissions, and their omission is a flagrant deficiency in the DEIR’s GHG analysis.*

27-57

The DEIR concedes that “[e]missions from the Proposed Alternative would result in an increase to global GHG emissions. This potential impact is considered to be significant.” (DEIR, p. 16-14). However it then reaches a less-than-significant conclusion for Impact Energy and Greenhouse Gases 2, based on implementation of the City’s CAP. (DEIR, p. S-37). Without any quantification of projected emissions, the corresponding proposed mitigation measures cannot be effectively analyzed, and the zero threshold has been rendered meaningless.

The DEIR must be revised to provide GHG emissions calculations to cure these deficiencies. Without accurate existing and projected emissions calculations, the DEIR fails to provide any substantial evidence in support of its impact and mitigation analyses regarding GHG emissions.

Finally, section 16.3.2.2 asserts that certain potential impacts are considered to be less than significant, without providing explanation. Regarding Impact Energy and Greenhouse Gases 3, relating to recycled water facilities, the DEIR provides no quantification regarding the additional treatment capacity required by LADWP to provide the recycled water, nor regarding new pipeline or transmission needs. (DEIR, p. 16-14 to 16-15). Construction and operation of such new facilities requires energy and could have other indirect impacts; without an explanation regarding this energy use, the DEIR’s conclusion of less-than-significant impact is conclusory. (*See Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

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The similar conclusion regarding Impact Energy and Greenhouse Gases 4, per capita energy use, is likewise conclusory. Table 16-3 shows the estimated per capita energy uses for existing conditions and the Proposed Alternative, and the section cites generally to Appendix 11A with CalEEMod outputs. Nonetheless, an EIR “must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.” (*Laurel Heights, supra*, 47 Cal. 3d at 405). The DEIR, however, contains not even a basic explanation of how the data in the numerous charts of the Appendix are applicable in calculating a projected per capita energy use, nor how they relate to existing conditions or unmitigated conditions. At minimum, the DEIR should cite to the relevant charts, and explain how the data figure into per capita energy use calculations.

#### **iv. The Cumulative GHG Impacts Analysis Is Inadequate**

27-59

The cumulative impacts analysis of section 17.2.15.2 provides no quantification of the Project area’s GHG impacts in combination with other project’s GHG impacts, as required by

courts. (*See Whitman, supra*, 88 Cal. App. 3d at 411; *Kings County Farm Bureau supra*, 221 Cal. App. 3d at 729-30). Yet the DEIR states that “[all feasible mitigation measures] have been taken into consideration in the *quantitative* assessment of GHG emissions discussed in Chapter 16” (DEIR, p. 17-8, emphasis added), even though a quantitative assessment is entirely missing in Chapter 16.

27-59

Further, the DEIR states that “[d]ue to projected population growth in Los Angeles and the state of California, there will be an increase in GHGs whether they occur in the Project Area or elsewhere in the state.” (DEIR, p. 17-8). This attempts to trivialize the Proposed Alternative’s incremental impacts by comparing them to significant impacts on a greater scale. The egregious use of such “ratio theory” is strictly forbidden by courts. (*Kings County, supra*, 221 Cal. App. 3d at 721). In fact, the greater an overall environmental problem, the more dangerous and significant a project’s incremental impacts are. A project’s contributory impact should be considered in light of whether any additional impact would be significant given the severity of the environmental problem. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 118). The problem of global warming has become unquestionably severe today, even as discussed in Chapter 16 of the DEIR.

27-60

The DEIR also relies on the CAP and measures to reduce VMT as mitigation measures for cumulative impacts. This proposal fails to satisfy mitigation requirements for even the Project area itself, as shown below in Part 5 of this section. Further, a cumulative impacts analysis may not assume the mitigation of impacts of other projects unless they have been adopted in a binding manner. (*Kings County, supra*, 221 Cal. App. 3d at 729).

27-61

#### **v. The DEIR Unlawfully Defers Mitigation of Potentially Significant Impacts to a Future, Undefined Cap**

Given the DEIR’s determination that that the global warming-related impacts of the Proposed Alternative are potentially cumulatively significant, it must discuss those impacts in the DEIR and “examine reasonable, feasible options for mitigating or avoiding the project’s contribution” to the problem. (Guidelines §15130(b)(5)). A lead agency must “mitigate or avoid the significant effects on the environment of projects that it carries out or approves *whenever it is feasible to do so.*” (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 360 (emphasis added); *see also* Pub. Res. Code §21002.1(b)).

The DEIR notes two impacts that are considered to be potentially significant—an increase in reliance on natural gas and oil, and an increase to global GHG emissions (DEIR, p. 16-15) — but contains no overall mitigation plan to reduce either. Instead, for both impacts the DEIR relies solely on the City of Los Angeles’s implementation of its CAP. (DEIR, pp. 16-14 to 16-15). The DEIR includes no detailed outline of how the CAP will be implemented in the context of the Proposed Alternative. Instead the DEIR offers extremely basic, general information about the CAP itself, highlighting efforts such as Port modifications that have no bearing on the Project. (DEIR, p. 16-15). It provides no binding emissions reduction targets or other performance criteria that the Proposed Alternative must meet, but only a general “City goal” to reduce emissions to 35 percent below 1990 levels by the year 2030. (*Id.*). Yet, there is

27-62

no indication that the very general proposed mitigation measure of “implementation of the Climate Action Plan” will actually serve to meet this goal. This discussion violates Guidelines section 15064(h)(3), which requires that:

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When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project’s incremental contribution to the cumulative effect is not cumulatively considerable.

The DEIR provides absolutely no analysis of how the CAP would reduce the Project’s impacts to a less-than-significant level, at either Project-specific or cumulative levels. This is insufficient.

27-63

In addition, the DEIR asserts that “[t]he concepts set forth in the Climate Action Plan are embedded in the Proposed Alternative,” (*Id.*) but does not name these concepts or explain where and how they are embedded. The subsequent discussion regarding the CAP then employs faulty logic in arguing that the existence of the CAP alone will be sufficient to mitigate the potentially significant impacts to a less-than-significant level.

27-64

Initially, data from Table 16-3 demonstrates that if these concepts are in fact already embedded in the Proposed Alternative, then the implementation of these concepts must in fact *not* be sufficiently mitigative of the impacts at least as to reliance on natural gas and oil. The Table shows an electricity use increase from 40,730 MWh/yr to 168,670 MWh/yr (or 162,947 MWh/yr with mitigation), an increase by 4.14 times (or 4.00 times with mitigation). The Table also shows a natural gas use increase from 64,537 MBTU/yr to 357,092 MBTU/yr (or 315,386 MBTU/yr with mitigation), an increase by 5.53 times (or 4.89 times with mitigation). The DEIR is thus implying that with mitigation via the City’s CAP, the increase in reliance on natural gas and oil will be less than significant, *even if it is a four- to five-fold increase*. This is directly contrary to the standards discussed in section 16.2.1, which state that “[f]or the purposes of this DEIR, energy conservation impacts will be considered significant if implementation of the project would result in any of the following: . . . An increase in reliance on natural gas and oil . . . .” (DEIR, p. 16-11). Thus, even according to the DEIR’s own data, the proposed mitigation is insufficient to reduce the project’s reliance on natural gas and oil to a less-than-significant level.

27-65

The same section of the DEIR reasons that “[a]ll measures to reduce vehicle miles travelled (VMT) associated with the implementation of the Proposed Alternative will also reduce GHG emissions from mobile sources.” (DEIR, p. 16-15). Nonetheless, the DEIR fails to acknowledge that these measures to reduce VMT may not succeed because of an increased population with mostly higher-income residents unlikely to part with their personal vehicles. This is discussed above in Part 3 of this section, and addressed in detail in this letter’s section on Transportation.

27-66

Recently, courts have rejected vague and unenforceable mitigation plans for greenhouse gas emissions. In *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93, the court rejected an EIR that “merely proposes a generalized goal of no net increase in greenhouse gas emissions and then sets out a handful of cursorily described

mitigation measures for future consideration that might serve to mitigate the 898,000 tons of emissions resulting from the Project.” The court found it unacceptable that “[n]o effort is made to calculate what, if any, reductions in the Project’s anticipated greenhouse gas emissions would result from each of these vaguely described future mitigation measures.” (*Id.*). Taking a similar tactic to that which was rejected by the court, the DEIR here concludes, without analysis, that compliance with the undisclosed measures of the CAP will bring the Project below the zero-emissions threshold of significance. Accordingly, the DEIR lacks adequate mitigation to satisfy CEQA.

27-66

Clearly, there are a number of practical and feasible mitigation measures that could reduce the Proposed Alternative’s contribution to the problem of global warming. As the DEIR suggests, some mitigation measures imposed for other impacts, if successful, could also serve to mitigate in part the Proposed Alternative’s global warming-related impacts. (*See* DEIR, p. 16-13 and 16-15). Nonetheless, in order for such measures to operate successfully, they must be considered in a realistic manner.

While we understand the ever-evolving nature of greenhouse gas mitigation, the current DEIR does not provide sufficient specificity on what greenhouse gas mitigation measures will be included under this development. The DEIR must disclose the current list of mitigation measures and disclose its process for updating the list in the future. Moreover, the DEIR fails to explain why some, but not all of the mitigation measures included in Mitigation Measure Summary in Appendix B of the California Air Pollution Control Officer's Association (CAPCOA) white paper, CEQA & Climate Change (CAPCOA 2008); CAPCOA's Model Policies for Greenhouse Gases in General Plans (CAPCOA 2009); and the California Attorney General's Office publication, The California Environmental Quality Act: Addressing Global Warming Impacts at the Local Agency Level (California Attorney General's Office 2010), were included in the Draft EIR. (DEIR, p. 4.5-25 -27). The next iteration of the DEIR should clearly delineate what measures will form the initial baseline requirements for future projects.

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The presence of affordable housing would necessarily support the Project Area’s lower-income residents who stand to utilize and benefit most from public transportation and its related incentives, such as low-cost monthly passes and free ride areas. Thus, a practical and feasible measure for promoting less vehicular traffic and reducing GHG emissions is the implementation of incentives to build affordable housing.

Specifically commenters are concerned about the exclusion from the EIR of Objective LU-2 from CAPCOA’s Model Policies. This objective is entitled: “Promote infill, mixed-use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones.”<sup>70</sup> In LU 2.1.8, CAPCOA recommends “Mix[ing] affordable housing units with market rate units as opposed to building segregated affordable housing developments.” (*Id.* at 76). Affordable housing mitigation proposed by commenters should be

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<sup>70</sup> CAPCOA, Model Policies for Greenhouse Gas in General Plans, pp. 74-76 (2009), available at <http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA-ModelPolicies-6-12-09-915am.pdf>, last visited 11/22/11.

27-67 included to mitigate the impacts from this Project. The section discussing traffic impacts also includes significant discussion of the added benefits of the proposed affordable housing mitigation recommended by the coalition of signatories on this letter.

In addition to the above-mentioned mitigation measures, the Attorney General has posted an 18-page list of various actions that must be taken to reduce greenhouse gas (GHG) emissions.<sup>71</sup> The list, also attached to this letter, includes measures to reduce air emissions, conserve water, reduce solid waste disposal, and other measures. Detailed guidance is provided in the Attorney General's list for each of the following (as well as for off-site mitigation):

#### Energy Efficiency

- Use light-colored roofing materials to deflect heat from buildings.
- Incorporate green building practices and design elements.
- Meet recognized green building and energy efficiency benchmarks.
- Install energy efficient lighting (e.g., light emitting diodes (LEDs)), heating and cooling systems, appliances, equipment, and control systems.
- Use passive solar design, e.g., orient buildings and incorporate landscaping to maximize passive solar heating during cool seasons, minimize solar heat gain during hot seasons, and enhance natural ventilation. Design buildings to take advantage of sunlight.
- Install light colored "cool" roofs and cool pavements.
- Install efficient lighting, (including LEDs) for traffic, street and other outdoor lighting.
- Reduce unnecessary outdoor lighting.
- Use automatic covers, efficient pumps and motors, and solar heating for pools and spas.
- Provide education on energy efficiency to residents, customers and/or tenants.

#### Renewable Energy and Energy Storage

- Meet "reach" goals for building energy efficiency and renewable energy use.
- Install solar, wind, and geothermal power systems and solar hot water heaters.
- Install solar panels on unused roof and ground space and over carports and parking areas.
- Where solar systems cannot feasibly be incorporated into the project at the outset, build "solar ready" structures.
- Incorporate wind and solar energy systems into agricultural projects where appropriate.
- Include energy storage where appropriate to optimize renewable energy generation systems and avoid peak energy use.
- Use on-site generated biogas, including methane, in appropriate applications.
- Use combined heat and power (CHP) in appropriate applications.

#### Water Conservation and Efficiency

- Incorporate water-reducing features into building and landscape design.
- Create water-efficient landscapes.

<sup>71</sup> California Attorney General's Office, *Addressing Climate Change at the Project Level* (Rev. Jan. 6, 2010), available at [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf).

- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls and other water-efficient irrigation methods.
- Make effective use of graywater for landscape irrigation. Graywater is untreated household wastewater from bathtubs, showers, bathroom wash basins, and water from clothes washing machines.
- Implement low-impact development practices that maintain the existing hydrology of the site to manage storm water and protect the environment.
- Devise a comprehensive water conservation strategy appropriate for the project and location.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Offset water demand from new projects so that there is no net increase in water use.
- Provide education about water conservation and available programs and incentives.

#### Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Integrate reuse and recycling into residential industrial, institutional and commercial projects.
- Provide easy and convenient recycling opportunities for residents, the public, and tenant businesses.
- Provide education and publicity about reducing waste and available recycling services.

#### Land Use Measures

- Ensure consistency with “smart growth” principles – mixed-use, infill, and higher density projects that provide alternatives to individual vehicle travel and promote the efficient delivery of services and goods.
- Meet recognized “smart growth” benchmarks.
- Educate the public about the many benefits of well-designed, higher density development.
- Incorporate public transit into the project’s design.
- Preserve and create open space and parks. Preserve existing trees, and plant replacement trees at a set ratio.
- Develop “brownfields” and other underused or defunct properties near existing public transportation and jobs.
- Include pedestrian and bicycle facilities within projects and ensure that existing non-motorized routes are maintained and enhanced.

#### Transportation and Motor Vehicles

- Meet an identified transportation-related benchmark.
- Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation.
- Build or fund a major transit stop within or near the development.

- Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers.
- Promote “least polluting” ways to connect people and goods to their destinations.
- Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments.
- Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.
- Ensure that the project enhances, and does not disrupt or create barriers to, non-motorized transportation.
- Connect parks and open space through shared pedestrian/bike paths and trails to encourage walking and bicycling. Create bicycle lanes and walking paths directed to the location of schools, parks and other destination points.
- Work with the school districts to improve pedestrian and bike access to schools and to restore or expand school bus service using lower-emitting vehicles.
- Institute teleconferencing, telecommute and/or flexible work hour programs to reduce unnecessary employee transportation.
- Provide information on alternative transportation options for consumers, residents, tenants and employees to reduce transportation-related emissions.
- Educate consumers, residents, tenants and the public about options for reducing motor vehicle-related greenhouse gas emissions. Include information on trip reduction; trip linking; vehicle performance and efficiency (e.g., keeping tires inflated); and low or zero-emission vehicles.
- Purchase, or create incentives for purchasing, low or zero-emission vehicles.
- Create a ride sharing program. Promote existing ride sharing programs e.g., by designating a certain percentage of parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Create or accommodate car sharing programs, e.g., provide parking spaces for car share vehicles at convenient locations accessible by public transportation.
- Provide a vanpool for employees.
- Create local “light vehicle” networks, such as neighborhood electric vehicle systems.
- Enforce and follow limits idling time for commercial vehicles, including delivery and construction vehicles.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles.

Agriculture and Forestry (additional strategies noted above)

- Require best management practices in agriculture and animal operations to reduce emissions, conserve energy and water, and utilize alternative energy sources, including biogas, wind and solar.
- Preserve forested areas, agricultural lands, wildlife habitat and corridors, wetlands, watersheds, groundwater recharge areas and other open space that provide carbon sequestration benefits.



- Protect existing trees and encourage the planting of new trees. Adopt a tree protection and replacement ordinance.

We hereby incorporate the Attorney General's list by reference and request that each measure be required of projects within the CASP, or that an adequate explanation be given of why an unincorporated measure is not feasible.

Additionally, SCAQMD has recommended numerous mitigation measures to reduce operational mobile and stationary source emissions for commercial projects. Measures endorsed by SCAQMD in its CEQA Air Quality Handbook<sup>72</sup> include:

- Use light-colored roofing materials to deflect heat from buildings.
- Install central water heating systems to reduce energy consumption.
- Install energy-efficient appliances, such as water heaters, furnaces and boiler units.
- Install solar panels on roofs to supply electricity for air conditioning.
- Install automatic lighting on/off controls and energy-efficient lighting and air conditions.
- Use double-paned windows to reduce thermal loss in buildings.
- Use solar or low-emission water heaters.
- Provide shade trees to reduce building heating/cooling needs.
- Use energy-efficient low-sodium parking lot lights.
- Increase walls and attic insulation beyond Title 24 requirements.
- Orient buildings to the north for natural cooling and include passive solar design (e.g., daylighting).

Updated examples of energy conservation features incorporated into LEED and California Green Building projects include the following<sup>73</sup>:

- Orient buildings to the north for natural cooling and include passive solar design (e.g., daylighting)
- More energy efficient lighting, heating and cooling systems and appliances
- Landscape treatments that reduce energy consumption use (e.g., planting of deciduous trees)
- Use of passive daylight and heating (i.e., sun light)
- Use of photovoltaic systems (solar energy)
- Use of lighter colored building and roofing materials and coatings
- Installation of recharging outlets for electric and hybrid vehicles
- Remote sensors that adjust heating, cooling and lighting when rooms are occupied
- Bicycle lockers and paths, preferred parking spaces and bus turnouts to
- Encourage alternative modes of transportation

<sup>72</sup> South Coast Air Quality Management District (SCAQMD), *CEQA Air Quality Handbook* (1993).

<sup>73</sup> South Coast Air Quality Management District (SCAQMD), *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (May 6, 2005).

27-69 These mitigation measures must be incorporated in the Project, and if not incorporated, the revised and recirculated DEIR must explain why they are infeasible. In order to reduce impacts to the maximum extent feasible, the City must also require developers to comply with regulatory requirements, such as SCAQMD regulations, that are in effect *at the time building permits are approved*.

27-70 In sum, no meaningful review of GHG impacts is possible as a result of the DEIR's deficiencies described above in Parts 1 (improper baseline data) and 3 (omission of a projection of GHG emissions) of this section, in conjunction with its inadequate description regarding any mitigation measures.

**vi. The Draft EIR Should Utilize Additional LEED Tools to Mitigate Significant Environmental Impacts**

27-71 We are encouraged to see the commitment of the City to implement LEED in its buildings. (DEIR, p. 16-15). With that said, the DEIR should go further to ensure the most sustainable practices. The U.S. Green Building Council has established additional tools for neighborhood development that should be included as a mitigation measure in DEIR. The LEED for Neighborhood Development ("LEED ND") Rating System integrates the principles of smart growth, urbanism and green building into a system for neighborhood design. LEED certification provides independent, third-party verification that a development's location and design meet accepted high levels of environmentally responsible, sustainable development. Incorporation of LEED ND into the EIR is critical to ensuring this new development minimizes the cities environmental footprint. The resources needed to implement LEED ND into the downtown community plan can be found at: <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=148>.

**E. Transportation**

As described in the following sections, Chapter 4, Transportation of the DEIR is rife with technical and legal errors that must be corrected.

**i. The DEIR Uses an Improper Baseline for Analysis of Traffic Impacts**

27-72 The LOS analysis presented in the Transportation chapter of the DEIR rests on a faulty and illegal baseline that undermines the entire analysis of the chapter. The analysis erroneously compares the 2035 with-Project cumulative scenario to the 2035 cumulative No Action scenario, providing no analysis of with-Project conditions as compared to existing conditions. This omission is a violation of CEQA.

A proper baseline is the starting point for proper CEQA analysis. "An EIR must include a description of the physical environmental conditions in the vicinity of the project, *as they exist at the time the notice of preparation is published*, or if no notice of preparation is published... This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant." (Guidelines §15125(a) (emphasis added)). "Before the impacts of a project can be assessed and mitigation measures considered, an EIR

must accurately describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.” (*Save Our Peninsula Comm. v. Monterey County* (2001), 87 Cal.App.4th 99, 119-120 (quoting, *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952); *see also*, Guidelines, §§15125(a), 15126.2(a)).

Courts have held that for new projects, agencies must use existing conditions as the proper baseline and have disallowed the use of baselines relying on hypothetical conditions or future build-outs. (*See City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 246-247; *Environmental Planning & Informational Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 352-355 (“*EPIC v. El Dorado*”); *County of Amador v. El Dorado, supra*, 76 Cal.App.4th at 955. It is only against this baseline that any significant environmental effects can be determined.

For example, in, *Communities for a Better Environment v. South Coast Air Quality District* (2010) 48 Cal. 4th 310 (“*CBE v. South Coast*”), the California Supreme Court rejected the use of a baseline based on maximum permitted operations in an air quality analysis for a refinery project. “An approach using hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” (*Id.* at 322 quoting *EPIC v. El Dorado, supra*, 131 Cal. App. 3d at 358).

In the traffic context, two recent California Appellate Districts specifically rejected that the use of future, post-approval conditions can constitute a proper baseline in analyzing a project’s traffic impacts. (*Sunnyvale West Neighborhood Ass’n v. City of Sunnyvale City Council* (2010) 190 Cal. App. 4th 1351 (“*Sunnyvale*”) and *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48). In *Sunnyvale*, the agency had evaluated with-project conditions against projected conditions in 2020 if the project was not approved. (*Sunnyvale, supra*, 190 Cal.App.4<sup>th</sup> at 1358). Although existing conditions and LOS levels were set forth in the DEIR for that project, the analysis compared the project’s impacts to 2020-without project conditions. (*Id.* at 1361-62). The court emphatically rejected this approach, holding that “[a]lthough ‘[n]either CEQA nor the CEQA Guidelines mandates a uniform, inflexible rule for determination of the *existing* conditions baseline’ nothing in the law authorizes environmental impacts to be evaluated only against predicted conditions more than a decade after EIR certification and project approval,” and that the agency had failed to proceed as required by CEQA. (*Id.* at 1380-83). Although future without-project conditions are likely relevant to a complete analysis of the project, those conditions cannot form the baseline.

27-72

The DEIR prepared for the CASP employs exactly the same flawed baseline that was rejected by the court in *Sunnyvale*. In Section 4.1, the DEIR describes the existing roadway network and identifies 43 study intersections. It then provides a table, Table 4-3, and a figure, Figure 4-3, setting out existing levels of service (“LOS”) based on 2009 traffic count data. (DEIR, p. 4-8 to 4-9). The standards of significance identified for intersection analysis state that significance is based on an amount of traffic increase. (E.g., “The LOS is C, its final V/C ratio is 0.701 to 0.80, and the project-related increase in V/C is 0.040 or greater,” DEIR, p. 4-17). Table 4-6 then proceeds to compare cumulative (2035) conditions for the No Project Alternative, AM

Peak Hour and PM Peak Hour, to cumulative (2035) conditions for the Proposed Alternative, AM Peak Hour and PM Peak Hour. The DEIR concludes that significant and unavoidable impacts will occur to intersections 14, 21, 31, 34, 35, 40, 41, 42, and 43.<sup>74</sup> Thus, the DEIR compares the Project's impacts only against conditions that are predicted to occur more than two decades after Project approval, a comparison wholly rejected by the court in *Sunnyvale*.

27-72 The analysis presents a warped and incomplete picture of the Project's actual traffic impacts, because readers have no understanding of the actual impact of an influx of more than 27,000 new residents and millions of square feet of residential, commercial, and light industrial uses to the Project area. By failing to present the existing conditions as compared to existing-plus-Project conditions, the DEIR never demonstrates the actual additive traffic impact that the Project will have. As stated succinctly in *Sunnyvale*, "[l]ocal changes to the existing environment resulting from the project were of utmost importance to the local area residents and should have been spelled out by the FEIR. Decision makers and members of the public are not required to ferret out information or make their own deductions regarding whether the project would significantly affect the existing environment." (*Sunnyvale, supra*, 190 Cal.App.4th at 1390-91; see also *San Joaquin Raptor Center, supra*, 149 Cal.App.4th at 659; *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 911).

27-73 Figure 4-9 purports to present "Peak Hour Traffic Volumes Existing (2009) Plus Proposed Alternative Conditions," and Figure 4-9 presents "Peak Hour Traffic Volumes Cumulative (2035) No Project Conditions," however these figures do not provide the required analysis either. Rather, if taken together they could allow a reader to decipher the difference between existing-plus-Project conditions and cumulative-No-Project conditions, but that comparison would be of apples to oranges, as the underlying conditions (cumulative, future conditions versus current conditions) are different. Moreover, even if a reader were to refer back to Figure 4-3, which depicts existing conditions, and attempt to compare it to existing-plus-Project conditions as presented in Figure 4-8, these figures are essentially nonsense to non-expert readers, including the public and decisionmakers. Agencies, not the lay public, have the duty to "painstakingly ferret out" the Project's impacts. (*EPIC v. El Dorado, supra*, 131 Cal.App.3d at 357). The DEIR must provide, in understandable form, the comparison of existing conditions to those that will occur with the Project. To do anything else "results in 'illusory' comparisons that 'can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts.'" (*CBE v. South Coast, supra*, 48 Cal. 4th at 322). Moreover, the DEIR's failure to use a correct baseline precluded consideration of mitigation measures that will ensure more effective use of alternative modes of transportation.

27-74

**ii. The DEIR Ignores the Adverse Traffic Impacts of Replacing Existing Residents with Higher Income Residents Who Are More Likely to Drive**

<sup>74</sup> We note that Intersection 42, Hill Street and Alpine Avenue, and 43, North Broadway and Alpine Avenue, are omitted from Table 4-6. No explanation is given for this omission, nor is inconsistent shading and text bolding in Table 4-6 explained. This confusing presentation further muddles the analysis.

The DEIR portrays the Proposed Alternative as one that will encourage transit, walking, and cycling, and assumes that 14 percent of the future population will be non-auto based. (DEIR, page 4-20). However, the transportation analysis fails to disclose that the neighborhood's current population has an existing 40 percent alternate mode (combined transit and "other") share of non-private vehicle commuters, as determined by the 2000 census. (See DEIR, p. S-3, "While 42 percent of residents drove alone to reach work, 15 percent traveled by vanpool/carpool, 15 percent took public transit, 25 percent took other means, and another 3 percent worked at home."). That is extremely high for the region. In Los Angeles County as a whole in 2000, only 6.6 percent of people commuted by transit and 4.5 percent by "other" means.<sup>75</sup> Within the City, 10.2 percent commuted by transit and 5.2 percent by "other means".<sup>76</sup> Existing generators of transit, bicycle and pedestrian commutes include the Cypress Park Metro Station, the Home Depot at Figueroa and 26<sup>th</sup> Ave., which include a day laborer center often reached by cycling, the Goodwill facility at Ave. 20 and St. Vincent de Paul at Humboldt and Ave. 21. Seniors living at existing housing in the Project Area are also likely transit users.

Recent studies have shown that low-income residents, generally, are heavy users of transit, when it is available. According to a recent study, "[l]ow-income households, people of color and renters are critical populations for transit systems seeking to maintain their core ridership and increase their total ridership. These are the people who most need high-quality, affordable transit—and the ones most likely to use such transit when it is provided."<sup>77</sup> On-board survey data between 2000 and 2005 has found that typical transit riders have lower incomes, greater racial and ethnic diversity and lower rates of car ownership than the general population.<sup>78</sup> Historical data, studies and household travel surveys compiled nationally indicate that households with annual income between \$30,000 and \$50,000 generated approximately 27 percent fewer vehicle trips than households with annual income between \$50,000 and \$80,000.<sup>79</sup> The existing, high levels of transit use by workers in the CASP are a positive side-effect of the low-income population's location near transit resources. According to a recent study, on average only about one-quarter of jobs in low- and middle-skill industries are accessible via transit within 90 minutes for the typical metropolitan commuter, compared to one-third of jobs in high-skill industries.<sup>80</sup>

Notably, the DEIR does not describe the existing, heavy transit usage at all. Instead, in less than a page, it lists the Los Angeles County Metropolitan Transportation Authority (Metro) lines, LADOT Downtown Area Short Hop (DASH) lines, and Santa Clarita Transit lines that serve the CASP area, and notes that there are existing sidewalks and crosswalks but no Class II bicycle lanes in the Project area. (DEIR, p. 4-10).

<sup>75</sup> U.S. Census Bureau, American Fact Finder, 2000 Census, [Exhibit D](#).

<sup>76</sup> U.S. Census Bureau, American Fact Finder, 2000 Census, [Exhibit E](#).

<sup>77</sup> Dukakis/Pollack, *supra*.

<sup>78</sup> Minagar Report, p. 30.

<sup>79</sup> Dukakis/Pollack, *supra*.

<sup>80</sup> The Brookings Institution, Missed Opportunity: Transit and Jobs in Metropolitan America (May 12, 2011), available at [http://www.brookings.edu/reports/2011/0512\\_jobs\\_and\\_transit.aspx](http://www.brookings.edu/reports/2011/0512_jobs_and_transit.aspx) (last visited 11/18/2011).

27-76 [ Not only does the DEIR ignore existing rates of non-vehicular transportation, it also fails to analyze the adverse impact that could result to the transportation network from displacing low-income transit users with higher-income residents who are more likely to own and use single-occupant vehicles. Given the correlation between low-income residents and transit the potential influx of higher-income residents who can afford the market-rate housing envisioned by the CASP could reverse the positive rates of transit usage in the Project area without proper mitigation.

27-77 [ The displacement could also have adverse impacts on air quality and transportation as lower-income workers will no longer be able to access transit, if they are forced into outlying suburbs without transit resources. While CASP-area residents currently use transit heavily, on average workers in growing low-income suburban communities can access only about 22 percent of metropolitan jobs in low- and middle-skill industries by transit.<sup>81</sup> And, on average, only about one-quarter of jobs in low- and middle-skill industries are accessible via transit within 90 minutes for the typical metropolitan commuter, compared to one-third of jobs in high-skill industries.<sup>82</sup> Thus, the DEIR should disclose the impacts not only of attracting non-transit users to CASP area, but also of displacing transit-using workers to automobile-based suburbs.

27-77 [ As discussed elsewhere in these comments, CEQA requires analysis of foreseeable environmental impacts that stem from the economic or social impact. Here, the displacement of existing populations that this Project may cause has identifiable impacts on traffic levels, which in turn increase impacts to noise, greenhouse gas emissions and ozone precursor emissions within the Project area. Thus, the displacement of low-income transit users has cognizable and significant environmental impacts that factor significantly into the transportation analysis and should have been discussed in the DEIR. At a minimum, the DEIR must explicitly disclose and explain the shift from an existing 42 percent automobile share, shown in the Executive Summary, to an 86 percent automobile share, touted as a benefit of the Proposed Alternative in the Transportation chapter. (DEIR, p. 4-20).

### iii. The Transportation Analysis is Riddled with Technical Errors

27-78 [ Minagar & Associates, Inc., a professional traffic engineering, transportation planning and Intelligent Transportation Systems (ITS) firm, conducted a thorough peer review of the Transportation chapter of the DEIR, and Appendix 4A, 4B, 4C and 4D, which together contain the Traffic Data, Technical Calculations, Model Validation Report and Congestion Management Plan (“CMP”) analysis. The report, *Review of Transportation Element for Draft Environmental Impact Report (DEIR) for the Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan* (“Minagar Report”), which is attached to this letter as Exhibit A, and its recommendations are fully incorporated into these comments. In all, the Minagar Report noted 83 technical failings of the transportation chapter. (Minagar Report, p. 22-25). Notable technical problems and recommendations from the report are summarized in this section.

<sup>81</sup> The Brookings Institution, *Missed Opportunity: Transit and Jobs in Metropolitan America* (May 12, 2011), available at [http://www.brookings.edu/reports/2011/0512\\_jobs\\_and\\_transit.aspx](http://www.brookings.edu/reports/2011/0512_jobs_and_transit.aspx) (last visited 11/18/2011).

<sup>82</sup> *Id.*

Of the 43 study intersections used in the DEIR, the peer review identified inconsistencies in lane geometries at 11 intersections. (Minagar Report, p. 6). The review identified on-the-ground conditions that differ from those reported in the DEIR. For example, the review noted that at Location #22, Daly Street and North Broadway, an existing Metro Fixed Route bus stop means that a northwest approach cannot be considered a usable lane during peak hours, because this lane is essentially used for transit activities during those times. (Minagar Report, p. 9-10). Because the DEIR traffic analysis at these 11 intersections does not reflect truly existing conditions, it has failed to provide an adequate baseline. As discussed at length above, an accurate baseline is essential to CEQA and the DEIR must be revised.

27-79

Similarly, peak hour factors (“PHF”) at 13 unsignalized intersections should be revised to reflect actual peak hour conditions, to account for potentially significant differences in AM and PM peak hours. (Minagar Report, p. 11). The Minagar Report has also identified potential shortfalls in the observational traffic count data. (Minagar Report, pp. 11-13).

27-80

The Minagar Report also found that the Transportation Chapter did not adequately analyze: 1) the project’s potential traffic impact on affected CMP facilities, i.e. potential regional impacts of Project traffic on the surrounding freeway system serving the Project area; and 2) potential project impacts to the transit system. (Minagar Report, pp. 18-19).

27-81

With respect to the CMP facilities, neither the DEIR nor the supporting appendices has described the LOS conditions under with-Project conditions for four of the five relevant freeway segments. (Minagar Report, p. 24). This omission means that there is no way for decisionmakers and the public to understand whether the Project “exceeds a Los Angeles County CMP Thresholds of Significance,” the significance threshold set forth in the DEIR (DEIR, p. 4-17).

27-82

With respect to transit, the DEIR provides only a vague description of transit-related requirements for future Project-area developments. However, the Minagar Report concludes that based on land use decisions that the CASP has already made, more detailed and extensive transit demand forecasts and mitigation could be established. (DEIR, p. 20).

27-83

The Maximum Parking Spaces projected with the Site Area Parking Cap (Table 4.5) is also confusing. (DEIR, p. 4-21). The table and caption appear to read that the actual number of permitted maximum parking spaces is significantly larger in the CASP than what is standard under ITE Parking Generation 4th Edition, since more than 1,100 additional parking spaces are permitted, Project-area wide, beyond what is standard in guidance documents. Thus, contrary to the stated intentions of the CASP, this Parking Cap would allow an excessive amount of private vehicle parking spaces, which would encourage low-occupancy vehicles to travel to and within the Project Area.

27-84

Finally, as noted in the Minagar Report, the computer travel demand model used for the transportation analysis is not available. (Minagar Report, p. 1). It is unclear whether the analysis relied on dynamic traffic modeling software (like Synchro or VISSIM) for the analysis.

27-85



**iv. The VMT Analysis Reaches Unsupported Conclusions**

27-86 [ For its VMT analysis in Section 4.2.2.3, the DEIR has telescoped out to a regional scale to illustrate that although the Project will create a 7 percent increase in VMT in the Project area, on a regional scale, the Project will lead to a 0.26 percent reduction in VMT. (DEIR, pp. 4-50 to 4-51). However, as discussed in the Minagar Report, there is absolutely no data provided to support this conclusion. (Minagar Report, p. 21). The DEIR references a 2010 study not included in the DEIR or within any other available resource. This conclusion must be supported by evidence in the record, and we reiterate the Minagar Report’s recommendation that a revised DEIR include technical reports showing: 1) How in/out project-related trips were estimated, including geographic and network factors, socioeconomic modeling parameters, modal splits and trip generation estimates and assumptions employed in the transportation demand model (TDM); and 2) A detailed summary of results and speed and VMT distributions for Los Angeles County, including those results reported in Tables 4-8 and 4-9 of the DEIR.

27-87 [ Moreover, Tables 4-8 and 4-9 (DEIR, p. 4-51), are referenced inaccurately in the subsequent text and appear to be misleading. Table 4-9 shows that the delta between the No Project Alternative and Proposed Alternative is extremely small, and therefore concludes that  
27-88 “the Proposed Alternative’s true impact on VMT on Los Angeles County Roadways is a reduction of approximately 296,000 VMT, a 0.26 percent reduction.” (DEIR, p. 4-51). This conclusion fails for the same baseline reasons discussed above, in that there it is a comparison to projected, 2035 conditions, rather than a comparison of the Project’s additive impact to existing conditions. This comparison also appears to be an improper use of the “ratio” theory, which  
27-89 posits that a contribution to existing, degraded conditions cannot be significant. (*See Kings County Farm Bureau, supra*, 221 Cal.App.3d at 721). This seems to be an attempt to minimize the significant impacts disclosed in Table 4-8, which show that the Proposed Alternative would create a 6.8 percent higher VMT than the No Project scenario.

**v. The DEIR Fails to Analyze Whether the Project Will Result in or Contribute to Traffic or Transportation Hazards**

27-90 [ The DEIR fails to analyze any traffic-related safety implications from increased vehicular, transit, pedestrian, and bicycle traffic, in addition to increased pass-through traffic, in the Project area arising out of the six-fold population increase from the Project: 4,802 (2003) to 31,855 (2035 Project Scenario). (DEIR, p. 13-4). The Project will also generate significant and unavoidable levels of congestion in at least nine separate intersections, as well as a significant rise in Project-related vehicles mile travelled, adding to traffic and transportation hazards. (*See* DEIR, pp. 4-24 and 4-51). The DEIR fails to take into account how safety will be managed, thereby failing to discuss the “health and safety problems caused by the physical changes . . .” as required under CEQA. (*See* Guidelines §15126.6 (a).)

27-91 [ a. *Increased Vehicle Traffic Poses Significant Impact on Bicyclists/Pedestrians, Especially Near Schools*

The DEIR’s failure in assessing traffic safety is especially troublesome since several of the study area intersections that will experience significant and unavoidable impacts due to the Project are near schools and other facilities frequented by children on foot or bicycle, and the increased vehicle traffic would create unsafe walking and biking routes for students walking or biking from local neighborhoods. These are:

**Table 1: Study Area Intersections with Significant and Unavoidable Impacts and Nearby Schools and Similar Uses**

<b>Intersection (See DEIR, Table 4-6, p. 4-24)</b>	<b>Nearby School(s) and Other Facilities</b>
Grand Ave. and East Cesar E. Chavez	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Grand Plaza
North Broadway and East Cesar E. Chavez	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Cathay Manor, Chinatown Senior Citizens Service Center
Hill St. and Alpine Ave.	Castelar Elementary; Alpine Recreation Center; Betsy Road High School; Los Angeles Public Library Chinatown Branch; Evans Community Adult School

Other intersections that will experience congestion under with-Project conditions that are also located near schools or similar facilities are:

**Table 2: Study Area Intersections and Projected Congestion Conditions**

<b>Intersection (See DEIR, Table 4-6, p. 4-24)</b>	<b>Nearby School(s) and Other Facilities</b>	<b>LOS Under With-Project Conditions</b>
West Avenue 26 and Humboldt St.	College Ready Middle Academy # 5	F
West Avenue 26 and Pasadena Ave.	College Ready Middle Academy # 5	E
Wilhardt St. and North Spring St.	Milagro Charter School	E
Wilhardt St. and North Main St.	Milagro Charter School	F
North Avenue 18 and North Spring St.	Sacred Heart High School; Albion St. Elementary School; Milagro Charter School	D

Intersection ( <i>See DEIR, Table 4-6, p. 4-24</i> )	Nearby School(s) and Other Facilities	LOS Under With-Project Conditions
Albion St. and North Main St.	Milagro Charter School	D
South Avenue 21 and North Main St.	Sacred Heart High School; Milagro Charter School	F
North Main St. and Daly St.	Milagro Charter School	F
East Cesar E. Chavez Ave. and North Mission Rd.	Bridge Street Elementary School ; White Memorial School; White Memorial School; Pecan Recreation Park	F
Hope St. and Temple Ave.	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Downtown Magnets High School; Roybal Learning Center	F

27-91

According to the National Highway Traffic Safety Administration (NHTSA), in 2007, there were 4,654 pedestrian and 698 bicyclist fatalities in the United States, with combined injuries of more than 100,000.<sup>83</sup> Studies have shown that neighborhoods with high traffic volumes and population densities have an increased risk of pedestrian/automobile collisions.<sup>84</sup> For example, a San Francisco study using automobile volumes as an independent variable found that automobile traffic volumes have a statistically significant effect on the number of reported vehicle-pedestrian injury collisions.<sup>85</sup> Further, a comprehensive database created by SafeTrec at UC Berkley demonstrates that pedestrian and bicycle crashes in Los Angeles low-income areas are disproportionately higher than in more affluent areas.<sup>86</sup> The low-income areas with high injury/fatality rates in this database include the project area and surrounding low-income neighborhoods. While the Project area currently is sparsely populated, the six-fold increase in population will convert it into a high population density area making it prone to many of concerns discussed above, in addition to currently existing poor conditions.

With respect to child safety specifically, numerous studies have shown that school aged children who walk or bike are most vulnerable to traffic accidents, especially en route to and

<sup>83</sup> National Highway Traffic Safety Administration (NHTSA), "Traffic Safety Facts 2007 Data: Pedestrians," 2008, [http://www.nhtsa.dot.gov/portal/nhtsa\\_static\\_file\\_downloader.jsp?file=/staticfiles/DOT/NHTSA/NCSA/Content/TSF/2007/810994.pdf](http://www.nhtsa.dot.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/NCSA/Content/TSF/2007/810994.pdf)

<sup>84</sup> LaScala et al., "Demographic and environmental correlates of pedestrian injury collisions: a spatial analysis", *Accident Analysis & Prevention*, Volume 32, Issue 5, September 2000, pp. 651-658.

<sup>85</sup> San Francisco County Transportation Authority, *Automobile Trips Generated: CEQA Impact Measure & Mitigation Program*, Final Report (2008)

from school.<sup>87</sup> As with the general vulnerability of persons living in lower-income neighborhoods, the percentage of children attending lower-income schools engaged in such accidents is also proportionally higher than those attending higher-income schools.<sup>88</sup> Reasons for this include the fact that children attending lower-income schools tend to walk or bike to school more due to lower availability of other modes of transportation and because the quality of roadways is often poor in low income and minority communities.<sup>89</sup>

27-91

With an increased population, an increase in school-aged pedestrian and bicycle traffic, significant congestion at several key intersections, and an additional 600,000 Project-Related Miles Travelled (*see* DEIR, Table 4-8) caused by the Project, the DEIR must analyze the impact of the Project-related traffic increases. The DEIR must determine whether these increases pose a safety hazard to pedestrians and it must provide mitigation for the likely increase in hazards.

With respect to pedestrian and bicyclist safety around schools, we propose the following mitigation proposals: preparation of a “Pedestrian Routes to School Map”, installation of appropriate traffic controls, school warning and speed limit signs, school crosswalks, and pavement markings. More general mitigation tools to alleviate pedestrian and bicycle safety concerns should further include: dedicated bus-only lanes, bicycle lanes, sidewalk widening, traffic safety improvements such as lengthening crossing times and removal of double left turn lanes.

27-92

*b. Increased Traffic Will Result in Inadequate Emergency Access*

The DEIR simply concludes that the Project will not have a significant impact on emergency access since “Emergency Service Providers would continue to have the same access and egress as currently exists.” (*See* DEIR at 4-50). The analysis fails to account for the significant roadway congestion at major intersections resulting from the Project, the significant increase in Project-related VMT, and significant increases in non-vehicle modes of transportation which will add to overall street congestion, clearly impacting emergency service providers.

27-93

**vi. The Transportation Analysis Never Discusses Construction-Related Traffic**

A glaring omission of the DEIR is that it never addresses nor mitigates for construction-related traffic impacts. The DEIR notes, elsewhere, that construction activities “would be widespread and ongoing for a prolonged period until buildout.” (DEIR, p. 11-22). Basic control measures are described to control emissions of air pollutant by construction equipment, as those

27-94

<sup>87</sup> National Highway Traffic Safety Administration (NHTSA), “Traffic Safety Facts 2007 Data: Pedestrians” (*see* endnote 9, citation 1); and NHTSA, “Traffic Safety Facts 2007 Data: Bicyclists and Other Cyclists” (*see* endnote 9, citation 2) (“rates of pedestrian and bicyclist fatalities and injuries per capita are highest for those under the age of 15.”)

<sup>88</sup> J. Pucher and J. L. Renne, *Socioeconomics of Urban Travel: Evidence from the 2001 NHTSA*; and Besser and Dannenberg, “Walking to Transit” (*see* endnote 11)

<sup>89</sup> *Id.*

emissions would exceed the South Coast Air Quality Control District's thresholds of significance. (See Table 11-6: Total Emissions of Criteria Pollutants (Proposed Alternative)). The DEIR also notes that construction-generated noise is also potentially significant. (DEIR, p. 12-16).

27-94

Thus, it is surprising that the DEIR completely ignores the impacts of construction-generated traffic, such as construction workers commuting to the area, movement of construction equipment, and construction-related trips such as transport of construction or demolition debris. As with other impacts, this impact could be severe due to the cumulative impact of dozens of Project-area construction projects being undertaken simultaneously. At a minimum, the DEIR should have identified this potential impact, and provided for meaningful mitigation, such as a requirement that individual projects create construction traffic management plans and that construction workers be provided with incentives to take transit to work sites.

**vii. The Transportation Analysis Uses LOS Metrics that Are Inconsistent with the City's Transportation Policies**

The DEIR devotes the bulk of its analysis, and all of its quantitative analysis, to a Level of Service (LOS) standard. Bicycle/pedestrian and transit impacts are given less than two pages of narrative analysis. (DEIR, p. 4-49 to 4-50). Using LOS as the assessment tool biases the analysis in favor of maintaining traffic flow for autos, at the expense of other modes. Given that the existing population in the CASP area relies heavily on transit, walking, or other non-vehicle trips, as noted in the DEIR's Executive Summary, (DEIR, p. S-3), LOS provides an incomplete and misleading view of the Project's actual impacts. We encourage the City to apply a newer tool, Multi-Model Level of Service (MMLOS), which would allow the DEIR to adequately analyze impacts to transit riders, pedestrians and bicyclists who would be impacted, as well as to motor vehicles.

27-95

Applying MMLOS carries important implications for mitigation measures. Typically, LOS mitigation measures seek to maintain traffic flow by street widening, intersection flaring, signal enhancements, and other measures that often degrade conditions for other transportation modes. Using LOS analysis, the DEIR lists nine intersections that would be significantly impacted under 2035 cumulative conditions. (DEIR, Section 4.3.2.1). However, for each of these intersections, it determined that the needed street and intersection widening that would be needed is infeasible due to lack of right-of-way. (*Id.*) We do not favor the types of improvements needed to offset the impacts, given their adverse impacts to pedestrians, bicyclists and transit, so we support this conclusion of infeasibility. However MMLOS analysis would generate mitigation measures such as improvements to transit, sidewalks, intersection crossings, bikeways and additional enhancements to other travel modes. These mitigation measures would be feasible and effective.

The General Plan Transportation Element prioritizes multi-modal transportation. Although there are many more examples, the following General Plan objectives and policies

demonstrate that it is City policy to protect and enhance non-vehicular travel<sup>90</sup>:

- Objective 2: “Mitigate the impacts of traffic growth, reduce congestion, and improve air quality by implementing a comprehensive program of multimodal strategies that encompass physical and operational improvements as well as demand management.”
- Policy 2.8: Continue to integrate transit and environmental planning to enhance environmental preservation.
- Objective 4: Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

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The City of Los Angeles Bicycle Plan, an element of the General Plan, has a stated goal of creating “[a] transportation system which is accessible, safe, and convenient for bicycle travel, with an accompanying increase in bicycle mode split both in daily trips overall and home-to-work trips. The target level of bicycling shall be 5% of all daily trips and 5% of home-to-work trips by year 2015.”<sup>91</sup>

This goals and policies already adopted by the City cannot be realized if its sole focus is on relieving traffic congestion. The LOS measurement can cause policy makers to lose sight of this greater vision. We urge the City to analyze the impacts to the transportation system by using MMLOS.

With regard to mitigation, the DEIR focuses Mitigation Measures Transportation 1 on measures that will encourage people to use transit, walk, bicycle or carpool. (DEIR, pp. 4-46 to 4-48). We support measures to unbundle parking, and to require bicycle parking and a transit information center as these will yield permanent benefits. However, some of the other Transportation Demand Management (“TDM”) strategies depend on programmatic solutions like ridesharing services, transit pass subsidies, guaranteed ride home programs, flexible work hours and a commuter club. Because there is no actual enforcement mechanism in the mitigation measure, there is no guarantee that any of these programs will be implemented or monitored. As discussed further below, mitigation measures must be feasible and “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Res. Code §21081.6(b); *see also* Guidelines §15126.4(a)(2)). The vagueness and open-endedness of this mitigation measure undermines its good intentions.

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Instead, commercial developers should be required to make up-front commitments in the form of physical improvements and impact fees that fund physical improvements or ongoing

<sup>90</sup> See City of Los Angeles General Plan, Transportation Element, at <http://cityplanning.lacity.org/cwd/gnlpln/TransElt/TE/T4Objctv.htm>, last visited 11/22/11.

<sup>91</sup> City of Los Angeles Bicycle Plan, 1996, available at <http://cityplanning.lacity.org/cwd/gnlpln/TransElt/BikePlan/B2Goals.htm>, last visited 11/22/11. Note that an updated Bicycle Plan was adopted in 2011, but it post-dates the Initial Study.

27-96 programs. We suggest the following as both mitigation measures and necessary parts of the CASP:

- A transportation impact fee that funds
  - Improved transit service
  - Ridesharing programs
- Bus stop improvements in the CASP area that include benches, shelters, maps, schedules and refuse receptacles
- Bus lanes on key bus routes
- Implementation of the City's Bicycle Plan for the area
- Implementation of the bicycle and pedestrian improvements to the Chinatown and Lincoln Heights Gold Line stations described for the "Six Key Connections" in the Livable Places study, *Making the Connections: Improving Bike and Walk Routes to the Gold Line*.<sup>92</sup>
- Connecting the Los Angeles River bike path with a bike path along the Arroyo Seco
- Affordable housing within walking distance of new worksites

27-97 Further, cycling to and within the CASP area would be further encouraged if bicycle parking amenities were also provided at a significant proportion of public parking spaces created as part of the Proposed Alternative. As proposed, residential and commercial parking standards focus on residents and employees, but customers and visitors to the area would be encouraged to bicycle if, e.g., 10 percent of *all* public parking spaces must be set aside for bicycle parking. Bicycle parking should be secure and protected from the elements to create an extra incentive for cyclists.

## F. Hazards

27-98 The DEIR acknowledges that the CASP area has been heavily impacted by industrial uses that have left a footprint of mismanaged hazardous materials and wastes, oil, gas and coal-based operations, and potential lead-based paint and asbestos-based building materials in existing buildings. It notes 458 records of sources of hazardous materials or hazardous wastes in the Project area. (DEIR, p. 10-7). The DEIR fails to set out substantial evidence and meaningful analysis of this legacy of pollution and how it impacts the existing and future environment of the CASP, and to identify meaningful and enforceable mitigation measures that could ensure decisionmakers that residents and visitors will not be exposed to dangerous hazardous materials.

27-99 For example, at page 10-7, the DEIR notes that the Project Area includes the Pollock Well Field, a portion of a perchlorate-contaminated groundwater plume. This is an EPA Superfund site that is undergoing remediation. According to EPA, investigations are still ongoing to determine the full nature and extent of contamination in this area.<sup>93</sup> The area above the Pollock

<sup>92</sup> Livable Places, *Making the Connections: Improving Bike and Walk Routes to the Gold Line*, Chapter 6 (2008).

<sup>93</sup> U.S. EPA, San Fernando Valley (area 4 Pollock),

[http://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/vwsoalphanumeric/San+Fernando+Valley+\(Area+4+Pollock\)?OpenDoc](http://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/vwsoalphanumeric/San+Fernando+Valley+(Area+4+Pollock)?OpenDoc)



Well Field is designated as “urban center,” allowing commercial, light industrial, and institutional retail and housing uses. The DEIR concludes that these uses can be accomplished “without intrusion into the groundwater and with little interaction with the PCE.” (DEIR, p. 10-18). This is small comfort, given the statement in the DEIR’s Hydrology and Water Quality chapter that “[t]here may, however, be isolated areas where less permeable soil conditions cause perched groundwater conditions or where building basement levels extend to or near to the groundwater level. Infiltration of runoff into the groundwater system through low-impact development stormwater management devices may exacerbate any perched groundwater condition.” (DEIR, p. 7-29). Because there is no concrete information or data describing the groundwater depth in the Pollack Well Field area, it is impossible to tell whether the conclusion reached on page 10-18 is in any way supported by substantial evidence. This bare, unsupported opinion violates CEQA. (*Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

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In addition, there are three other sites in the Project Area that have been considered for listing on the EPA Superfund list, and two additional sites that are listed on the California Hazardous Waste and Substances Sites (Cortese) List. (DEIR, p. 10-8). The DEIR identifies at least 18 additional sites with histories of contamination, corrective action, or other hazardous waste issues, notes that there are forty-nine registered oil and gas wells in the CASP area, and lists three dozen underground or above-ground storage tanks. (DEIR, pp. 10-8 to 10-11). However, the DEIR does not present any graphic showing where within the CASP area these various hazardous materials sites are located. This makes it nearly impossible to determine where these industrial sites are in relation to the existing residential areas and planned development areas. This gives members of the public and decisionmakers little perspective about the extent of the remediation that will have to take place and how it might affect environmental conditions in the area.

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The DEIR makes no effort to describe the locations of the forty-nine oil and gas wells on the site, nor does it describe whether they are active, abandoned, or closed. Building on top of abandoned wells, particularly those that were abandoned prior to current regulations, is dangerous because preconstruction grading and construction activities may damage well plugs. Damaged well plugs release toxic and flammable gases and oil into the air and soil. Additionally, sinkholes and subsidence (which can cause foundations to collapse or swallow vehicles whole) are common aftereffects of oil and natural gas pumping. The DEIR should explain where these wells are in relation to projected construction, their status, and what safety measures will be taken, and what risks remain to future residents, construction workers, and the public.

The DEIR also states that due to the history of the site, dangerous gases including methane, carbon dioxide, and hydrogen sulfide may be present. (DEIR, p. 10-20). Methane gas can become toxic to humans over time by reducing oxygen absorption, and also may cause explosions or be flammable at higher concentrations. Yet, the DEIR discloses none of these impacts. Instead, it recommends that a “soil-gas investigation program and a program of gas monitoring *should* be undertaken, as appropriate.” (DEIR, p. 10-20, emphasis added). The DEIR contains no enforceable mitigation, thus there is nothing to support its conclusion that this

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27-101 potential impact is less than significant.

27-102 With respect to mitigation, the measures identified in this chapter are vague and unenforceable and give no assurances that the area will in fact be safe for planned uses. For example, Mitigation Measure Hazardous Materials 4 provides that sites currently listed on the Cortese List must either be remediated to the point that they are removed from the Cortese List, or “that the proposed uses include measures that would prevent any hazards to the public or the environment.” (DEIR 10-18). Additionally, the locating of hazardous materials or waste within ¼ mile of a school is considered a significant impact (DEIR, p. 10-17). Yet the mitigation fails to acknowledge that, given DEIR Figure 11-1, over half of the CASP area is within ¼ mile of a school so there is a high likelihood that new uses would be within this proximity. This is especially critical when considering that the two Emergency Response Notification Sites from 2010 (of which there are 31 within the Project Area, (DEIR, p. 10-7)) occurred within this ¼ mile proximity. Although review and approval by the Los Angeles Fire Department and California Environmental Protection Agency will be required, this mitigation measure gives no indication of the types of measures that could be used, nor what constitutes compliance. As discussed further below, a specific performance standard and alternative means of achieving that standard should be set forth in the DEIR. In addition, an EIR violates CEQA where the EIR does not address the potentially significant impacts associated with implementation of mitigation measures. (*See Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1118). It is unknown whether the hazards mitigation will require extensive excavation, capping, or hazardous materials transport through existing neighborhoods, remediation methods that themselves could have significant environmental impacts.

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27-105 In addition, as described in more detail below at Section II.M, the cumulative impacts analysis for hazardous materials completely ignores the potential impacts of dozens of site remediation projects being undertaken within the CASP area at the same time. As acknowledged briefly in the Cumulative Impacts section, “a large portion” of the Project area has hazardous materials impacts, and remediation may be required for individual development projects as well as for infrastructure projects. (DEIR, p. 17-6). Yet the DEIR is silent as to the combined impacts of these remediation needs and projects. Even assuming that all projects adhere to state and local requirements, the combined impacts of, for example, multiple sites within the CASP simultaneously undergoing contaminated soil excavation and extraction or asbestos abatement, may together create significant impacts to the surrounding environment.

### G. Visual Resources

27-106 The visual resources analysis of the EIR fails to identify and analyze impacts to viewsheds, nighttime lighting and glare, and shadows. These omissions are violations of CEQA’s information disclosure requirements and cannot provide any assurance “that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Laurel Heights, supra*, 47 Cal.3d at 392).

27-107 The aesthetics impacts analysis assumes that “[a]ll exterior lighting (building, landscape, and security) is to be integrated with building design without casting light into the night sky,

adjacent properties, or sensitive habitat areas.” (DEIR, p. 5-18). However, the DEIR’s analysis of Impact Visual Resources 6 *does not even mention* exterior lighting impacts, providing decisionmakers and the public with no “analytical roadmap” to the DEIR’s less-than-significant conclusion. (*See National Resources Defense Council, Inc. v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271 [“The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.”]).

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This omission is particularly glaring where the CASP exempts neon/argon lighting from its restrictions (CASP, p. 04-11) and where the CASP has a specific goal to develop a “vibrant 24 hours a day, seven days a week community.” (DEIR, p. 5-13). The cumulative impacts discussion of visual resources makes no mention of the combined effects that dozens of new projects within the CASP area may have on nighttime lighting and glare. (DEIR, p. 17-5). The DEIR must recognize that cumulative light and glare impacts of existing and future CASP-area construction and operations will affect residential neighborhoods in the area, and fully address this issue.

With regard to shadows, the DEIR concludes that no significant impacts will occur, despite the fact that the CASP allows for development up to 75 feet high in several locations, as well as 110 feet high along certain stretches. However, the DEIR severely downplays the potential shadow impacts. For example, the CASP allows for buildings that will keep parks, open spaces and/or rooftop areas of abutting buildings shaded for up to 75 percent of daylight hours on December 21. (DEIR, p. 5-22). This is a significant change from existing conditions, under which few areas are subject to shadowing. (DEIR, p. 5-22).

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The DEIR ignores potentially significant impacts to viewsheds and potential shadow impacts from planned construction along Broadway, north of the Cornfields. The plan anticipates construction along this stretch. Single family residences and duplexes in Solano Canyon are generally less than 40 feet tall, yet the CASP allows for developments with a minimum of 35 and a maximum of 75 feet, which would completely block all views of the park from these residents. This impact will be significant on what is currently an unobstructed view and should have been demonstrated through visual simulations or similar analysis.

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Finally, the analysis fails to properly analyze the impacts on views from the Los Angeles State Historic Park toward Downtown Los Angeles. The CASP identifies Spring Street as a retail corridor (CASP, p. 04-07), but does not provide any viewshed analysis to show how building massing and unrestricted building heights along Spring Street could affect views, nor does it describe how the City will coordinate with California State Parks regarding development, as required by the park’s development plans. (DEIR, p. 5-15).

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## H. Noise and Vibration

Excessive noise has serious environmental and community health impacts that are often under-appreciated or ignored. Studies of noise exposure show that noise can lead to annoyance,

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loss of sleep, stress-related heart health issues, and hearing loss.<sup>94</sup> The U.S. Environmental Protection Agency has warned that:

Exposure to such high noise levels is a health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches...Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances.<sup>95</sup>

27-111 Children, many of whom live or attend school in or near the Project area, are particularly sensitive to excessive noise, and their academic performance or cognitive development may suffer when exposed to excessive noise.<sup>96</sup> The World Health Organization has recommended that daycare centers and schools not be located near major noise sources, and further recommends that background sound levels in classrooms not exceed 35 decibels (dB) during teaching sessions and that outdoor playgrounds not exceed 55 dB.<sup>97</sup>

These guidelines are meant to prevent the “critical effects of noise” in schools, which “are speech interference, disturbance of information extraction (e.g. comprehension and reading acquisition), message communication and annoyance.” According to the Southern California Association of Governments, complaints about noise vary according to the decibel level; outdoor noise levels of 55-60 dB obstruct speech within a typical home, and widespread complaints and threats of legal action occur in the 60-70 dB range.<sup>98</sup>

27-112 The DEIR noise analysis provides little baseline information regarding noise levels in existing residential areas, as Figure 12-2 shows that none of the noise monitor locations is within the existing residential zones in the Project Area. (*Compare* DEIR Figure 12-2 to DEIR Figure 3-6). However, the data that are provided show that existing conditions in the Project area generally exceed 68 dB, already higher than what is typically acceptable in a residential community, and far exceeding what is “normally acceptable” for residential areas under the

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<sup>94</sup> See, e.g., Babisch, et al., Traffic Noise and Risk of Myocardial Infarction, *Epidemiology*, Vol.16, No.1, Jan. 2005, pp. 33-40; FHA, Highway Traffic Noise in the United States, April 2000, p. 1; Griefahn et al., Disturbed Sleep Patterns and Limitation of Noise, *Noise and Health*, Vol. 6, No. 22, Jan. – Mar. 2004, pp. 27-33; Skanberg, Adverse Health Effects in Relation to Urban Residential Soundscapes, *Journal of Sound and Vibration* (2002) 250(1), pp. 151-155; Clark and Stansfield, The Effect of Transportation Noise on Health and Cognitive Development: A Review of Recent Evidence, *International Journal of Comparative Psychology*, 2007, 20, 145-158.

<sup>95</sup> EPA Noise Effects Handbook, 1981, available at <http://www.nonoise.org/library/handbook/handbook.htm>, last visited 11/10/2011.

<sup>96</sup> Kawada, The Effect of Noise on Children, *J. Nippon Medical School*, 2004: 71(1), pp. 5-10; World Health Organization, Guidelines for Community Noise, 1999; World Health Organization, Burden of Disease from Environmental Noise 2011, available at [http://www.euro.who.int/\\_data/assets/pdf\\_file/0008/136466/e94888.pdf](http://www.euro.who.int/_data/assets/pdf_file/0008/136466/e94888.pdf), last visited 11/16/2011.

<sup>97</sup> World Health Organization, Guidelines for Community Noise, 1999, pp. xii-xiii.

<sup>98</sup> Southern California Association of Governments. Draft 2008 RTP EIR, January 2008 (accessed November 9, 2011, at [http://www.scag.ca.gov/RTPpeir2008/pdfs/draft/2008Draft\\_RTPpeir\\_complete.pdf](http://www.scag.ca.gov/RTPpeir2008/pdfs/draft/2008Draft_RTPpeir_complete.pdf)).

Noise Element of the City's General Plan. (DEIR, pp. 12-6, 12-11).

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The DEIR assumes, without explanation, that development and operation of the Project will not “change significantly” the admittedly degraded noise conditions in the Project area. (DEIR, p. 12-14). This assumption is without merit, given the increased population that the Project will generate, and the associated increases in construction and residential and commercial traffic, conceded by the DEIR to constitute a significant and unavoidable impact. The DEIR has made no effort to predict or quantify potential noise impacts under the Proposed Alternative, but merely assumes they do not exist. Because no noise estimates are made, it is impossible to determine whether the Project triggers the City's significance thresholds. In effect, the DEIR hides behind the already high noise levels in the Project area, and fails to disclose the contribution that the Project itself will make to existing conditions. This fails to meet an EIR's basic purpose of providing decisionmakers and the public with detailed information about the effect the project is likely to have on the environment. (Pub. Res. Code §21061).

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Because the DEIR fails to admit to any Project-impacts to noise, it suggests a series of mitigation measures that fail to reduce impacts to the existing residential areas and existing community. While Mitigation Measures Noise and Vibration 1a through 1d address and mitigate noise impacts to new developments, public buildings, and other features of the Project, they fail in any way to minimize the effects of new noise impacts to existing sensitive receptors including two existing schools—Albion Street Elementary School and Ann Street Elementary School—and residential areas. Feasible and reasonable mitigation includes sound walls, improved window/wall insulation, and pavement changes that can reduce sound levels from highway traffic.

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The DEIR also appears to rely on maximum interior noise levels set forth in the CASP as a backstop. However those levels—set forth in Sections 8.4.4, 8.4.5 and 8.4.6 of the CASP as ranging from 45 dBL to 65 dBL—are much lower than existing exterior noise levels, and there is no indication in the CASP or the DEIR how or whether these reduced noise levels could be achieved.

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With respect to construction noise, the DEIR again creates an analytical vacuum by failing to show how construction noise could impact sensitive receptors or increase noise levels at existing monitoring stations. We are pleased that the DEIR has set forth specific and enforceable mitigation measures that will be applicable to new development projects. However, we caution the City to reanalyze whether Mitigation Measure Noise and Vibration 2 is adequate. For example, it allows the use of jackhammers, drills, and impact wrenches as early as 7 a.m. and as late as 9 p.m. Allowing noisy equipment use to last several hours after many children typically go to bed is not adequate mitigation.

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Even more troublesome, as discussed in more detail below, the cumulative impacts analysis of noise and vibration, totaling a single paragraph, acknowledges that noise in the Project Area and surrounding area will increase, but suggests nothing to address this impact and fails to reach a significant conclusion regarding cumulative noise impacts. (DEIR, p. 17-6). The DEIR's notable silence on this issue is particularly problematic because the administrative

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review process built into the CASP will allow new development in the Project Area without consideration or mitigation of the combined impact of myriad projects on community noise levels.

Even assuming all construction projects adhere to Mitigation Measure Noise and Vibration 2, the combined impacts of multiple construction projects being undertaken at once could reasonably be seen to have a cumulatively significant impact on the environment, yet this has not been explored in the DEIR. The DEIR's proposed mitigation measure for construction noise should have included noise monitoring at sensitive receptors to allow for compliance monitoring and time of day restrictions to ensure that the noisiest construction activities do not occur in the early morning hours or late in the evening. In addition, the mitigation measures should require that neighboring sensitive uses be provided with City telephone numbers to report noise violations, along with the construction schedule, and that the information be posted in Spanish and Chinese.

#### **I. Cultural Resources**

Here, commenters incorporate all comments made by the Los Angeles Conservancy in its comments dated November 21, 2011, on cultural resources impacts of the CASP.

#### **J. Biological Resources**

The Peregrine Falcon is a California Endangered Species that has a high likelihood to occur in the project area (DEIR, p. 8-4). However the proposed mitigation regarding impact of construction activity on the nesting of migratory birds does not detail what circumstances deem it infeasible to avoid construction activities during the breeding season. (For further discussion, see Section II.M below on Cumulative Impacts.)

Furthermore, if an active nest is located, an arbitrary 300 ft buffer zone "or determination by qualified biological monitor" (DEIR p. 8-9) is placed around the nest without enforceable regard to level of noise, line of sight or other topographical or artificial barriers. Without mandated consideration, this mitigation measure is vague and unenforceable and defers to "applicable state and federal laws." Instead, the mitigation should not allow for an arbitrary 300ft buffer zone, but rely upon the surveying biologist in consultation with the California Department of Fish and Game. A buffer should be designated as appropriate to the specific species of migratory non-game bird as well as the type and degree of disturbance at the construction site.<sup>99</sup>

#### **K. Public Services**

The DEIR fails to properly analyze the Proposed Alternative's impacts on public services and recreational facilities. An EIR "must contain facts and analysis, not just the agency's bare conclusions or opinions." (*Citizens of Goleta Valley, supra*, 52 Cal. 3d at 568). The DEIR's

<sup>99</sup> Alpine County. (2009) Bear Valley Village: Environmental Impact Report, Mitigation Measures and Reporting Program. p. 32-33.

analysis with regard to whether the Proposed Alternative will result in significant impacts on public services and recreation constitutes nothing more than “bare conclusions” based on “assumptions” that the DEIR neither explains nor defends.

A proposed project may have a potentially significant effect on the environment if it would:

result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives. (Guidelines, Appendix G).

The DEIR concludes that the potential impact of the Proposed Alternative on police and fire facilities is less than significant. (DEIR, p. 14-21). To arrive at this conclusion, the DEIR “assumes,” without any explanation, that no new police or fire stations are anticipated to be built as part of the implementation of the Proposed Alternative. (DEIR, p. 14-19). While acknowledging that the “[i]ncreased population in the area resulting from the Proposed Alternative *could* require new or physically altered police or fire facilities in order to maintain an acceptable level of services,” the DEIR determines that this potential impact is “less than significant,” based on nothing more than its flawed “assumption” that no new facilities are necessary. (DEIR, p. 14-21, emphasis added). Rather than apply circular logic, the DEIR should have analyzed whether the projected population increase will result in the need for new or physically altered police or fire facilities. Of note, the Los Angeles Fire Department owns property in the Project area which is currently used to service fire trucks, a use which is not protected in the proposed Plan zoning. The DEIR fails to consider the impact on both the Project area and the City should this fire service be moved outside of the Project area.

As explained in the DEIR, under the City of Los Angeles CEQA Thresholds a determination of significance on police protection is made on a case-by-case basis, in consideration of, among other things, the population increase resulting from the proposed project and the demand for services anticipated compared to the expected level of service available. (DEIR, p. 14-17). The DEIR states that development of the Proposed Alternative “would bring a new mix of land uses an increased population to the Project Area [that] could increase demand on police protection and fire and emergency medical services in terms of staffing, operational, and maintenance costs.” Yet, the DEIR does not discuss in any detail whether, and to what extent, the population increase would alter demand for public services, and whether the expected level of available service could accommodate the change in demand. Instead, the DEIR simply offers vague conjectures of what “could” happen.

The DEIR’s discussion of the Project’s impacts on school facilities is equally conclusory. As stated in the EIR, under the City of Los Angeles CEQA Thresholds, a determination of significance on public schools must be made on a case-by-case basis, considering the following factors:

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- The population increase resulting from the proposed project;
- The demand for school services compared to the expected level of services available;
- Whether and the degree to which accommodation of the increased demand would require construction of new facilities, a major reorganization of students or classrooms, major revisions to the school calendar, or other actions which would create an impact on the schools; and
- Whether the project includes features that would reduce the demand of school services. (DEIR, p. 14-18).

In concluding that the project's impact on public schools would be less than significant, the DEIR merely states that the Proposed Alternative may generate new students that could require new or physically altered school facilities, but that the new mixed used development allowed by CASP may decrease student population and result in a reduced demand for school services. (DEIR, p. 14-21). Rather than analyzing the four factors listed above, the DEIR simply restates two of them.

Further, the DEIR's assertion that mixed use development may decrease the student population is puzzling in light of the fact that the Project anticipates an overall population increase. This assertion suggests that families with children are less likely to live in mixed-use developments. The DEIR fails to explain how it arrived at this conclusion.

Moreover, as discussed elsewhere, the current residents in the CASP area are expected to face some degree of displacement as the proposed zoning districts will increase the land value of the area, resulting in increased rents and therefore increasing the cost of housing burdens. This is even more likely given the fact that the DEIR seems to contemplate that the population of families with children will decrease. The displacement of these residents will lead to indirect physical impacts for the region that have not been addressed in the DEIR by straining public services in other neighborhoods.

The City of Los Angeles General Plan seeks to provide 2 acres of neighborhood parks and 2 acres of community parks per 1,000 residents, a combined total of 4 acres of park space per 1,000 residents. The DEIR predicts that plan implementation will add 27,000 residents, with a parks demand of 108 acres of new neighborhood and community parks. According to the Specific Plan, 101.68 acres is proposed for the area surrounding the CASP area. (CASP, A-01, p. 14). While this is near the goal of 108 acres, it fails to account for the park needs of 1,500 future residents, as well for the needs of those currently residing in the CASP area. Additional park space should also be provided to meet the General Plan goal and to compensate for the dearth of park space in CASP-adjacent communities.

The Specific Plan is also unclear about whether all 101.68 acres of proposed open space is even located within the CASP area. As listed in the Specific Plan, the acreage is merely "Surrounding the CASP Area." (Specific Plan, A-01, p. 14). This information must be included in a revised DEIR. Further, the conversion of the existing open space to parkland remains speculative. Thirty-three of the proposed park acres are located at the Los Angeles State Historic

Park (the Cornfields). Only three acres of this park have been developed to date, and all three acres are devoted to passive recreation. Another 3.8 acres of proposed parkland would be located at the site of the historic Lincoln Heights jail, another vacant and undeveloped site. In addition, several of the parcels identified within the Specific Plan, including Midway Yards which sits atop a Superfund site, are highly toxic and would not be appropriate for recreation.

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Chapter 6 of the Los Angeles General plan contains a policy directing public open space to be responsive to the needs and wishes of the area residents. The DEIR requires developers to accommodate open space, but the CASP contains no mechanism to illicit community input to determine its wishes. The community has requested additional active recreation, and existing active recreation sites in the CASP area are well-used. While a recirculated DEIR should address plans for including additional active recreation, CASP Section 5.6.1 mandates that 90 percent of areas designated as “parks” within the plan be landscaped. This requirement reduces the space available for active recreation uses such as basketball courts, one amenity sought by the community. As this policy jeopardizes the City’s ability to meet community needs and wishes, it should be revised to explicitly allow active recreational uses or to decrease the percentage of required landscaping.

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The DEIR further fails to adequately analyze the Project’s potential impacts on existing heavily-used recreational facilities. The DEIR concludes the potential impact of the Project will be less than significant on parks and recreation facilities (DEIR, p. 14-22), in reliance upon the Quimby Act and the Project’s claim of increasing the overall open space acreage. This conclusion contradicts the DEIR’s admittance that the “after school and pre-school programs at Downey Park” are “often severely crowded and not sufficient to meet the demand.” (DEIR 14-7). The addition of 27,000 additional residents would stress these facilities significantly beyond capacity.

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The City of Los Angeles CEQA Thresholds provide that a determination of significance shall be made on a case-by-case basis by comparing the anticipated demand for recreation and park services at the time of project build out to the expected level of service available. It is conclusory to assume that residents who currently use active recreational facilities at Downey Park and Alpine Center will be equally attracted to the likely passive, open space uses proposed. (CASP 5.2.1). A recirculated DEIR must address the impacts to existing facilities, as well as the community’s need for additional active recreation space.

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The CASP and DEIR also fail to meet existing Central City North Community Plan Objectives 4-1 and 5-2 because the plan does not accommodate either improvements to existing parks to maintain the current level of service or the increased usage that Project implementation will bring.

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Finally, as described above in the traffic discussion, safety is a real concern in the CASP area. Despite being located near the city center and near to several schools, Los Angeles State Historic Park is underused, in part due to the difficulty of accessing the park. The easiest park access is provided by vehicle, but many nearby residents, and all children, lack cars. The only other park access from the CASP requires crossing North Spring Street, which essentially serves

27-131

27-131 as a secondary highway through the area. The street's heavy traffic, high vehicle speeds, great width, and lack of safe crossings render park access unsafe for virtually all of its intended users. The recirculated DEIR must provide means of ensuring safe access to the proposed parkland. Strategies for ensuring safe park access include more frequent crosswalks, crosswalks that light up to draw the attention of motorists, signalized crosswalks, and pedestrian bridges. A signalized crosswalk that provides a red light to halt motorists would increase the safety of schoolchildren and other residents who cross North Spring Street to reach the Cornfields, and should be added to the Project.

27-132 Lastly, the DEIR's analysis with respect to the impacts of the implementation of CASP on library services is inadequate. With regard to library services, the DEIR simply states that "[t]he increase in demand for [public and private non-profit community services such as library services] could result in the modification or provision of new facilities or services. This potential impact is considered to be less than significant." (DEIR, p. 14-23). Rather than explain how it arrived at this conclusion, the DEIR simply explains how community facilities in general are funded and approved for development, without any further discussion of how the demand for library services may or may not result in a significant impact. (DEIR, p. 14-23 to 14-24). Both the local libraries readily accessible to residents in the Project area are among the most heavily trafficked and overcrowded in the City. The City's conclusion that no significant impact would result from added population is incorrect, and the DEIR should be revised to assess appropriate mitigation measures, including the provision of additional library services.

#### L. Utilities

27-133 In *Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4<sup>th</sup> at 430-432, the California Supreme Court articulated a set of four principles to guide water supply analysis under CEQA. Here, the two principles most relevant to the CASP provide that: 1) decisionmakers must be presented with sufficient facts to evaluate the pros and cons of supplying the amount of water that the project will need; and 2) the analysis cannot be limited to the first stage or the first few years of a long-term project. (*Id.*). The specificity required in identifying likely water sources for a project varies with the stage of project approval involved; the necessary degree of confidence involved for approval of a conceptual plan is much lower than for issuance of building permits. (*Id.* at 434).

The DEIR identifies itself as a program-level EIR, from which future environmental reviews may be tiered. However, as discussed above, the DEIR also may serve as the only environmental review for myriad residential, industrial and commercial projects that may constitute the bulk of the redevelopment in the CASP area.

27-134 The DEIR assumes, at the outset, that there will be adequate water supplies for the Project, based on information in the Water Supply Assessment ("WSA") prepared and approved by the Los Angeles Department of Water and Power ("LADWP") for the Project. Under California law, a WSA is an informational document prepared by a water supplier, at the request of the local agency. (*See* Cal. Water Code §10910; *see also California Water Impact Network v. Newhall Ranch Water District* (2008) 161 Cal.App.4<sup>th</sup> 1464, 1487-88 ("CWIN") ["The lead

agency has a separate (from the water provider's WSA) and independent responsibility to assess the sufficiency of water supplies for the proposed project."].<sup>100</sup> After receiving the WSA, the local agency may include it in the EIR, but the local agency is required to make an independent decision, "based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses." (Cal. Water Code §10911(c); *see also* *CWIN, supra*, 161 Cal.App.4th at 1487 ["The power to 'evaluate' WSA necessarily invests the lead agency with the authority to consider, assess and examine the quality of the information in the WSA and endows the lead agency with the right to pass judgment upon the WSA. While the lead agency must include the WSA in the EIR, the lead agency is not required to accept the WSA's conclusions. The lead agency may in evaluating the WSA accept or disagree with the water provider's analysis or may request additional information from the water provider. In any event, the lead agency is required by statute to make the ultimate determination, based on the entire record, whether water supplies are sufficient."]). Thus, the DEIR's assumptions put the cart before the horse. Rather than presenting the WSA as part of its evidence, the DEIR assumes that the Project will have sufficient water supplies. This is despite the fact that decisionmakers are required to make this determination independently, in light of the entire record.

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Further, the information presented in the DEIR and the WSA appears incoherent and contradictory. First, the WSA assumes that no more than 6,960 residential units will be developed. (Appendix 7B - LADWP, Board Approval Letter, p. 3). However, Table 2-2 to the DEIR indicates that up to 7,510 dwelling units may be developed. (*See* DEIR, p. 2-13, [showing 1,266 existing dwelling units and 8,776 dwelling units under the Proposed Alternative]). The DEIR assumes that the Project will need 6.29 million gallons per day ("mgd") of potable water. (DEIR, p. 15-9). The WSA, meanwhile, uses a demand estimate of 3,075 acre-feet/year ("afy"), the differing units making verification difficult. Where it does discuss supplies in terms of gallons, the WSA appears to indicate a demand of 2.75 mgd (Appendix 7B - WSA, p. 7). Thus, it is not clear that the WSA reviewed the water demand that the Project will actually have. An EIR that contains statements that are "at best confusing and at worse self-contradictory" on key issues is inadequate. (*San Joaquin Raptor Center, supra*, 149 Cal. App. at 656 fn. 4). Further, the WSA does not include any discussion of the actual sources of water to the Project.

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The WSA relies heavily on City-wide water conservation measures that will reduce demand and make additional resources available. However, on May 17, 2010, shortly after the WSA was approved, the LADWP Board approved revisions to the water supply reliability initiatives outlined in the Mayor's "Securing L.A.'s Water Supply Plan." Staff recommended the Board defer water supply reliability projects such as increasing water conservation, increasing water recycling, enhancing stormwater capture, cleaning-up San Fernando Groundwater Basin, and developing additional groundwater storage.<sup>101</sup> Because there is no guarantee that the regional water conservation measures described in the WSA will actually occur, the DEIR, and

27-136

<sup>100</sup> Cal. Water Code §10910(c) states that this request should be made of the water supplier at the time that the lead agency determines whether an EIR will be prepared, i.e. the Initial Study. Here, the WSA is dated March 16, 2010, nearly eight months before the CASP Initial Study was released on November 1, 2010.

<sup>101</sup> LADWP Board Approval Letter, *Approval of Revised Water Supply Reliability Initiative Goals*, 5/17/10.

27-136 decisionmakers, cannot blindly assume that all assumptions in the WSA are correct and reliable.

27-137 Finally, with regard to waste, it is unclear why the per capita solid waste generation rates for the Proposed Alternative are less than a third of those predicted for the No Project Alternative. (See DEIR, p. 15-9). The DEIR assumes only that solid waste will be diverted in compliance with state and local requirements, but it does not describe any other waste reduction measures. (DEIR, p. 15-8). Because the No Project Alternative would presumably also be subject to the proposed Solid Waste Integrated Resources Plan (SWIRP), the DEIR offers no explanation for the drastically lowered solid waste estimates for the Proposed Alternative. As currently written, the DEIR assumes that an additional 27,000 residents in the Project area, plus millions of square feet of new commercial, retail and industrial uses, will produce slightly more than twice what the Project area's current population of less than 5,000 people does. (Compare DEIR Table 2-2 to DEIR Table 15-2). In other words, a population increase of 463 percent will have a waste increase of just 114 percent. Even ignoring the increased commercial, retail and industrial uses of the CASP, this conclusion is patently unsupported.

## M. Cumulative Impacts

### i. The DEIR's Cumulative Impacts Analysis Falls Short of the Basic Requirements of CEQA

“One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact.” (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1025). Thus, cumulative impacts should be analyzed in order to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal. App. 3d 604, 625). Only by doing so can we avoid gauging “[t]he full environmental impact of a proposed . . . action [] in a vacuum.” (*Whitman, supra*, 88 Cal. App. 3d at 408).

27-138 “Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines §15355). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (*Id.* § 15355(a)). “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Id.* §15355(b)).

Two issues must be considered in a cumulative impacts analysis. First, it must be determined whether the proposed project, *combined with* effects from other projects, would result in a “cumulatively significant” impact. (*Id.* §15355). Second, the analysis should determine whether the proposed project's *incremental* effect is “cumulatively considerable.” (*Id.*, §15130(a)). Thus, an analysis must determine both whether the cumulative impact is

significant, as well as whether an individual effect is “cumulatively considerable.”

Even if a proposed project's individual effects are limited, its incremental effects may still be considered “cumulatively considerable.” (Guidelines §§15064(h)(1), 15065(a)(3), 15355(b)). This means that a determination of less-than-significant impacts at the project level does not in itself excuse an EIR from evaluating cumulative impacts, nor does it serve to demonstrate the project’s incremental contribution to a significant cumulative to be less than “cumulatively considerable.”

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The DEIR fails to directly state whether significant cumulative impacts will occur to transportation and to noise and vibration, impacts that are significant and unavoidable on a Project-specific scale, muddling this analysis. (DEIR, p. S-18, S-28, S-29, 17-4 to 17-6). For impacts determined to be less than significant at the Project level, the DEIR provides conclusory statements indicating that because no impacts occur at the Project level, none are expected in the cumulative condition. (*See, e.g.*, DEIR, p. 17-5 [“As demonstrated in Chapter 5, no potentially significant visual resources impacts have been identified as a result of implementation of the Proposed Alternative and none are expected in the cumulative condition.”]; *see also* DEIR p. 17-6 [concluding no significant impacts could occur, based on assumption that all regional projects will comply with hazardous materials laws]). Such bare conclusions violate CEQA. (*Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

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**ii. The Cumulative Impacts Analysis Is Vague and Devoid of Quantification in Violation of CEQA**

Courts have rejected analyses of cumulative impacts devoid of quantification, data, or specificity. (*See Whitman, supra*, 88 Cal. App. 3d at 411; *Kings County Farm Bureau, supra*, 221 Cal. App. 3d at 729-30). In addition, an adequate analysis should not assume the mitigation of impacts by other projects unless they have been adopted in a binding manner. (*See Kings County Farm Bureau, supra*, 221 Cal. App. 3d at 729). This means that an EIR should provide reasonable quantification, data, and specificity in its cumulative impacts analysis, and that other projects should be considered as to their pre-mitigation effects. However, as discussed in the sections above related to noise, greenhouse gas and energy, hazardous materials and visual resources, the DEIR provides no quantification or data to describe the impacts of the Project. The potential impacts of cumulative projects are similarly vague and nondescript, thus the DEIR utterly fails in this aspect. This is particularly troublesome given that the DEIR purports to be the sole environmental review document for CASP development subject to administrative review. Given that multiple projects within the CASP could be undergoing construction and operation simultaneously, themselves cumulatively impacting the CASP area, the abbreviated cumulative impacts analysis is wholly inadequate.

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The DEIR employs the “ratio theory”, within its greenhouse gas impacts and transportation impacts analyses, as discussed above, despite the fact that courts have soundly rejected it. (*Kings County Farm Bureau, supra*, 221 Cal.App.3d at 721). This theory reasons that “the greater the overall problem, the less significance a project has in a cumulative impact analysis.” (*Id.*). Courts agree that a project’s impacts may not be trivialized by comparing them

27-142

27-142 to significant impacts on a greater scale. Under CEQA, the proposed project's impacts must first be combined with other projects' impacts, after which it may be shown that the environmental problem is so severe, even a seemingly minor incremental change is cumulatively considerable. Therefore, it is improper for the DEIR to rely on the "ratio theory."

27-143 As discussed with regards to traffic, noise and visual resources, the DEIR has sought to subsume the Project's impacts as less than significant because of already-degraded conditions. The cumulative impacts analysis carries forward this flawed reasoning, and fails to address the cumulative changes that will be wrought on the community by the CASP and surrounding projects.

27-144 The misapplication of the traffic and transportation baseline—the comparison of projected 2035 conditions with the Project to a 2035 No Project scenario rather than a comparison to existing conditions—is repeated here in the cumulative impacts analysis. (DEIR, p. 17-4 to 17-5 ["[T]he Proposed Alternative would generate approximately 2,506,000 vehicle miles travelled (VMT) per day, an increase of approximately 159,000 VMT when compared to the cumulative (2035) No Project Alternative."]). As discussed above, this analysis does not explain how 2035 with-Project conditions relate to existing conditions, in clear violation of CEQA. (*Sunnyvale, supra*, 190 Cal. App. 4th at 1380-1383).

The Population, Housing and Employment section of the cumulative analysis also fails to meet the basic requirements of the City of Los Angeles CEQA Thresholds Guide.<sup>102</sup> That guidance, at p. J.1-4 to J.1-5, explains that an EIR should:

27-145 Determine the increase in housing units, occupancy and population associated with the related projects in the same manner as described above under Project Impacts. Compare the combined effect of the growth from the project and the related projects to the amount, timing and location of growth forecast for the project site and surrounding area in the adopted. If the area is currently underdeveloped or the project introduces new major infrastructure, also note whether the project or related projects would introduce infrastructure or accelerate development.

Although Table 17-1 lists the square footage and number of parking spaces associated with the cumulative projects, it makes no estimates regarding population. (DEIR, p. 17-3). The text discussion of Population, Housing and Employment cumulative impacts does not even mention cumulative projects, discussing only the growth-inducing impacts of the CASP itself. (*See* DEIR, p. 17-6 to 17-7).

### iii. The Cumulative Project List Is Underinclusive

27-146 In evaluating cumulative impacts, an EIR may use a list approach, a projections approach, or a hybrid of both. "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence . . . and should focus on the cumulative impact to

<sup>102</sup> Available at <http://www.ci.la.ca.us/ead/programs/Thresholds/J-Population%20and%20Housing.pdf>



which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” (Guidelines §15130(b)). Under the elements of Guidelines section 15130(a)(1) and (b), the evaluation should be focused upon actions from other projects that are closely related in terms of impact on the resource—not closely related project types.

When using a list approach, an EIR must provide a “list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.” (Guidelines § 5130(b)(1)(A)). Because evaluation of cumulative impacts should relate in terms of impact on each resource, the EIR should provide lists of (other) projects that differ with each differently affected resource. The DEIR has made no effort to do this. After listing the cumulative projects in Table 17-1, the DEIR never refers back to these projects and never describes or analyzes the potential impacts that they could cumulatively create with the CASP.

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Reasonable means must be employed to “discover, disclose, and discuss related projects.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, 74). The list in Table 17-1 of the DEIR is underinclusive. Other projects that should be listed, include:

- Projects under construction
- Projects that are approved but not yet constructed
- Projects undergoing environmental review
- Projects for which applications have been received
- Projects included in an adopted capital improvements program, or in an adopted general, regional, transportation or other plan
- Projects anticipated as future phases of previously approved projects
- Any future project where the applicant or public agency has devoted significant time and financial resources to prepare for any regulatory review.

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(*San Franciscans for Reasonable Growth, supra*, 51 Cal. App. 3d at 74; *Gray v. County of Madera, supra*, 167 Cal. App. 4th at 1127-1128). At a minimum, the DEIR should also include the Cleantech Corridor, High Speed Rail, Spring Street Bridge widening, USC University Park Specific Plan and surrounding development, and the Los Angeles County/USC, Medical Center, which is about one-half mile from the southern end of the CASP area.

The analysis must provide the following:

- A definition of the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used;
- A summary of expected environmental effects to be produced by [related] projects with specific reference to additional information and where that information is available; and  
A reasonable analysis of cumulative impacts of the relevant projects.

27-148

27-148 Because the potential to affect resources depends on the resource in question, an independent determination of geographic scope should be made for each resource, and possibly even subsets of resources, under review. (See, e.g., *Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal. 4th 936, at 945-952). The DEIR fails to do this. The introductory language references the sub-regional scale of most resources, so is not clear whether greenhouse gas emissions are the only resource analyzed on a broader scale. (DEIR, p. 17-2). The DEIR promises that the “‘sphere of influence,’ or area, considered in the cumulative assessment is specific to each resource area assessed, and is noted in that specific resource assessment.” (DEIR, p. 17-4). Yet nothing in the ensuing sections appears to discuss the geographical scope of the analysis, instead the text merely re-states the prior chapters’ Project-level conclusions.

27-149 For all impact areas where the Project’s impacts have been found less-than-significant, the DEIR concludes that no cumulatively significant impacts could result from the implementation of regional projects. Although the DEIR lists 12 cumulative projects in Table 17-1, the later analysis makes no reference back to these projects, nor does it ever give any context to describe to the public and decisionmakers how significant the impacts of this amount of growth will be for the area.

**iv. The Cumulative Impact Analysis Is Crucial Given Existing Conditions and Environmental Justice Issues in the Project Area**

27-150 Considerations of environmental justice necessitate a more-thorough analysis of the Project’s cumulative impacts to this minority and low-income population. Environmental justice acknowledges that minority and low-income communities are more likely to live in close proximity to hazardous pollution sites, have less involvement with public decision-making, and be subject to weaker enforcement of environmental laws.<sup>103</sup> In California in particular, studies show consistent evidence indicating patterns of both disproportionate exposure to air pollution and associated health risks among minority and lower-income communities.<sup>104</sup>

With regard to the Project area, research suggests that it has many attributes of an environmental justice community, based on sensitive land uses like parks, schools, and churches being sited close to sources of toxic hazards and air pollution.<sup>105</sup> The EJSM method analyzes publicly available indicators of air quality risk, hazardous land uses, and indicators of social vulnerability including racial makeup, percentage of population living below the poverty line, home ownership rates, education levels, and the percentage of children under the age of 4 living

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<sup>103</sup>Building Healthy Communities from the Ground Up: Environment Justice in California. Communities for a Better Environment, 2003.

<sup>104</sup> Sadd et al., Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California, *Int. J. Environ. Res. Public Health* 2011, 8, 1441-1459, 1442

<sup>105</sup> See Sin, Michael, Environmental Justice in Lincoln Heights: An Evaluation of the Cornfield Arroyo Seco Specific Plan (2011), Occidental College, *Urban and Environmental Policy Senior Comprehensive Project*

in households with limited English proficiency.<sup>106</sup> The model then maps residential and sensitive land uses – schools, hospitals, day care centers, parks—against the risk indicators, to reach buffer-based hazard proximity scoring.<sup>107</sup> As noted above, the CASP area and its vicinity have very high Cumulative Impact scores under this analysis. According to SCAQMD research, a portion of the CASP area has a lifetime estimated cancer risk of 1,754 per one million residents.<sup>108</sup> This risk is extremely high. It is even higher than the estimated risk for the City of Vernon--1,538 per one million (*Id.*)—an area that is rife with polluting industrial uses. The remainder of the CASP area has a lifetime cancer risk 1,404 per one million residents. (*Id.*).

The DEIR itself identifies various social risk attributes of the Project area. Thirty-seven percent of households in the Project area are linguistically isolated, meaning that no-one over the age of 14 speaks English well. (DEIR, p. 13-6). Almost 47 percent of the Project area population has less than a high school education. (DEIR, p. 13-6). Average household incomes, according to the data presented in the DEIR, at \$35,873 in the Project area, are almost \$20,000 lower than the Citywide average of \$55,041. (DEIR, p. 13-7). More than 34 percent of the Project-area population lives below the poverty rate, including 44.8 percent of all the children less than 12 years old and 45.4 percent of all youth 12 to 17 years old. (DEIR, p. 13-7<sup>109</sup>). Close to 69 percent of residents in the study area and 65 percent in the Project Area identified themselves as Latino, while 26 percent and 29 percent identified themselves as Asian in the study area and Project Area respectively, significantly higher than numbers Citywide (Citywide, Latinos constitute 47 percent of the population and Asians 10 percent). (DEIR, p. 13-5). Area households also have a higher proportion of children than the City as a whole. (DEIR, p. 13-6).

27-150

Given these statistics, it is incumbent on the City to closely evaluate the cumulative impacts of the CASP, to ensure that residents of the Project area and nearby neighborhoods do not bear a disproportionate share of the significant environmental impacts of the CASP. The DEIR has fallen far short of this duty.

The DEIR must take into account the existing sources of pollution and inconsistent land uses within the Project area, and not simply the accumulation of future projects. A detailed, on-the-ground study of the Project area, including interviews with Project area residents, found myriad existing uses that the community perceives as toxic – such as existence of various auto body shops, truck yards, distribution centers, small manufacturers, and fueling stations, among others – near residences.<sup>110</sup> Taken cumulatively, these uses can create significant impacts on human health and the environment – especially air pollution – yet the DEIR neglects to analyze these existing sources, looking only to future projects. The revised DEIR should reframe its

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<sup>106</sup> *Id.* at 1445.

<sup>107</sup> *Id.* at 1446.

<sup>108</sup> SCAQMD, Multiple Air Toxics Exposure Study III Model Estimated Carcinogenic Risk, available at <http://www2.aqmd.gov/webappl/matesiii/>, last visited 11/22/2011.

<sup>109</sup> In the Executive Summary, the DEIR gives differing numbers regarding income and education levels. It states that 36 percent of the Project-area population lives below the poverty line, provides different numbers for area and Citywide household incomes (\$35,678 and \$58,724, respectively, based upon 2000 dollars), and states that 50 percent of the Project-area population has received less than a high school education. (DEIR, p. 1-5).

<sup>110</sup> *Sin, supra.*

27-151 | analysis to consider the additive impact of future industrial uses that the CASP envisions for the area, and evaluate how these uses could combine with existing conditions to create cumulative environmental justice impacts to this vulnerable, existing population.

### III. The DEIR Should Consider the “Community-Oriented Development Overlay Zone Alternative,” Which Would Meet Project Purposes and Reduce Environmental Impacts

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the CASP, especially in light of its significant acknowledged and unacknowledged adverse impacts. “One of [an EIR’s] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights, supra*, 47 Cal.3d at 400, quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197 (emphasis in original)). Further, “Under CEQA, the public agency bears the burden of *affirmatively demonstrating* that . . . the agency’s approval of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134 (emphasis added)).

27-152 | The principal function of alternatives analysis under CEQA is to evaluate alternatives that would avoid some or all of the environmental impacts associated with the proposed project. (Pub. Res. Code §21002; Guidelines §§15002(a)(3), 15021(a)(2), 15126.6(a); *Mt. Shasta, supra*, 198 Cal. App. 3d at 443-45). A feasible alternative or mitigation measure that avoids or substantially lessens a project’s significant impacts must be adopted by the lead agency unless the lead agency can demonstrate that the mitigation is “truly infeasible.” (*City of Marina, supra*, 39 Cal. 4th at 368; *see also* Pub. Res. Code § 21002 [“public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects”]). “If an alternative is identified as at least potentially feasible, an in-depth discussion is required.” (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4<sup>th</sup> 1437, 1457).

The alternatives analysis is key because an agency must deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. (Pub. Resources Code § 21002; *Sierra Club v. Gilroy City Council, supra*, 222 Cal.App.3d at 41.)

We have developed a reasonable and feasible alternative, entitled the “Community-Oriented Development Overlay Zone Alternative,” (“COD”) that warrants consideration in a revised and recirculated DEIR. As illustrated in the attached proposal, this alternative would revise the CASP so that it would specifically address the need for affordable housing in the CASP. This alternative would ensure that current residents have opportunities to stay in the community as it grows, by increasing affordable housing opportunities. Increased density around transit (bus/rail) would be connected to and prioritize affordable housing, and the revised CASP would reflect the expressed public desire for increased affordable housing production and preservation.

The COD sets a housing goal of 50 percent market-rate and 50 percent affordable to a mix of extremely low, very low, and low income residents. The COD would also establish minimum bedroom requirements, ensuring that families could obtain needed housing. The COD would create a framework to provide adequate affordable housing in pace with the Project Area-wide development.

Through the COD, the City would create 3-5 development phases, each of which sets a target square footage for industrial and commercial development, and a target number of units for residential development, further divided into market-rate and affordable units. In order to move from one phase to the next, the square footage and unit targets in each type of development must be met. If the CASP area fails to achieve its affordable housing target for any phase, then the allotted market-rate, industrial, and commercial development for the subsequent phase cannot proceed until all the targets have been met.

Because there are no set timelines by which the targets must be met, all development can take place within any phase until it reaches its target for that use. By controlling the amount of development in industrial, commercial, and residential uses, the City will be able to create the right balance of jobs and housing and mitigate against displacement of the current community. The COD zone will not require any individual developer to set aside affordable housing, but instead sets overall targets for the CASP area.

In order to meet the development goals, the COD utilizes a set of Super Density Bonus Incentives to encourage mixed-income housing. The Proposed Alternative raises the base FAR of the area from 1.5:1 to 3:1, and in some places allows a maximum of 6:1. The COD contemplates an exchange of density for affordable housing units. The base FAR would be kept at 1.5:1, and developers would be allowed to use the City's own density bonus ordinance to increase density by 35 percent to a corresponding FAR of roughly 2:1. Allowing increased FAR in exchange for affordable units lowers the cost per unit so that the savings can assist in cross-subsidizing the affordable units.

To go beyond the limits of the density bonus ordinance and build at a 3:1 FAR or at most a 4:1 FAR, a developer must build a greater percentage of Very Low Income units or a percentage of Extremely Low Income units, with percentages of very low and extremely low income units corresponding to an increase in FAR. In order for density bonuses to be adequate financial incentives, an increased density of more than 25 percent is necessary to offset the increased construction and development costs.<sup>111</sup> The increased FAR of 35 percent to 167 percent proposed for the COD makes this a feasible density bonus structure.

The required percentage of Very Low Income units in exchange for a FAR increase was calculated using the density bonus ordinance as the base. The City of Los Angeles density bonus ordinance does not provide for extremely low income units at all. Therefore, the numbers of Extremely Low Income units in the COD is based off a formula which is less costly than

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<sup>111</sup> Skiles, K. (2003) *Density Bonuses and Affordable Housing in California: Examining the Economic Impact on Three Cases*. Massachusetts Institute of Technology.

constructing the corresponding very low income units. The need for Extremely Low Income units is so great in the Project Area that simply incentivizing Very Low Income units would result in the displacement of local families.

Further, because the current Specific Plan parking proposal undercuts the density bonus parking incentive by lowering the residential maximum to 1 space per unit, the COD utilizes an incentive plan that gives parking in exchange for affordable housing. An entire project can generate 1 to 1.25 parking spaces for every residential unit in the development, only if they provide some affordable housing. Without affordable housing, a development is not entitled to any parking. This parking proposal encourages the use of non-automobile travel which reduces traffic and air pollution, and it does not undermine the City density bonus ordinance.

Under SB 375 and AB 32, a City must connect its transportation and transit policies to its land use patterns. Reduced GHG emissions can be achieved by reducing VMT, especially in transit rich areas such as the Project Area. Increased public transportation use, as well as increased bicycle and pedestrian activity is essential to meeting the City's goals for GHG reductions. As stated earlier, affordable housing near transit not only increases transit use by placing core transit riders in proximity to transit, but also prevents a decrease in transit ridership.<sup>112</sup> By connecting parking policy to affordable housing, the City will be able to incentivize affordable housing projects and combat an overabundance of parking in the adjacent downtown area. The COD parking incentive also balances community interests in parking and transportation policy by connecting parking to mixed income housing and ensuring transit ridership, along with corresponding reductions in VMT and GHG.

Notably, as discussed above, affordable housing incentives are recommended by CAPCOA 2009. Objective LU-2 is entitled, "Promote infill, mixed-use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones." (CAPCOA 2009, pp. 74-76.) In LU 2.1.8, CAPCOA recommends "Mix[ing] affordable housing units with market rate units as opposed to building segregated affordable housing developments." (CAPCOA 2009, p. 76).

This table explains the Super Density Bonus incentives utilized by the COD. It sets out the ratio of FAR increase and the corresponding percentage of affordable units generated by a development in exchange for the FAR increase, as well as the associated parking maximum.

**Table 3 - COD Super Density Bonus Incentives**

	Base FAR	Additional FAR	% Density Increase	% Extremely Low Income Units	% Very Low Income Units	% Low Income Units	Parking Maximum (Applies to All Residential Units in a Development)

<sup>112</sup> Dukakis/Pollack, *supra*.

27-152

Density Bonus	1.5	2.025:1	35%		11%	20%	.5
Super Density Bonus	1.5	3:1	100%	7%	18%		1
Super Density Bonus	1.5	4:1	167%	10%	25%		1.25

This COD alternative would substantially lessen the significant and unavoidable impacts of the Proposed Alternative, and would also reduce impacts the DEIR has thus far failed to identify. Specifically, by retaining lower-income residents, who heavily use transit and other non-vehicular modes of travel, the significant and unavoidable transportation impacts could be drastically reduced. As discussed above, the existing CASP-area population has only a 42 percent automobile share. (DEIR, p. S-3). By mitigating against displacement and providing increased incentives for new affordable development, the COD would sharply reduce the 86 percent automobile share estimated in the transportation analysis. The Minagar Report, discussed above and incorporated fully into these comments, concluded that “the affordable housing requirement proposed in [the COD] alternative will generate approximately 27 percent fewer residential peak hour trips than the market rate housing.” (Minagar Report, p. 29). Using standard *Trip Generation*, 8th Ed., trip generation rates developed by the Institute of Transportation Engineers’ (ITE) for the land uses proposed in the CASP, the Minagar Report was able to calculate that this alternative would result in an overall reduction in peak hour trips of 4.74 percent. (Minagar Report, p. 31). The Minagar Report also calculated potential trip reductions for variations on the COD alternative. (*Id.*)

27-152

The potential vehicular emissions would also be reduced under the COD because it would prohibit developers from purchasing land solely to provide parking to residents. This would aspect would further incentivize transit and non-vehicular travel.

By reducing the area’s automobile traffic, the COD would also reduce the Proposed Alternative’s emissions of significant and unavoidable ozone precursors and greenhouse gases. The alternative would also have the benefit of reducing significant impacts to land use, as discussed above, relating to inconsistencies with existing plans and policies.

The COD is also consistent with the Project’s purposes, identified in DEIR Section 2.2.1.2. Most importantly, the COD will meet the purpose of “provid[ing] a range of housing types and price levels that offer many choices, including home ownership for people of diverse ages, ethnicities, household sizes, and incomes,” (DEIR, p. 2-14), to a greater extent than would the Proposed Alternative, because the COD would prevent the adverse displacement. By retaining and enhancing housing affordable to low-income workers who are likely to use transit, the COD would also “lessen dependence on automobiles, and thereby reduce vehicle emissions, while enhancing the personal health of residents, employees, and visitors.” (*Id.*) The affordable housing protections would not lessen the Project’s ability to meet its other purposes.



27-152 Given that the COD could feasibly reduce many of the Proposed Alternative's significant and unavoidable environmental impacts, it is incumbent on the City to develop a revised DEIR to review and consider this worthy alternative.

#### IV. Other Aspects of the DEIR Are Inadequate Under CEQA.

##### A. The CASP Description is Too Vague to Enable Adequate Analysis of Impacts

27-153 CEQA requires that every EIR contain a project description that gives a "general description of the project's technical, economic, and environmental characteristics." (Guidelines §15124(c)). It must also "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Ass'n of Irrigated Residents, supra*, 107 Cal.App.4th at 1390). A "curtailed, enigmatic or unstable project description draws a red herring across the path of public support." (*County of Inyo v. City of Los Angeles* (1981) 71 Cal.App.3d 185, 197-98). "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*Id.*) It is only through an accurate view of the project that the "public and interested parties [can] balance the proposed project's benefits against its environmental costs, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*San Joaquin Raptor Center, supra*, 149 Cal. App. 4th at 655). The project description must include: 1) a detailed map of the project area and the precise location and boundaries of the proposed project; 2) a statement of the project's objectives; 3) a discussion of the project's technical, economic, and environmental characteristics; and 4) a statement describing the intended uses of the EIR. (Guidelines §15124(a)-(d)).

27-154 First, the information provided in the DEIR's Project Description is inadequate. Nowhere in the chapter is the exact acreage of the Project Area listed. In addition, figures in the DEIR and December 2010 Initial Study do not depict even minimal information such as the names of the CASP area's boundary streets. (*See* DEIR, Figure 2-1, Proposed Alternative Zoning Districts; Initial Study, Figure 2, Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Area). The Project Description also obscures the actual growth and development envisioned by the Project. It does so by listing Project Assumptions in Table 2-2, where it can be deduced that the CASP provides for an increase of 27,053 residents, 7,510 dwelling units, 9 million residential square feet, 211,252 retail square feet, 1.5 million commercial square feet, 4.6 million industrial square feet, 72,200 institutional square feet and 52 acres of parks beyond what existed in 2003. (DEIR, p. 2-13).

27-155 Although the Project Description lays out these rough acreage and square footage numbers, it does not provide any detail about how these various uses will be distributed across the Project area. Moreover, the CASP provides so much flexibility that it is unclear what will ultimately be built in many of the CASP's planning areas. Light industrial uses can apparently be sited in Urban Innovation, Urban Center and Urban Village zoning districts. (DEIR, p. 2-15).  
27-156 Greenways may include buildings that "provide a variety of educational and community benefits," (DEIR, p. 2-15), an ambiguous and endlessly expandable phrase. "Cognitive

production,” a term that is not defined in the DEIR nor in the CASP itself, may occur in Urban Innovation and Urban Village settings. (*Id.*)

The descriptions of each of the new Urban zoning districts lacks sufficient specificity to establish any real distinction between these districts, with each referencing both residential and non-residential land uses. (DEIR, p. 3-19). Based on these land use categories, there is no certainty as to the type of development or ultimate land use that can be expected in each of these areas.

27-156

The DEIR, however, fails to provide detailed information related to the applicable development standards associated with these land use categories and zoning districts. The Specific Plan changes the base Floor Area Ratio (FAR) from 1.5:1 to 3:1 for most of the Project Area, and for several of the new zoning designations increases the maximum FAR anywhere from 4:1 to 6:1. (DEIR, Table 1-1, P. 1-3).

27-157

Other than Table 1-1 in Chapter 1 of the DEIR, the FAR is not discussed or cross-referenced in the Land Use Chapter of the DEIR. The DEIR fails to provide any information about the proposed changes in FAR or other density measures (e.g., dwelling units per acre) governing development in the Project Area.

The scope of the Project is not clearly reflected throughout the DEIR and its technical studies. As discussed above, the WSA assumes water demand for a project of 6,960 residential dwelling units. (Appendix 7B-WSA, p. 3). Consequently, the WSA appears to indicate a water demand of only 2.75 mgd, less than half of the DEIR’s estimate of 6.3 mgd. (*Compare* Appendix 7B - WSA, p. 7 to DEIR, p. 15-9). Also discussed above, the Transportation chapter relies on intersection geometries that misrepresent actual conditions on the ground. (*See* Minagar Report, p. 6-11).

27-158

In addition, the Public Services chapter states that “[g]iven decreased student population rates that could result from the new mixed use development allowed by the Proposed Alternative there could even be reduced demand for school services in the Project Area as a result of implementing the Proposed Alternative.” (DEIR, p. 14-21). This appears to ignore the fact that the two existing residential zoning districts in the Project area, RD 2-1 and RD 1.5-1, will remain unchanged. (DEIR, p. 2-15). If these residential areas remain unchanged, any students generated by new development will be additive to existing conditions.

27-159

In addition, confusing and indecipherable maps and color-coding plague the DEIR. These maps are utterly unreadable to members of the public that do not have access to computers or color printing. The actual components of the Project cannot be clearly deciphered. Table 2 describes examples of improper renderings in the DEIR.

27-160

**Table 4 - Statements, Maps or Figures that are unclear or illegible in CASP EIR**

DEIR Chapter	Chapter Title	Description of Unclear or Illegible Information
2	Project Description	<p><i>Section 2.2.1.2 Purpose and Objectives:</i>                      Reference of “aim to reconnect historic neighborhoods” does not explicitly name which neighborhoods.</p>
		<p><i>Figure 2-3 Street Designations:</i>                      Circulation hierarchy is illegible black and white.</p>
3	Land Use	<p><i>Figure 3-1 Project Area and Census Tracts:</i>                      Overlapping road and census boundary lines are illegible in black and white.</p>
		<p><i>Figure 3-7 Los Angeles City Council Districts:</i>                      Differentiation between council districts is indistinguishable in black and white.</p>
		<p><i>Figure 3-8 Community Plan Areas:</i>                      Use of very similar hues make the community plan areas difficult to distinguish in both black and white and in color.</p>
		<p><i>Tables 3-1 and 3-2 Current and Proposed Land Uses:</i>                      The addition of numbers is incorrect in both tables. The values for total acreage in Table 3-1 add up to 661 and for Table 3-2 add up to 659- but both claim a total of 660.</p>
		<p><i>Table 3-1 Current Land Uses:</i>                      A total acreage of 213 is given for Central City North, but the values add up to 233. 233 matches the total in figure 3-2.</p>
		<p><i>Figure 3-13 Active Frontages Diagram:</i>                      It is difficult to decipher between Active Streets, Retail Streets and Active Industrial Streets in black and white.</p>
		<p><i>Section 3.3.1 Land use assumptions:</i>                      The convoluted explanation of the Specific Plan’s authority as a planning document for the Project Area is difficult to understand, claiming both to supersede but not conflict with existing land use plans, policies and regulation.                      The assumption that streetscape design elements will serve to enhance the connection between communities is not clearly articulated but presented as fact. This assumption is not comprehensible.</p>
4	Transportation	<p><i>Figure 4-2, 4-5, 4-6 Existing Roadway and Roadway Network Assumptions:</i>                      The use of purple and green in these figures is difficult to distinguish in black and white and thus difficult to compare the present condition with the proposed alternative.</p>

		<p><i>Figure 4-6 Roadway Network Assumptions:</i>                  The use of a 4-Lane Roadway with Reduced Auto Capacity is used in this map but not referenced elsewhere in the section. The reader is unable to assess the significance of this information compared with the other 4-Lane Roadway designated throughout the Project Area.</p> <p><i>Table 4-8 Project- Related Vehicle Miles Traveled:</i>                  Given the projected increases in population, the negligible increase in VMT compared to the No Project Alternative shown in this table is difficult to comprehend given the explanations in this section.</p>
6	Earth Resources	<p><i>Figure 6.1 Regional Geologic Map:</i>                  Most of the Project Area is shown as comprised of QF (Alluvial- fan deposits) but the eastern portion of the project area is labeled Qof, which is not labeled in the legend. It is difficult to determine if this could be a significant or sensitive soil designation.</p> <p><i>Section 6.1.1.2 Site Geology:</i>                  This section explains the soil types present but does not offer further explanation as to the significance of these designations such as whether they are typical for the Los Angeles area or suitable for dense development.</p>
7	Hydrology	<p><i>Figure 7-1 Los Angeles River Watershed:</i>                  This figure illustrates major and minor water reaches but doesn't explain the significance of what a water reach means (in the figure or section text). Nor does it place the Plan area on the map for context. Additionally, the the nearly illegible pixilation makes it difficult to establish the context of the Project Area.</p> <p><i>Figures 7.2 and 7.3 Arroyo Seco Drainage Area and Historic Springs:</i>                  These two maps, without street names, make it difficult to establish the Project Area in relation to the map so the significance of the drainage and springs cannot be readily understood. A highlighted boundary would have been helpful.</p>
8	Biological Resources	<p><i>Section 8.3.2.1 Impact to Biological Resources 1:</i>                  The 300 ft boundary as an established safe distance for construction activity from an active nest appears to be arbitrary. It is not explained as being a standard adequate distance or the distance recommended by wildlife experts.</p>
9	Cultural Resources	<p><i>Section 9.1.5.8 Historic Resources of the Project Area:</i>                  The assignment of property status and significance in the windshield survey is not clear- specifically meanings of 6DQ, 6Z or 6L. There is reference to section 106 in CEQA but it is difficult to locate this section of CEQA online.</p>
10	Hazardous Materials	<p><i>Table 10-2, 10-3 and 10-4 Sources of Hazardous Materials, Sites of Record for Generation and Storage:</i>                  These tables fail to provide a context or framework to interpret the data and their relative safety or hazard. A map of these addresses would help to identify key areas of concentrated hazardous</p>

		materials. Representing this data in a table obscures the prominence of these 458 sites over the relatively small project area.
27-160	11	Air Quality
		<p><i>Figure 11-1 Location of Sensitive Receptors:</i>          This map illustrates four schools within the project boundary (plus an additional two on the border). Yet in the introduction section 1.2.4 Community and Public Facilities -- only two public elementary schools are mentioned.</p> <p><i>Section 11.1.2 Regulatory Setting:</i>          Reference to the 1988 California Clean Air Act plans to improve air quality in “non-attainment” areas, with the exception of the State particulate matter standard, is difficult to interpret because there is no explanation for what this exception is.</p>
	14	Public Services
		<p><i>Section 14.1.2 Fire Protection:</i>          The reference to a “total complement” of 3,309 firefighters based on 1,103 total firefighters is not explained and serves to inflate perceived fire protection.</p>
	16	Energy & Greenhouse Gas
		<p><i>Section 16.1.2.2 Greenhouse Gases:</i>          Five gas emissions are described in varying degrees of comparability to carbon dioxide but the effects of carbon dioxide are not explicitly stated. This omission makes it difficult to determine the significance of all six gases and the related impacts to the project area.</p>

27-161 In another example of EIR inconsistencies, the text of Chapter 14, Public Services, states only that there are two schools in the Project Area—Albion Street Elementary School (K-5), located at 322 Avenue 18, and Ann Street Elementary School (K– 5), located at 126 East Bloom Street. (DEIR, p. 14-4). However, Figure 12-1 depicts five schools within the Project area. Such inconsistencies and obscurities hinder the informed public participation that is central to CEQA, and are inadequate. (See *Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4th at 443; *San Joaquin Raptor Center, supra*, 149 Cal. App. 4th at 656 fn. 4).

**B. Mitigation for the CASP’s Impacts is Less Effective Than Is Feasible, and Is Vague, Unenforceable, and Deferred.**

27-162 CEQA requires that a project not be approved when there are significant adverse impacts if there are feasible alternatives or mitigation measures that can reduce those impacts. (Publ. Resources Code § 21002; 21002.1(b); Guidelines §15091(a); 15092(b).) Mitigation measures must be feasible to implement and enforceable. (Guidelines §15097; *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445). Specifically, the Guidelines require any mitigation measure to be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (Guidelines §15126.4(a)(2); see also Pub. Res. Code §21081.6(b)). An EIR should also address any significant impacts that could result from the implementation of the mitigation measures. (*Gray v. County of Madera, supra*, 167 Cal.App.4th at 1118 [requiring analysis of impacts of providing replacement water]).

**i. The DEIR Repeatedly States that Certain Actions Would Be Required “If Feasible” but Does Not Define Feasibility**

CEQA requires a public agency to provide mitigation measures that are “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Res. Code §21081.6(b); *see also* Guidelines §15126.4(a)(2)). Where the agency is adopting a plan, mitigation measures should be incorporated into the plan or project design. (*Id.*).

27-162

Unfortunately, many of the mitigation measures included in the DEIR are vague and unenforceable or do not require the most effective mitigation measures feasible to reduce adverse impacts. There are many examples of this, including, but not limited to:

- Mitigation Measure Noise and Vibration 2 appears to require compliance with the City’s Noise Ordinance, which generally prohibits operation of construction equipment in residential areas that produces a maximum noise level exceeding 75 dB, unless compliance is technically infeasible. (Los Angeles Mun. Code §112.05). However, existing conditions in the Project area already range from 64 dB to 72 dB, thus it is questionable whether it will be feasible to meet the City’s requirement. (DEIR, p. S-30-31);
- Mitigation Measure Utilities 4a merely requires the City to “coordinate” with SCGC if Project demands exceed SCGC system capacity, but beyond “provide data,” there is nothing to indicate what constitutes compliance with this measure, nor is development approval contingent on any specific action. (DEIR, p. S-36);
- Mitigation Measure Energy and Greenhouse Gases 1 and 2 point to implementation of the City’s CAP, but components of the City’s CAP that are mandatory for the Project area, purported to reduce GHG impacts, are not described at all in the DEIR. (DEIR, p. 16-15, S-37). Rather, the DEIR describes aspects of the CAP to include “increasing the use of renewable energy sources, implementing green building policies, diverting waste from landfills, greening the Port of L.A., and changing land use and transportation patterns to reduce dependence on automobiles.” (*Id.*). This list is uninformative, in that most of these components, such as Port improvements and renewable energy generation, are not within the control of Project-area developers, and thus could not be conditions of approval for individual projects;
- Mitigation Measure Transportation 1 lists various TDM strategies and states that “the first of the TDM strategies are identified in the Specific Plan and shall be required by all future Projects.” (DEIR, p. 4-46). This is vague, in that it is not clear whether unbundled parking is the only measure, or whether some other number of strategies will be required. With regards to strategies like transit subsidies or ride-sharing programs, which must be implemented by future developers, there is nothing in this mitigation measure to ensure they will be considered, implemented or monitored. This is insufficient and up-front, specific commitments should be required of project developers.

27-163

The DEIR is replete with statements that action will be required “if feasible.” For example:

- Mitigation Measure Biological Resources 1 limits construction to non-breeding months between September 1 and February 28 “if feasible”. (DEIR, p. S-20);
- Mitigation Measure Biological Resources 2, states that oak trees should “generally” be avoided, but gives no indication of how this general level of avoidance will be measured. (DEIR, p. S-21);
- Mitigation Measure Noise and Vibration 2 requires locating construction equipment as far as feasible from residential structures, but includes a caveat for “still serving the needs of construction contractors,” an exception that is likely to swallow the rule. Similarly, the measure requires the use of quieter sonic pile drivers, but allows considerations of cost effectiveness, again a consideration that contractors will push to use broadly. (DEIR, p. S-31).
- The DEIR air quality analysis defers what the Toxic Air Contaminant assessment requires and how the City will evaluate these assessments.

These activities and mitigation measures should be required.

**ii. Many Studies and Related Mitigation Measures Are Impermissibly Deferred.**

Other mitigation measures are impermissibly deferred and this too violates CEQA. (*See Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94). Guidelines section 15126.4(a)(1)(B) specifically states that “formulation of mitigation measures should not be deferred until some future time.” CEQA requires all mitigation measures for a project to be formulated during the environmental review process so their efficacy can be analyzed in the EIR. (*San Joaquin Raptor Center, supra*, 149 Cal.App.4th 645 at 669-670.) Courts have prohibited the deferral of mitigation measures because “[t]here cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884.)

Deferral of the development of mitigation is only allowable where “specific performance criteria” are required at the “time of project approval,” and alternative methods for meeting those standard are set forth. (*Sacramento Old City Ass’n, supra*, 229 Cal.App.3d at 1029). An agency cannot simply require a project applicant to obtain a future report and then comply with any recommendations that may be made in the report.” (*Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1275; *Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359).



For example, several mitigation measures identified for operational noise impacts (Mitigation Measure Noise and Vibration 1b through 1d) require future acoustical studies for certain projects. (DEIR, pp. 12-14 to 12-14). Although a 45 dB indoor noise level appears to be the performance standard, it is not clearly set forth in the text of the mitigation measures. (*Endangered Habitat League, supra*, 131 Cal. App. 4<sup>th</sup> at 794 [mitigation is insufficient where it commissions a report and directs the applicant follow its recommendations]). Thus, the mitigation does not commit the City to a specific level of mitigation, nor does it set forth a menu of options to achieve compliance, falling short of the standard set forth in *Sacramento Old City Ass'n*. Similarly:

- Mitigation Measure Earth Resources 2 merely requires compliance with a future technical study (DEIR, p. S-19);
- Mitigation Measure Hydrology and Water Quality 1 simply states that “the City of Los Angeles shall require that flood control measures be implemented” (DEIR, p. S-19);
- Mitigation Measure Hydrology and Water Quality 1 requires that the Department of Public Works “must evaluate whether without raising groundwater conditions to such a level that they would adversely affect existing facilities or structures,” but says nothing about what will be done if existing facilities or structures are impacted. No approvals are contingent on meeting an articulated performance standard. (DEIR, p. S-20);
- Mitigation Measure Biological Resources 2 requires preparation of a Tree Report and implementation of the report’s recommended measures, but does not explain what those measures may include. (DEIR, p. S-21 to S-22);
- Mitigation Measure Noise and Vibration 4 requires developers to conduct vibration measurements and analysis demonstrating that FTA Groundborne Vibration Impact Criteria for the proposed land use are not exceeded, but says nothing about what will occur if these criteria cannot be met. (DEIR, p. S-32);
- Mitigation Measure Utilities 4a merely requires the City to “coordinate” with SCGC if Project demands exceed SCGC system capacity, but the EIR provides no indication of what further measures could be needed to serve the Project, nor what the impacts of those measures might be. (DEIR, p. S-36).
- Mitigation Measure Air Quality 2 requires a “Toxic Air Contaminant assessment” for projects within 300 feet of the I-5 and I-110. (Draft EIR, p. 11-21). The DEIR fails to define the contents of or standards of a “Toxic Air Contaminant assessment” and fails to provide any enforceable standards for the document.

**CONCLUSION**

Commenters believe that the CASP can provide a great opportunity to rethink this important part of the City of Los Angeles. However, as currently planned, we remain concerned about a host of impacts that without proper mitigation could result in unintended consequences. The members of SEACA, in addition to our environmental, community, and economic justice allies, desire a place that is healthy and safe to live, work, and go to school. We participate in this process to seek improvements to the plan and EIR to achieve this goal of a more livable community.

Under CEQA, “[t]he EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.” (*NRDC v. City of Los Angeles, supra*, 103 Cal.App.4th at 271). The CASP DEIR fails to provide this environmental price tag to the public and to the City’s decisionmakers. The DEIR should be revised to include additional analysis – and to include analysis of impacts where analysis is absent – as well as to include enforceable mitigation measures that will actually reduce the CASP’s significant impacts. It should then be recirculated for the benefit of the community, decisionmakers, and the Cornfields/Arroyo Seco area environment.

Thank you for your consideration of these comments. We look forward to reviewing the revisions to this draft environmental impact report.

Sincerely,



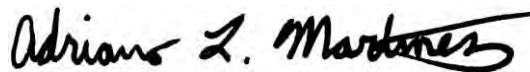
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Cc: LA City Councilmember Ed Reyes, CD 1

# Exhibit A



# Review of the Transportation Element of the Cornfield Arroyo Seco Specific Plan (CASP) and Redevelopment Plan City of Los Angeles, CA



### PRESENTED TO:



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November 22, 2011

# **Review of Transportation Element of Draft EIR**

**Cornfield Arroyo Seco Specific Plan (CASP) and  
Redevelopment Plan (Proposed Alternative)**

**ENV 2009-599-EIR**

**State Clearinghouse No. 2009031002**

**City of Los Angeles, CA**

November 22, 2011



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Minagar & Associates, Inc. is a professional traffic engineering, transportation planning and Intelligent Transportation Systems (ITS) firm headquartered in Irvine, CA. Since its inception in 1993, the firm has completed over 320 traffic engineering/transportation planning and 100 ITS (Intelligent Transportation Systems) projects for both public and private clients in over 16 states. Public agencies have included US DOT, FHWA, US Army Corps of Engineers, Caltrans, numerous Counties and over 73 Cities. Private clients have included Boeing, Lockheed Martin, Chase (formerly Washington Mutual Bank), WalMart, Starbucks, Target, Home Depot, KB Home and 60 others. The firm is the recipient of numerous, local, regional, state, national as well as international awards. The firm was awarded the 2009 ASCE Metropolitan Los Angeles Outstanding Private Sector Civil Engineering Project of the Year. Minagar & Associates, Inc. was also the recipient of the Caltrans 2009 Excellence in Transportation Award, 2007 ASCE Metropolitan Los Angeles Outstanding Public/Private Civil Engineering Project of the Year, APWA's Best Traffic Congestion Mitigation Award in 2005, the PTI's Best Transportation Technology Solutions Award in the United States for the City of Modesto & Caltrans D-10 for the Year 2003, the CA-ITS 2002 Award of Excellence for the Best California Return on Investment project for the City of Modesto & Caltrans D-10 and numerous Awards of Excellence in Service from the Los Angeles County Metropolitan Transportation Authority (Metro) in the years 2011, 2010 & 2000.

### **Fred Minagar, MS, RCE, PE, FITE**



President of Minagar & Associates, Inc. is a recognized national authority in the areas of Intelligent Transportation Systems (ITS), traffic engineering and transportation planning. Mr. Minagar has over 29 years of real world practice and teaching experience. He has engineered, managed and administered over 100 ITS and 320 traffic engineering & transportation planning projects in 16 states across the United States between New York & Hawaii. Mr. Minagar has served as a City Traffic Engineer for 5 cities in Southern California. He has also served as an Expert Witness on over two dozen legal cases in California & Massachusetts. Mr. Minagar has conducted over 120 ITS and traffic engineering workshops for FHWA (Federal Highway Administration), ITE (Institute of Transportation Engineers) National, Caltrans, Los Angeles County Metro, various DOTs, cities and Governments of China & South Korea. He has been a frequent guest speaker at the George Washington University, University of California-Irvine, University of California-Davis, CSU-LA & Caltrans Field Academy. For over 16 years, he has been re-appointed/re-elected as Traffic & Transportation and Planning Commissioner/Chairman for the City of Laguna Niguel, CA. He won the 2002 National Leadership Award. Mr. Minagar has been awarded the United States Congressional Order of Merit 2003 & 2006.



# TABLE OF CONTENTS

**1.0 INTRODUCTION..... 1**

    1.1 - Executive Summary and Context of the DEIR Transportation Element Review ..... 1

    1.2 - Project Location and Description ..... 2

    1.3 - Existing (Year 2009) Conditions ..... 2

        1.3.1 - Regional Access to the Project Study Area ..... 4

        1.3.2 - Local Access..... 5

        1.3.3 - Study Intersections ..... 5

**2.0 DATA COLLECTION ..... 11**

    2.1 - Existing Traffic Data Collection ..... 11

**3.0 TRANSPORTATION IMPACT ANALYSIS ..... 13**

    3.1 - Analysis Methodology ..... 13

    3.2 - Discussion of Transportation Impact Analysis Findings ..... 18

**4.0 LIST OF FINDINGS ..... 23**

**5.0 CONCLUSIONS AND RECOMMENDATIONS ..... 26**

**6.0 SUGGESTED PREFERRED ALTERNATIVE ..... 27**

**7.0 REFERENCES..... 37**



## 1.0 Introduction

### 1.1 Executive Summary and Context of the DEIR Transportation Element Review

The Southeast Asian Community Alliance (SEACA) is a private organization, based in Los Angeles, which encourages community outreach, promotes involvement and provides representation to local neighborhoods to help shape local public policies. Minagar & Associates, Inc. was retained by the SEACA and the Public Counsel to conduct an independent and objective peer review of the Transportation Element within the City of Los Angeles' September 2011 *Draft Environmental Impact Report (DEIR) for the Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan (RP)*. This review consists of an objective technical assessment of the DEIR's currently available public documents and resources, specifically those pertaining to Section 4: Transportation Element, and the accompanying traffic data collection and analysis supplements contained within Appendices 4A and 4B of the DEIR.

The purpose of the CASP/RP Draft EIR is to identify potential environmental impacts associated with the implementation of the *Cornfield Arroyo Seco Specific Plan and Redevelopment Plan*. The DEIR was prepared by Arup North America, a planning/design/consulting firm, and the City's designated prime consultant on the project. The Transportation Element of the DEIR was also prepared by Arup, in association with Fehr & Peers Transportation Consultants, and was reviewed and approved by the Los Angeles Department of Transportation (LADOT). The Transportation Element describes the project team's comprehensive analysis of potential CASP/RP project impacts on the surrounding transportation infrastructure. Areas of concern within this section include issues related to signalized and unsignalized intersection operation, parking, transit operations and facilities, and bicycle and pedestrian facilities within the sphere of influence of the Specific Plan.

27a-1 { The findings of this peer review reveal that the consultant's traffic analysis contains several inconsistencies and/or discrepancies which may understate or otherwise imprecisely report a clear estimation of the project's potential impacts on the surrounding transportation system.  
27a-2 { Furthermore, due to the inaccessibility of the proprietor's (City and Consultant) computer travel demand model, it is uncertain whether the *Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan*, as proposed, might actually result in more, or fewer, significant or less-



than-significant transportation impacts than claimed in this September 2011 DEIR. It is therefore our recommendation that the Transportation Element of the DEIR be revised to reflect correction of the noted deficiencies and/or discrepancies within the Consultant’s traffic analysis before proceeding to the next stage of the environmental review.

27a-2

### 1.2 Project Location and Description

The approximately 660-acre CASP/RP project area is located just northeast of Downtown L.A in the City of Los Angeles, generally centered around the communities of Lincoln Heights, Cypress Park and Chinatown, and near the confluence area of Interstates 5 and 110, the Metrolink Gold Line, and the Los Angeles River. The CASP/RP was originally conceived as a part of the City of Los Angeles’ approved April 2007 *Los Angeles River Revitalization Master Plan*, and has since been developed to serve as a guide for the planned transformation of the CASP area’s existing and predominantly traditional industrial land uses into a new, community-friendly urban landscape. The CASP’s proposed “hybrid” industrial use includes a combination of residential, light industrial, open space/community-type, mixed-use commercial and transit-oriented developments (aka, TODs), as well as provisions to preserve two (2) of the existing residential zoning districts within the southeast quadrant of the Project Area.

Figure 1 shows the vicinity of the CASP project area as defined by the DEIR development team.

### 1.3 Existing (Year 2009) Conditions

The traffic and transportation study for the Cornfield Arroyo-Secco Specific Plan was conducted in the Year 2009, at which time the transportation setting was considered as “Existing” conditions. As described below, both regional and local access to the CASP study area remains relatively unchanged. However, since the Final EIR for the CASP has yet to be prepared and approved, current Year 2011 conditions prevail in the review of the remaining areas of the DEIR’s Transportation Element, such as traffic volumes, pedestrian activity, the current transit system, and existing intersection and roadway lane geometrics as of 2011.

27a-3



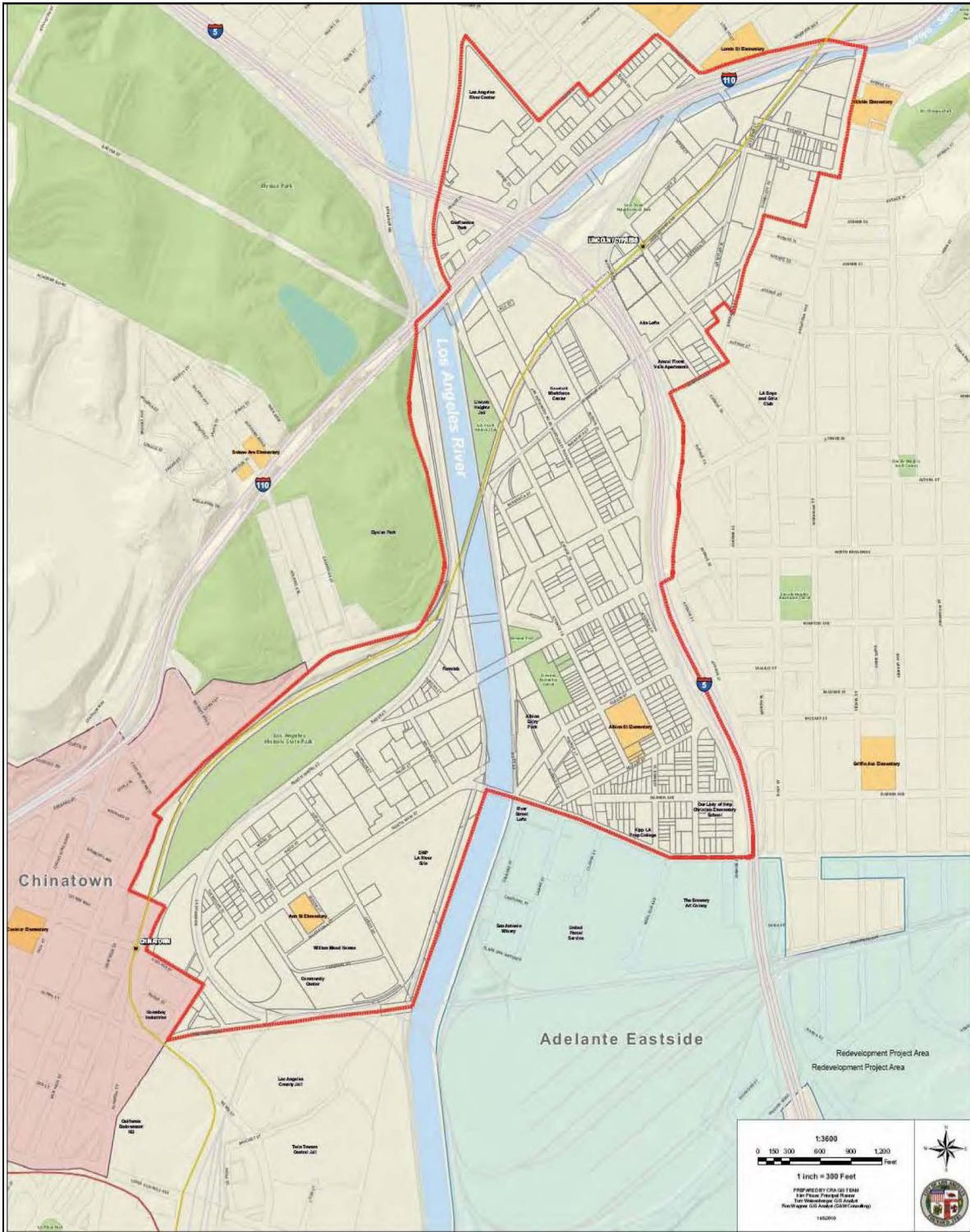


Figure 1 – Cornfield Arroyo Seco Project Area and Vicinity Map

### 1.3.1 Regional Access to the Project Study Area

The CASP area is composed of approximately 660 acres (28,800,000 square feet) of existing Industrial, Commercial, Public and Residential land use near the confluence area of Interstates 5 and 110, the Metrolink Gold Line, and the Los Angeles River. The study area of the Transportation Element is slightly larger than the CASP Project Area itself to account for potential impacts to nearby transportation facilities. Access to this area is generally provided by the Interstate and California State Highway systems, including the following facilities:



- *Interstate 5 (I-5, Golden State Freeway)* provides north-south regional access generally parallel with the Pacific Coast, from Northern and Central California southward to Los Angeles County, and again southward toward the Mexican Border through Orange and San Diego Counties. On- and off-ramp access into and out of the study area includes local interchanges with Daly Street, Mission Road, North Broadway, Pasadena Avenue and West Avenue 26.



- *State Route 110 (SR-110, Pasadena Freeway)* provides north-south regional access between North San Pedro in the Southbay area, northward to the City of South Pasadena in the West San Gabriel Valley. Ramp access to and from SR-110 include local interchanges with Bishop Road/Stadium Way, Figueroa Street, Hill Street, and West Avenue 26.



- *U.S. Route 101 (US-101, Santa Ana Freeway)* is a major north-south U.S. highway which runs along the southern and central California coast. Within the Northwest portion of the greater Los Angeles area, the US-101 Freeway provides north-south access between Los Angeles County communities through East L.A., Downtown L.A. and the San Fernando Valley areas, northwesterly through the Cahuenga Pass and into communities of Ventura County. Ramp access to and from SR-110 include local interchanges with Alameda Street, Commercial Street, Grand Avenue, Pleasant Avenue, Temple Street and Vignes Street.

### 1.3.2 Local Access

Major roads which provide local access into, out from, and throughout the CASP study area are listed below in the following table:

*Table 1  
Summary of Local Access Roads*

Street	Type	Lanes	Direction	Posted Speed Limit
N. Figueroa Street	Major	4	E/W	35
N. Broadway	Major	4	E/W	35
N. Spring Street	Major	4	E/W	30-35
N. Main Street	Secondary	4	E/W	35
San Fernando Road	Secondary	4	N/S	35
Avenue 26	Secondary	4	N/S	35
Daly Street	Secondary	4	N/S	30
S. Avenue 20	Secondary	2	N/S	30
Pasadena Avenue	Secondary	2	N/S	35
N. Avenue 19	Local	2	N/S	30

Source: "Cornfield Arroyo Seco Specific Plan and Redevelopment Plan," DEIR Chapter 4 Transportation

### 1.3.3 Study Intersections

Forty-three (43) separate signalized and unsignalized intersections within and around the project area were analyzed in the traffic study. The selection of study locations was presumably based on prior approved scoping agreements (i.e., MOU) between the City of Los Angeles and the Project Team's traffic consultant. As indicated in the table below, 14 of the 43 study locations are currently unsignalized (i.e., controlled by stop signs and markings at one or more intersections approaches), while the remaining 29 locations are currently signalized.

27a-4



Based on our review of existing intersection configurations and roadway utilization at each of the 43 study intersections, inconsistencies in lane geometries were identified in the traffic data appendices accompanying the DEIR for the following eleven (11) locations:

- Location #2.) North San Fernando Road and North Avenue 19
- Location #5.) West Avenue 26 and SR 110 Southbound Off-Ramp
- Location #12.) North Avenue 19 and Humboldt Street
- Location #14.) North Avenue 18 and Pasadena Avenue
- Location #20.) North Avenue 18 and North Spring Street/North Broadway
- Location #22.) Daly Street and North Broadway
- Location #26.) North Alameda Street and West College Street
- Location #30.) South Avenue 21 and North Main Street
- Location #33.) North Alameda Street and North Main Street/Ord Street
- Location #36.) Mission Road and Griffin Avenue/Zonal Avenue
- Location #38.) State Street and Marengo Street


27a-4

Based on this list of locations with identified inconsistencies between the assumed lane geometrics and actual existing conditions, it is recommended that the traffic analysis be revised to reflect the following changes:

Location #2.) North San Fernando Road and North Avenue 19. As indicated in the DEIR, this intersection was recently modified by the City of Los Angeles, and included the removal and replacement of the previously installed traffic signal with stop-controlled traffic control devices. The "Existing" lane configuration applied in the traffic analysis should be revised to show the following, assuming the Cardinal North direction: [Northbound Through = 1; Northbound Shared Through-Right = 1; Southbound Left = 1; Southbound Through = 2; Westbound Left = 1; Westbound Right = 1]

**Table 2**  
**List of Study Intersections**

No.	Intersection Name	Type	No.	Intersection Name	Type
1)	N San Fernando Rd. & W Ave. 26		23)	Wilhardt St. & N Spring St.	
2)	N San Fernando Rd. & N Ave. 19		24)	S Ave. 20 & Albion St.	
3)	N Figueroa St. & SR-110 NB Off-Ramp/ SR-110 SB On-Ramp		25)	N Broadway & W College St.	
4)	W Ave. 26 & N Figueroa St.		26)	N Alameda St. & W College St.	
5)	W Ave. 26 & SR-110 SB Off-Ramp		27)	Wilhardt St. & N Main St.	
6)	N San Fernando Rd. & Riverside Drive/ N Figueroa St.		28)	Albion St. & N Main St.	
7)	N San Fernando Rd. & SR-110 NB On-Ramp		29)	S Ave. 20 & N Main St.	
8)	W Ave. 26 & I-5 SB On-Ramp		30)	S Ave. 21 & N Main St.	
9)	W Ave. 26 & SR-110 NB On-Ramp		31)	Daly St. & N Main St.	
10)	W Ave. 26 & I-5 NB Off-Ramp/Lacy St.		32)	N Main St. & W College St.	
11)	W Ave. 26 & Humboldt St.		33)	N Alameda St. & N Main St./Ord St.	
12)	N Ave. 19 & Humboldt St.		34)	Mission Rd. & Cesar E. Chavez Ave.	
13)	N San Fernando Rd. & Humboldt St.		35)	Mission Rd. & Daly St./Marengo St.	
14)	N Ave. 18 & Pasadena Ave.		36)	Mission Rd. & Griffin Ave./ Zonal Ave.	
15)	N San Fernando Rd./ S Ave. 20 & Pasadena Ave.		37)	Mission Rd. & Valley Boulevard	
16)	I-5 SB On- & Off-Ramps/N Ave. 20 & Pasadena Ave.		38)	State St. & Marengo St.	
17)	I-5 NB On-Ramp/ N Ave. 21 & Pasadena Ave.		39)	Hope St./SR-110 & SR-101 SB Off- Ramps & Temple St.	
18)	W Ave. 26/Daly St. & Pasadena Ave.		40)	Grand Ave. & Cesar E. Chavez Ave.	
19)	N Broadway & Pasadena Ave.		41)	N Broadway & Cesar E. Chavez Ave.	
20)	N Ave. 18 & N Spring St./N Broadway		42)	Hill St. & Alpine Ave.	
21)	S Ave. 20 & N Broadway		43)	N Broadway & Alpine Ave.	
22)	Daly St. & N Broadway				

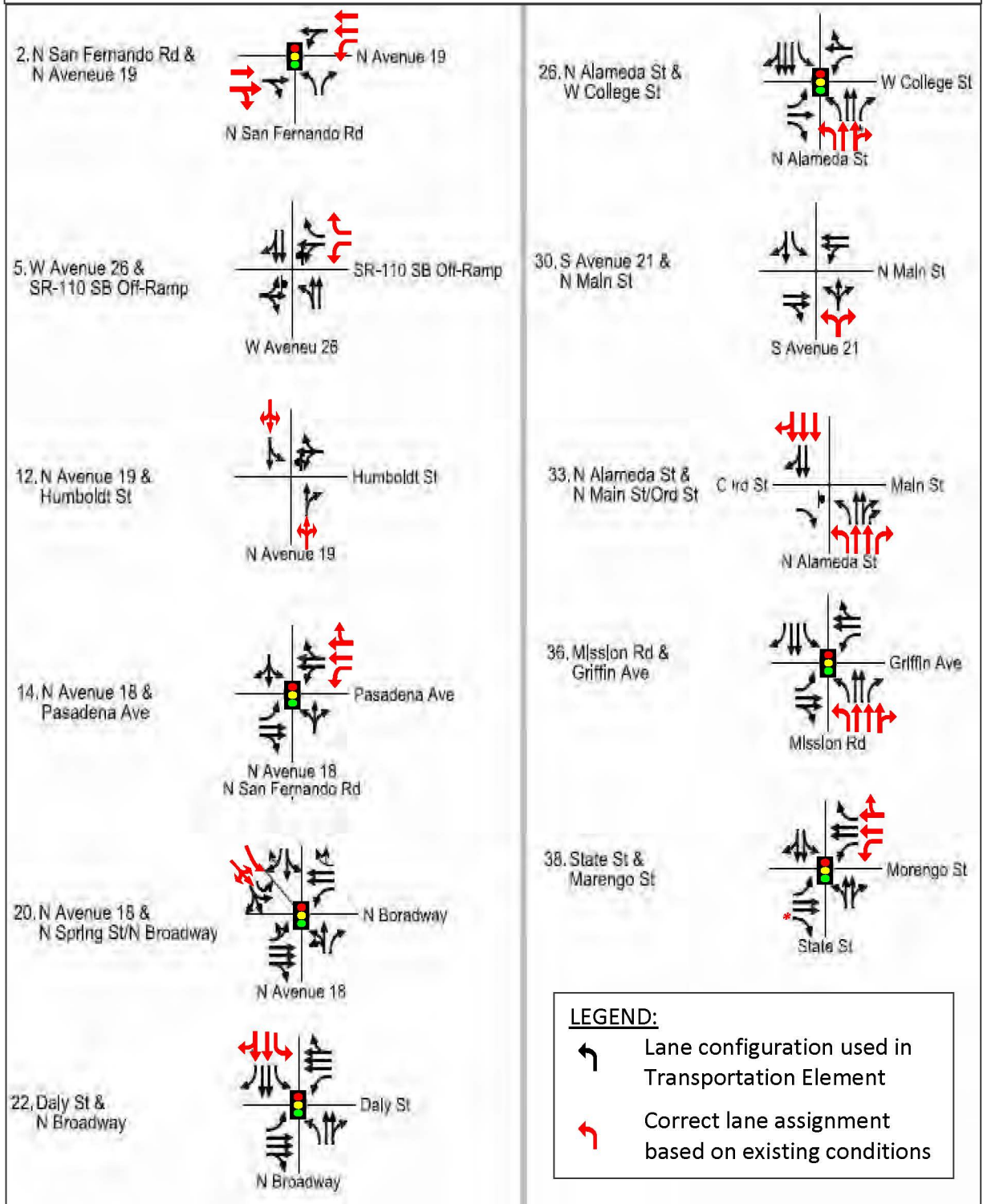
: Stop-controlled on one or more approaches

: Signalized intersection

27a-4



Figure 2 – Corrections to Intersection Lane Geometries (shown in red)



27a-4

Location #5.) West Avenue 26 and SR 110 Southbound Off-Ramp. Based on the Consultant's intersection turning movement counts, westbound vehicles exiting the freeway ramp were observed to continue through the intersection and into the driveway on the opposite side of Avenue 26 (4 in the AM peak hour, 7 in the PM peak hour), despite westbound through movements being prohibited by the current lane striping. Under future conditions, it should be assumed that corrective measures are in place such that vehicles are not encouraged to continue straight through the intersection; therefore, under Cumulative Year 2035 (Plus Project) Conditions, the westbound lane configuration applied in the traffic analysis should be updated from [Left-Through = 1; Right = 1] to [Exclusive Left = 1; Exclusive Right = 1].

Location #12.) North Avenue 19 and Humboldt Street. A review of intersection operations show that no traffic control are in place which prohibit turning movements in and out of the existing driveway located on the west leg of the intersection. The traffic analysis should be update from [Northbound Shared Through-Right = 1; Southbound Shared Left-Through = 1] to [Northbound Shared Left-Through-Right = 1; Southbound Shared Left-Through-Right = 1].

Location #14.) North Avenue 18 and Pasadena Avenue. Lane geometrics used in the traffic analysis should be revised from [Westbound Shared Left-Through = 1; Westbound Shared Through-Right = 1] to [Westbound Left = 1; Westbound Through = 1; Westbound Shared Through-Right = 1].

Location #20.) North Avenue 18 and North Spring Street/North Broadway. Based on the available movement for southeast-bound vehicles in the left hand lane to continue left onto North Broadway, lane geometrics used in the traffic analysis should be revised from [Southeast Hard-Left = 1; Southeast Shared Left-Through-Right = 1] to [Southeast Shared Hard-Left—Left; Southeast Shared Left-Through-Right].

Location #22.) Daly Street and North Broadway. Based on LADOT's analysis requirements, the presence of the Metro Fixed Route bus stop at the northwest corner of the intersection precludes the consideration of a de-facto lane on this approach due to the frequent use of this space for transit activities during peak hours. In addition, LOS worksheets attached in the appendix section indicate that eastbound lane configurations used in the analysis are inconsistent with those illustrated in the Consultant's lane chart diagrams. Lane geometrics used in the traffic analysis should therefore be revised from [Southbound Left = 1; Southbound

27a-4

Through = 2; Southbound Right = 1; Eastbound Left = 1; Eastbound Through = 3; Eastbound Right = 1] to [Southbound Left = 1; Southbound Through = 1; Southbound Shared Through-Right = 1; Eastbound Left = 1; Eastbound Through = 2; Eastbound Shared Through-Right = 1].

Location #26.) North Alameda Street and West College Street. Based on LADOT's analysis requirements, the presence of the Metro Fixed Route bus stop at the southeast corner of the intersection precludes the consideration of a de-facto lane on this approach due to the frequent use of this space for transit activities during peak hours. Lane geometrics used in the traffic analysis should be revised from [Northbound Left = 1; Northbound Through = 2; Northbound Right = 1] to [Northbound Left = 1; Northbound Through = 1; Northbound Shared Through-Right = 1].

Location #30.) South Avenue 21 and North Main Street. The southbound approach at this intersection is a one-way street; therefore, the lane geometrics used in the traffic analysis should be revised from [Northbound Shared Left-Through-Right = 1] to [Northbound Shared Left-Right = 1].

Location #33.) North Alameda Street and North Main Street/Ord Street. Lane geometrics used in the traffic analysis should be revised from [Northbound Left = 1; Northbound Through = 1; Northbound Shared Through-Right = 1; Northbound Right = 1; Southbound Through = 1; Southbound Shared Through-Right = 1] to [Northbound Left = 1; Northbound Through = 2; Northbound Right = 1; Southbound Through = 2; Southbound Right = 1].

Location #36.) Mission Road and Griffin Avenue/Zonal Avenue. There are no traffic controls in place which prohibit vehicles in the curb lane from continuing straight through the intersection; therefore, the lane geometrics used in the traffic analysis should be revised from [Northbound Left = 1; Northbound Through = 2; Northbound Right = 1] to [Northbound Left = 1; Northbound Through = 2; Northbound Shared Through-Right = 1].

Location #38.) State Street and Marengo Street. Based on LADOT's analysis requirements, the presence of the Metro Fixed Route bus stop at the northeast corner of the intersection precludes the consideration of a de-facto lane on this approach due to the frequent use of this space for transit activities during peak hours. In addition, based on the surrounding land use there it is expected that pedestrian traffic on the east leg of the intersection is sufficiently high

27a-4



27a-4 to also preclude this consideration. Lane charts provided in the appendix should also clearly identify the eastbound right-turn de-facto lane with an asterisk (\*).

27a-5 In addition to the above corrections, applied peak hour factors (PHF) at each of the following unsignalized intersections should be revised from 1.00 to field-derived PHF values to account for potentially significant traffic demand fluctuations in the AM and PM peak hours observed and used in the Level of Service analyses:

- Location #5.) West Avenue 26 and SR 110 Southbound Off-Ramp
- Location #7.) North San Fernando Road and SR 110 Northbound On-Ramp
- Location #8.) West Avenue 26 and I-5 Southbound On-Ramp
- Location #9.) West Avenue 26 and SR 110 Northbound On-Ramp
- Location #11.) West Avenue 26 and Humboldt Street
- Location #12.) North Avenue 19 and Humboldt Street
- Location #23.) Wilhardt Street and North Spring Street
- Location #24.) South Avenue 20 and Albion Street
- Location #27.) Wilhardt Street and North Main Street
- Location #28.) Albion Street and North Main Street
- Location #30.) South Avenue 21 and North Main Street
- Location #32.) North Main Street and West College Street
- Location #33.) North Alameda Street and North Main Street/Ord Street

## 2.0 Data Collection

### 2.1 “Existing Year 2009” Traffic Data Collection

Based on a review of traffic data provided in Appendix 4A of the DEIR, traffic counts were collected from a variety of sources and time periods. Most of the data used in the ensuing traffic analysis were field-collected by the Project Team’s traffic own consultant in the “Existing” Year 2009. However, some intersection turning movement traffic counts were obtained using the City’s then-available records collected by LADOT or other private companies. Traffic counts which were not current during the time of the study were later adjusted by a 1% annual ambient growth rate to “match” the Existing 2009 baseline conditions.

In accordance with the City of Los Angeles' prevailing Traffic Study Policies & Procedures (TSPP) Minagar & Associates, Inc. staff conducted a comprehensive verification effort to confirm that all counts used in the traffic analysis were collected in accordance with the following parameters:

- During typical peak hour periods (i.e., 7:00 to 10:00 a.m., and 3:00 to 6:00 p.m.);
- During typical weekdays (i.e., Tuesday-Thursday, no construction activity or detours);
- Outside of weeks with major U.S. holidays;
- During non-summer months;
- During good/clear weather conditions; and
- During active sessions of local schools and colleges as appropriate.

The results of this effort are described below and shown in Table 3.

Observations of the data summarized in Table 3 indicate that some of the turning movement counts were collected on intervals of insufficient length. The City of Los Angeles' former March 2002 Traffic Impact Analysis (TIA) Policies and Procedures required that morning and afternoon counts be collected during the 7<sub>AM</sub>-9<sub>AM</sub> and 4<sub>PM</sub>-6<sub>PM</sub> peak periods; however, recently revised August 2011 TIA requirements call for this window to be expanded by one hour during each time-of-day (AM and PM), to 7<sub>AM</sub>-10<sub>AM</sub> and 3<sub>PM</sub>-6<sub>PM</sub>. Although it is recognized that the City's new traffic count time frame collection requirements were not in effect at the time of the DEIR's traffic study preparation, it is nonetheless advocated that the full four-hour time frames be reflected during at each location to ensure that vehicular peak hours are not occurring outside of the surveyed traffic count period, such as during the typical 3<sub>PM</sub>-4<sub>PM</sub> "rush hour" at locations in close proximity to grade schools.

27a-6

Turning movement count data collected prior to the Year 2007 should also have been disregarded and updated with new field data at the time of the traffic analysis. Furthermore, three counts in particular, taken on 01/20/05, should be disregarded and updated due to having fallen on the week of Martin Luther King Jr. Day, which is a designated national holiday. Other traffic volume data collection requirements, such as non-summer month survey periods and the required absence of inclement weather conditions were found to be adequately met.


27a-7

27a-8

Table 3

*Summary of Traffic Count Data*

No.	Year of Count	Day	Date	AM	PM
1)	2009	Thu	3/26	7-9	4-6
2)	2009	Thu	3/26	7-9	4-6
3)	2009	Thu	3/26	7-9	4-6
4)	2009	Thu	3/26	7-9	4-6
5)	2009	Thu	3/26	7-9	4-6
6)	2009	Thu	3/26	7-9	4-6
7)	2009	Wed	4/1	7-9	4-6
8)	2009	Thu	3/26	7-9	4-6
9)	2009	Thu	3/26	7-9	4-6
10)	2009	Thu	3/26	7-9	4-6
11)	2009	Wed	4/1	7-9	4-6
12)	2009	Wed	4/1	7-9	4-6
13)	2009	Wed	4/1	7-9	4-6
14)	2009	Wed	4/1	7-9	4-6
15)	2009	Wed	4/1	7-9	4-6
16)	2009	Tue	4/14	7-9	4-6
17)	2009	Wed	4/1	7-9	4-6
18)	2009	Thu	3/26	7-9	4-6
19)	2007	Wed	11/7	7-9	4-6
20)	2009	Thu	3/26	7-9	4-6
21)	2009	Wed	4/1	7-9	4-6
22)	2009	Tue	4/14	7-9	4-6
23)	2009	Thu	4/2	7-9	4-6
24)	2009	Thu	4/2	7-9	4-6
25)	2007	Wed	11/7	7-9	4-6
26)	2009	Thu	4/2	7-9	4-6
27)	2009	Thu	4/2	7-9	4-6
28)	2009	Thu	4/2	7-9	4-6
29)	2009	Thu	4/2	7-9	4-6
30)	2009	Thu	4/2	7-9	4-6
31)	2009	Thu	4/2	7-9	4-6
32)	2009	Thu	4/2	7-9	4-6
33)	2009	Thu	4/2	7-9	4-6
34)	2009	Wed	10/7	7-10	3-6
35)	2009	Tue	3/17	7-10	3-6
	2005	Thu	4/21	7-10	3-6
36)	2009	Fri	3/20	7-10	3-6
	2002	Thu	4/18	7-10	3-6
37)	2002	Tue	10/22	7-10	3-6
38)	2009	Thu	9/17	7-9	3-6
39)	2005	Thu	1/20	7-9	4-6
40)	2005	Thu	1/20	7-9	4-6
41)	2005	Thu	1/20	7-9	4-6
42)	2005	Wed	3/16	7-9	4-6
43)	2005	Thu	3/17	7-9	4-6

 = Contributing factor to inadequate traffic count data

### 3.0 Transportation Impact Analysis

#### 3.1 Analysis Methodology

The Transportation Element of the DEIR summarizes the Project Team’s analysis of the CASP’s potential long-range traffic impacts to the surrounding affected transportation system. The analysis of project impacts is generally separated into three components, to account for the various travel modes:

- 1) Project-generated traffic impacts on the vehicular roadway and intersection system;
- 2) Project impacts to the transit system; and
- 3) Project impacts to the pedestrian and bicycle network

Criteria for determining if a project is expected to cause a "significant impact" to one or more transportation facilities—and thus subject to addressing the need for providing mitigation measures—are based on the guidelines of the *California Environmental Quality Act* (CEQA). In the City of Los Angeles, CEQA's guidelines are proliferated through the Department of Transportation's (LADOT) traffic impact criteria and significance thresholds, as well as the County of Los Angeles' Congestion Management Program (CMP).

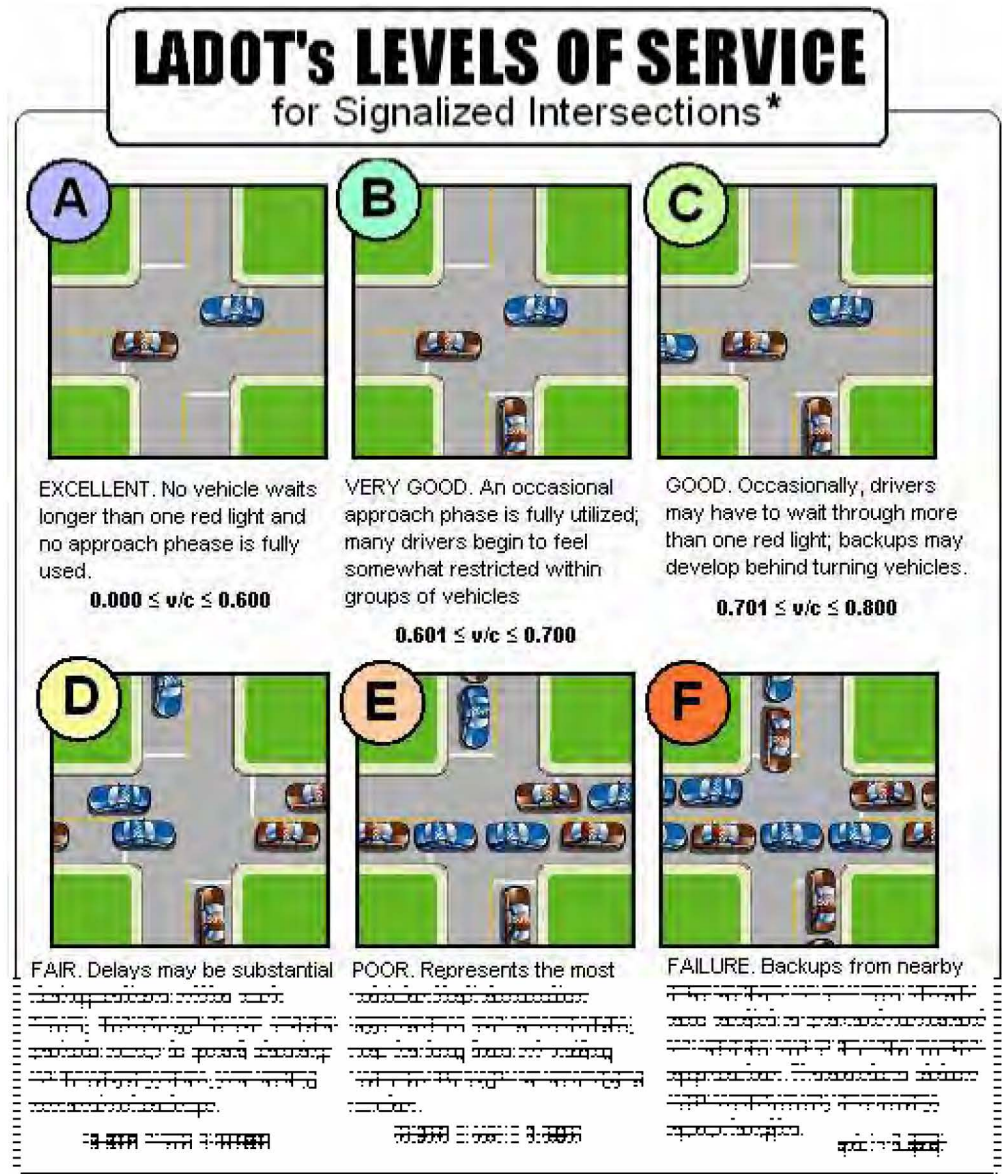
Measurement of the significant transportation impacts generated by the development of the Cornfield Arroyo Seco Specific Plan and Redevelopment Plan is therefore determined in the following ways:

- Transit System: Project impacts are considered significant if implementing the CASP/RP, as proposed, will disrupt or interfere with existing or planned transit operations or transit facilities;
- Bicycle/Pedestrian System: Project impacts are considered significant if implementing the CASP/RP, as proposed, will disrupt or interfere with existing or planned bicycle or pedestrian facilities.
- Intersection and Roadway System: Project-generated traffic impacts on the surrounding intersection and roadway network are considered significant if the said facilities exceed Level of Service (LOS) performance standards as defined by the City of Los Angeles, below:
  - ***Signalized Intersections***:
    - The Final LOS of the intersection or roadway segment (i.e., with the proposed CASP/RP alternative) is "C," and the project-related increase in V/C is 0.040 (4%) or greater; OR
    - The Final LOS of the intersection or roadway segment is "D," and the project-related increase in V/C is 0.020 (2%) or greater; OR
    - The Final LOS of the intersection or roadway segment is "E" or "F," and the project-related increase in V/C is 0.010 (1%) or greater;

Where the following LOS thresholds described in Figure 3, below, apply:



Figure 3



Source: Transportation Research Board, *Interim Materials on Highway Capacity*, TRB No. 212, Jan. 1980

○ **Unsignalized Intersections:**

- As a matter of City-adopted TIA standards, significant impact analyses for unsignalized intersections are not required. Instead, intersections forecasted to operate at a build-out LOS “E” or “F” should be assessed for the potential to install a traffic signal or other traffic control device at the intersection. Level of Service thresholds are based on the Highway Capacity Manual (HCM) methods for stop-controlled intersections, shown below:

**LEVEL OF SERVICE (LOS) DEFINITIONS FOR TWO-WAY AND ALL-WAY STOP-CONTROLLED INTERSECTIONS**

LOS	Average Vehicle Delay (seconds)
A	0.0 - 5.0
B	5.1 - 10.0
C	10.1 - 20.0
D	20.1 - 30.0
E	30.1 - 45.0
F	> 45.0

Source: TRB, Highway Capacity Manual, Special Report 209, Third Edition, 1994.

○ **Residential Street Segments:**

- The increase in project-related average daily traffic (ADT) on the local residential street falls into one of the following increments:

Projected ADT with Project (Final ADT)	Project-Related Increase In ADT
0 to 999	120 or more
1,000 to 1,999	12 percent or more of final ADT
2,000 or 2,999	10 percent or more of final ADT
3,000 or more	8 percent or more of final ADT

○ **Congestion Management Program (CMP) Locations:**

- At locations designated as part of the Los Angeles County CMP network, significant project impacts are considered if the project increases traffic demand on a CMP facility (i.e., one of the five freeway segment identified by the DEIR) by 2% percent of its capacity ( $\Delta v/c \geq +0.02$ ) and causes or worsens LOS “F” ( $v/c > 1.00$ ) conditions during the AM and/or PM peak hours. LOS thresholds for freeway segments are as follows:

**LEVELS OF SERVICE (LOS) FOR FREEWAY SEGMENTS**

Level of Service (LOS)	Demand to Capacity (D/C) Ratio	Service Rating	Flow Conditions
A	0.00 – 0.35	Good	Operating speed of 55+ mph. No delay. Highest quality of service. Free traffic flow, low volumes and densities. Little or no restriction on maneuverability or speed.
B	>0.35 – 0.54	Good	Operating speed of 50 mph. Minimal delay. Stable traffic flow, speed becoming slightly restricted. Low restriction on maneuverability.
C	>0.54 – 0.77	Adequate	Operating speed of 45 mph. Minimal delay. Stable traffic flow, but less freedom to select speed, change lanes, or pass. Density increasing.
D	>0.77 – 0.95	Adequate	Operating speed of 40 mph. Minimal delay. Approaching unstable flow. Speed tolerable but subject to sudden and considerable variation. Less maneuverability and driver comfort.
E	>0.93 – 1.000	Poor	Operating speed of 35 mph. Significant delays. Unstable traffic flow with rapidly fluctuating speeds and flow rates. Short headways, low maneuverability and low driver comfort.
F	>1.000	Poor	Operating speed up to 20 mph. Considerable delays. Forced traffic flow. Speed and flow may drop to zero with high densities.

Source: Adapted from CMP for Los Angeles County, LACMTA, 2004





### 3.2 Discussion of Transportation Impact Analysis Findings

The Transportation Element of the DEIR summarizes the Consultant’s analysis of the CASP’s potential long-range traffic impacts to the surrounding affected transportation system. The Section primarily focuses on identifying and mitigating significant traffic impacts estimated to occur at the forty-three (43) signalized and unsignalized study intersections within the study area, as a result of the full development of the proposed CASP/RP alternative in the Year 2035. Level of Service (LOS) determinations were determined based on LADOT’s required use of the CMA method and its internally-developed *CalcaDB* LOS worksheets.

The results of the traffic study are substantiated by supporting data of the consultant’s model runs and a comprehensive validation/calibration effort conducted in cooperation with LADOT, as documented in the attached Appendix. With the exception of intersection capacity analyses which should be reanalyzed to reflect corrections to peak traffic volumes and/or intersection lane geometries as described in the above sections of this review, the methodology used in the traffic analysis and impact significance assessment is considered appropriate. Other discussion summaries pertaining to the pedestrian and bicycle network, emergency access and circulation are considered acceptable and complete in addressing potential project impacts.

27a-9

It is our opinion, however, that two items within this section were not sufficiently addressed and/or given proper supporting documentation: 1) The project’s potential traffic impact on affected CMP facilities, and 2) Potential project impacts to transit system.

Section 4.3.2.4 (“Congestion Management Program Analysis”) describes the results of analyzing the potential regional impacts of project traffic on the surrounding freeway system serving the Project Area. Five (5) freeway segment facilities within the L.A. County CMP were properly identified, along the County’s LOS thresholds and significance criteria. The text indicates that, after comparing the difference in traffic volumes under “Without Project” and “With Project” scenarios, the Proposed CASP/RP Alternative would not result in any significant impacts on the adjacent freeway segments during the AM and PM peak hours.

27a-10

Supporting documentation for the above findings are referenced as Appendix 4D in the DEIR’s attachments. However, upon review of existing information, it was determined that Appendix 4D has omitted the Level of Service results from the table provided in the appendix, as shown

27a-11



below. It is therefore recommended that the CMP analysis results contained within Appendix 4D be provided in full for public review to verify that L.A. County CMP requirements have been sufficiently met and that the project indeed produces no significant impacts upon the surrounding freeway network system.

Figure 4: Congestion Management Program (CMP) Analysis Results provided in the DEIR's Technical Appendix

Postmile	Route	Segment	Existing Capacity	Year 2035 Capacity	Existing Counts		Existing V/C & LOS				Total Volume Change	
					AM	PM	AM	PM	AM	PM	AM	PM
21.80	5 NB	Stadium Way	10,000	10,000	9,206	12,600	0.921	E	1.260	F(1)	<150	<150
21.80	5 SB	Stadium Way	10,000	10,000	13,800	10,353	1.360	F(2)	1.035	F(0)	<150	<150
19.67	10 EB	at East LA City Limit	12,000	12,000	6,816	12,120	0.552	C	1.010	F(0)	<150	<150
19.67	10 WB	at East LA City Limit	12,000	12,000	11,100	8,379	0.925	E	0.740	C	135	152
23.50	110 NB	s/o Rte 101	6,000	6,000	8,121	11,771	1.015	F(0)	1.471	F(3)	<150	<150
23.50	110 SB	s/o Rte 101	6,000	6,000	10,913	10,913	1.364	F(2)	1.364	F(2)	<150	<150
23.96	110 NB	at Alpine St	6,000	6,000	4,818	8,648	0.770	C	1.475	F(3)	<150	<150
23.96	110 SB	at Alpine St	6,000	6,000	8,242	8,242	1.374	F(2)	1.374	F(2)	<150	<150
26.50	110 NB	at Pasadena Ave.	6,000	6,000	3,194	6,012	0.532	C	1.002	F(0)	<150	<150
26.50	110 SB	at Pasadena Ave.	6,000	6,000	8,176	3,814	1.363	F(2)	0.636	C	<150	<150

Postmile	Route	Segment	Year 2035 with Project Forecast		Year 2035 V/C & LOS		Year 2035 With Project V/C & LOS				V/C Delta		Plus Project Impact?			
			AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM		
21.80	5 NB	Stadium Way														
21.80	5 SB	Stadium Way														
19.67	10 EB	at East LA City Limit														
19.67	10 WB	at East LA City Limit	12,199	8,918	1.005	F(0)	0.731	C	1.017	F(0)	0.743	C	0.011	0.013	NO	NO
23.50	110 NB	s/o Rte 101														
23.50	110 SB	s/o Rte 101														
23.96	110 NB	at Alpine St														
23.96	110 SB	at Alpine St														
26.50	110 NB	at Pasadena Ave.														
26.50	110 SB	at Pasadena Ave.														

Section 4.3.2.2 of the Transportation Element describes impacts which are deemed by DEIR to be "Less Than Significant." The first subsection relating to the surrounding transit system maintains that project impacts to transit facilities will be less than significant due to the CASP/RP's proposed public transit improvements. These improvements are reportedly intended to encourage and facilitate transit ridership and include the following built-in requirements:

- 1.) That all projects to provide visible and accessible information to the public regarding local transit services;
- 2.) For buildings located on a retail strip to designate at least 3/4 of its ground floor frontage for retail and community serving uses;
- 3.) For buildings located on a planned "Active Street," to designate at least 50% of its ground floor frontage for "active" uses such as retail, cultural, professional

27a-11



- office, live/work units, residential units with street access, recreation and meeting rooms, lobbies, sales areas, or common rooms;
- 4.) For buildings located on a planned "Active Industrial Street," to designate at least 25% of its ground floor frontage for "active" uses such as lobby or sales areas, retail, professional office, and/or meeting rooms; and
  - 5.) For painted ladder or white zebra-striped crosswalks to be installed at all intersections located on planned Major Class II, Modified Secondary and/or Collector streets.

For developments such as the CASP/RP Proposed Alternative where the likelihood of knowing specific project details is typically low, CEQA requirements allow for impact analyses to adopt a more generalized level for the project area, rather than for specific transit lines. In such cases, the above summary of project benefits should be adequate; however, it is seen from Chapter 3 of the DEIR that the CASP proposes specific land uses with anticipated square footages, locations, and estimated housing, population and employment figures.

Therefore, based on these available forecasts, it is recommended that the DEIR utilize this information to provide a more comprehensive analysis to address the potential for the CASP/RP to generate a significant level of additional transit passengers on the available transit capacity. Although permanent transit system capacity impacts are typically evaluated after project completion, the need for addressing the CASP's potential impacts is of particular relevance when considering that the Plan includes a substantial transit-oriented component as part of its proposed alternative. Specifically, it is suggested that the Transportation Element use the results of its transportation demand model and traffic analysis to identify the estimated number of daily and peak hour trips to be generated by the fully-developed CASP/RP, and include a mode split analysis to determine the number of transit trips expected.

27a-12

In addition, we also recommend that for signalized study locations located near adjacent railroad crossings and/or contain existing bus stops/pads at one or more intersections corners, and are also forecast to experience a future LOS "E" or "F" under the Proposed Alternative (Year 2035) conditions, the DEIR should address ways in which the project will improve the circulation and accessibility of local fixed buses during oversaturated peak hour intersection conditions.

27a-13



### 3.3 Analysis of Vehicle-Miles Traveled (VMT)

Section 4.3.2.3 of the DEIR describes the Consultant's analysis process of estimating and assigning project-related trips to the locally validated version of SCAG's 2008 RTIP Model. In summary, the results of the DEIR's VMT analysis conclude that although the Project would result in a 7% increase in Project-related VMT within the CASP project area itself, from a larger, regional scope the Project is actually anticipated to generate a decrease in Total VMT by 0.26% cumulatively on Los Angeles County Roadways. The data representing the DEIR's assertion is summarized below:

*Change in VMT due to the fully-developed Project, compared with "No Project" conditions  
(Cumulative Year 2035)*

- Within CASP Project Area:
  - +159,000 VMT
  - Percent Change: +6.78% in VMT
  
- On LA County Roadways:
  - -296,000 VMT
  - Percent Change: -0.26% in VMT

In reviewing the Transportation Element and accompanying traffic data provided in Appendix 4 of the DEIR, we were unable to assess or determine the validity of the conclusions set forth in this section due to the DEIR's lack of available supporting data for its assertions. In particular, the data tables in this section reference a 2010 study not included in the DEIR or within any other available resource. It is therefore our recommendation that the DEIR provide the appropriate supporting evidence, within the appendix if needed, with regard to the VMT analysis of the CASP. Technical data and/or reports should describe and tabulate:

- 1.) How in/out project-related trips were estimated, including geographic and network factors, socioeconomic modeling parameters, modal splits and trip generation estimates and assumptions employed in the transportation demand model (TDM); and
- 2.) Include a detailed summary of results and speed-VMT distributions for Los Angeles County, including those results reported in Tables 4-8 and 4-9 of the DEIR.

27a-14



## 4.0 List of Findings

Minagar & Associates, Inc. has completed its review of the September 2011 Transportation Element (Chapter 4) of the DEIR for the Cornfield Arroyo Seco Specific Plan and Redevelopment Plan (CASP/RP) and accompanying traffic data. As described in detail in the foregoing sections, this independent and objective assessment was prepared by addressing all of the existing available information and resources provided to the public by the City of Los Angeles for the CASP/RP. Based on this review, it is concluded that the Transportation Element of the DEIR, as presented, is inadequate due to following 83 items listed in the synopsis below:

- 4-1. Partial Compliance With *LADOT Traffic Study Policies & Procedures (TSPP) Revised March 2002*
  - Missing relevant dated maps, including:
    - [1]       ▪ Map #4: Map of existing average daily traffic (ADT) for study intersections and street segments. Manual traffic volume counts “presented in the standard LADOT format depicting turning movement volumes exactly as shown in Attachment ‘H’” of the document. 27a-15
    - [2]       ▪ Map #9: Full map(s) showing future traffic volumes generated by the project; in the case of the CASP, this should include the relative change in traffic volumes—whether by increase or decrease—at each intersection in accordance with the Consultant’s traffic model results, for logical understanding of project impacts at each intersection under Cumulative conditions.
  - Insufficient evidence that “affected transit operators (e.g., Metro) received “Notice of Preparation.” 27a-16
- 4-2. Lane geometries at the eleven (11) locations, as identified in the traffic data appendices accompanying the DEIR, are inconsistent with actual field conditions and will produce different Level of Service values. It is recommended that LOS calculations be revised for the following intersections to reflect the corrections described in Section 1.3.3 of this review document:
  - 41       ○ Location #2.) North San Fernando Road and North Avenue 19 27a-17

- [5] ○ Location #5.) West Avenue 26 and SR 110 Southbound Off-Ramp
- [6] ○ Location #12.) North Avenue 19 and Humboldt Street
- [7] ○ Location #14.) North Avenue 18 and Pasadena Avenue
- [8] ○ Location #20.) North Avenue 18 and North Spring Street/North Broadway
- [9] ○ Location #22.) Daly Street and North Broadway
- [10] ○ Location #26.) North Alameda Street and West College Street
- [11] ○ Location #30.) South Avenue 21 and North Main Street
- [12] ○ Location #33.) North Alameda Street and North Main Street/Ord Street
- [13] ○ Location #36.) Mission Road and Griffin Avenue/Zonal Avenue
- [14] ○ Location #38.) State Street and Marengo Street

- 4-3. Peak hour factors (PHF) at each of the following 13 unsignalized intersections should be revised from 1.00 to field-derived PHF values to account for potentially significant traffic demand fluctuations in the AM and PM peak hours observed and used in the Level of Service analyses:

- [15] ○ Location #5.) West Avenue 26 and SR 110 Southbound Off-Ramp
- [16] ○ Location #7.) North San Fernando Road and SR 110 Northbound On-Ramp
- [17] ○ Location #8.) West Avenue 26 and I-5 Southbound On-Ramp
- [18] ○ Location #9.) West Avenue 26 and SR 110 Northbound On-Ramp
- [19] ○ Location #11.) West Avenue 26 and Humboldt Street
- [20] ○ Location #12.) North Avenue 19 and Humboldt Street
- [21] ○ Location #23.) Wilhardt Street and North Spring Street
- [22] ○ Location #24.) South Avenue 20 and Albion Street
- [23] ○ Location #27.) Wilhardt Street and North Main Street
- [24] ○ Location #28.) Albion Street and North Main Street
- [25] ○ Location #30.) South Avenue 21 and North Main Street
- [26] ○ Location #32.) North Main Street and West College Street
- [27] ○ Location #33.) North Alameda Street and North Main Street/Ord Street

- 4-4. Intersection turning movement traffic counts collected at 37 of the 43 locations (listed in Section 1.3.3, above) include peak period intervals between 7-9 a.m. and 4-6 p.m. Per LADOT's TIA Preparation requirements, these intervals should include morning and afternoon hours of 7-10 a.m. and 3-6 p.m. to ensure that vehicular peak hours are not occurring outside of the surveyed traffic count period.

- [65] through [72] • 4-5. Turning movement count data collected prior to the Year 2007 (8 locations) should be disregarded and updated with new field data for use in revised LOS analyses for each intersection. } 27a-20
- [73] through [75] • 4-5. Turning movement count data collected during weeks with designated U.S. National Holidays (3 locations) should be disregarded and updated with new field data for use in revised LOS analyses for each intersection. } 27a-21
- [76] • 4-7. The DEIR's traffic analysis does not provide a residential street segment analysis in accordance with LADOT's guidelines. At a minimum, the Transportation Element should identify on a diagram the existing average daily traffic (ADT) levels along major, secondary and local study routes through the Project Area. Due to the non-residential component of the CASP, in addition to the potential for "cut-through" traffic as a result of Project's location near congested areas of Downtown L.A. during peak hour, the study should address said impacts. Specifically, the DEIR should indicate how the CASP plans to mitigate the potential diversion of motorists through local residential streets. } 27a-22
- [77] through [80] • 4-8. In justifying Less-Than-Significant project impacts on Los Angeles County CMP facilities, Section 4.3.2.4 ("Congestion Management Program Analysis") references Appendix 4D in the DEIR's attachments. However, Appendix 4D has omitted the Level of Service results for 4 out of the 5 CMP locations. It is therefore recommended that Appendix 4D be provided in full for public review to verify that L.A. County CMP requirements have been sufficiently met and that the project indeed produces no significant impacts upon the surrounding freeway network system. } 27a-23
- [81] • 4-9. The Transportation Element does not fully meet CEQA's requirements for assessing project-based impacts on the surrounding transit system. Based on available housing, population and employment estimates developed as part of the CASP/RP's Proposed Alternative Plan, the DEIR should include a preliminary analysis which uses the results of its transportation demand model and peak hour traffic LOS analyses to identify any estimated adverse impacts to ridership and available capacity of transit facilities to accommodate this impact. The Transportation Element should specifically address ways in which the project might provide mitigation measures for transit access and circulation at study intersections which are expected to be operating a LOS "E" and/or "F" conditions under the cumulative scenario. } 27a-24
- [82] • 4-9. The Transportation Element does not fully meet CEQA's requirements for assessing project-based impacts on the surrounding transit system. Based on available housing, population and employment estimates developed as part of the CASP/RP's Proposed Alternative Plan, the DEIR should include a preliminary analysis which uses the results of its transportation demand model and peak hour traffic LOS analyses to identify any estimated adverse impacts to ridership and available capacity of transit facilities to accommodate this impact. The Transportation Element should specifically address ways in which the project might provide mitigation measures for transit access and circulation at study intersections which are expected to be operating a LOS "E" and/or "F" conditions under the cumulative scenario.

- 27a-25
- [83]
- 4-10. The Transportation Element and accompanying Traffic Data appendix of the DEIR both fail to provide any supporting data which substantiate the assertions of its Vehicle-Miles Traveled (VMT) analysis. The DEIR's conclusion—which favors the use of regional VMT reductions over results which anticipate an increase in *local* VMT within the CASP project area—should be discussed in more detail. It is our strong recommendation that the DEIR provide the 2010 report conducted by its Consultant and any other supporting evidence as an attachment within Appendix 4 to validate the conclusions of the VMT analysis. This data should describe in full and provide tabulations of the assumptions and factors used in the Consultant's development of the TDM, including project trip generation, modal splits and other variable socioeconomic modeling parameters. A comprehensive summary of the results generated from the VMT analysis should also be provided and should include the data illustrated in Tables 4-8 and 4-9 of the DEIR.

## 5.0 Conclusions and Recommendations

27a-26

Minagar & Associates, Inc. has completed its review of the September 2011 Transportation Element (Chapter 4) of the DEIR for the Cornfield Arroyo Seco Specific Plan and Redevelopment. Based on this review, it is believed that the 79 deficiencies identified in the above section may be individually or cumulatively understating, or otherwise imprecisely reporting, a clear estimation of the project's potential impacts on the surrounding transportation system. Until the above salient issues are resolved, it is uncertain whether the *Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan Alternative*, as proposed, would result in more or fewer significant and/or less-than-significant transportation impacts than claimed in the September 2011 DEIR document.

For this reason, the current Transportation Element cannot comprehensively be considered as substantial evidence in identifying the CASP's significant transportation impacts in the record one way or the other. Given that each of the deficiencies noted may understate or inaccurately report the estimated impact of the Project, it is possible that the cumulative effect of these deficiencies is masking additional significant impacts which should be addressed by further mitigation measures. It is therefore our recommendation that the Transportation Element of the DEIR be revised to reflect correction of all of the noted deficiencies enclosed herein, before proceeding to the next stage of the environmental review.



## 6.0 Suggested Preferred Alternative

Community members and groups have expressed a unified concern that due to the composition of Land Use and Zoning designations in the Proposed Alternative of the *Cornfield Arroyo Specific Plan (CASP) and Redevelopment Plan*, the implementation of the CASP/RP as proposed (see Figure 5, below) may potentially lead to adverse gentrification of the Project Area. Advocates maintain that in absence of proper housing market devices to equitably guide the neighborhood change proposed by the CASP/RP, current residents will likely face rapidly rising rents and housing values, and eventually become priced out in favor of higher-income, car-owning residents who are less likely to use public transit for commuting.

The most favorable alternatives to the Proposed Plan generally include introducing higher rates of Affordable Housing into the CASP/RP. Benefits of this approach include:

- Maximizing the efficiency of the proposed Transit-Oriented Development (TOD);
- Reducing the potential for local residents to be driven out by adverse market forces;
- Reducing transportation impacts due to dampened trip and parking generation

Recent studies conducted by the Dukakis Center for Urban and Regional Policy in 2010 support this evidence by demonstrating that, “transit systems generally rely heavily on three groups for their core ridership: low-income households, people of color and renters” (DCURP). A similar study prepared by the *American Public Transportation Association’s*, collected on-board survey data between 2000 and 2005 and found that typical transit riders have lower incomes, greater racial and ethnic diversity and lower rates of car ownership than other Americans (APTA, 2007).

The DCURP’s report, *Maintaining Diversity In America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change*, explains that, “while diverse neighborhoods and their residents, who are disproportionately low-income, people of color and/or renters, benefit from access to transit, transit systems also benefit from proximity to economically and racially diverse neighborhoods. Low-income households, people of color and renters are critical populations for transit systems seeking to maintain their core ridership and increase their total ridership. These are the people who most need high-quality, affordable transit—and the ones most likely to use such transit when it is provided.” The report continues on to provide various

27a-27



Figure 5: Existing and Proposed Land Use and Zoning Districts for the CASP

housing market tools that planners can use in developing transit-oriented communities and actual ridership to support a proposed transit-oriented development.

In consideration of the above concepts by which the CASP/RP may be improved to allow for more affordable housing and reduce project impacts on the transportation system, Minagar & Associates, Inc. has reviewed the potential alternative plan described below which intends to incentivize the development of affordable housing within the CASP:

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■ **Proposed Alternative:**

Community-Oriented Development (COD) Overlay Zone

■ **Specific Plan language:**

Must specifically express the need for affordable housing in the CASP; current residents do not want to be displaced from their homes by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. The median income in Lincoln Heights is approx. \$25,300 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income).

■ **Set fixed quantities of building permits based on target levels of development:**

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments.
  - The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use Regional Housing Needs Assessment (RHNA) allocations for Los Angeles to determine quantity of residential permits.

27a-27



- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - 21-22% Extremely Low Income (ELI)
  - 21-22% Very Low Income (VLI)
  - 27% Low Income (LI)
  - 30% Moderate

■ **Bedroom-Unit Mix Requirement:**

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom
- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

■ **Super Density Incentives for COD Overlay Zone:**

**Floor Area Ratio (FAR)—**

- ***Keep base FAR for residential (and mixed-use including residential) at 1.5:1***
- L.A. Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI)
- ***Density bonus incentive***
  - 1.5:1 FAR to 2.025:1 FAR = 35% increase in density = DB Ordinance, 11% VLI or 20% LI
- ***Super density bonus incentive***
  - 1.5:1 FAR to 3:1 FAR = 100% increase in density = Super DB Ordinance, 7% ELI or 18% VLI required (NO LI)
  - 1.5:1 FAR to 4:1 FAR = 167% increase in density = Super DB Ordinance, 10% ELI or 25% VLI (NO LI)
- **Factors to consider:**

27a-27

- Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
- Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

■ **Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - Parking will be given at the rate of 0.5 Space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - Parking will be given at the rate of 1 space maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)
  - Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

■ **Entitlement Process:**

Fast-track permitting for projects that have 70% or over affordable housing units

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A quantifiable transportation benefit from approving and implementing the above proposed alternative for the CASP can be assumed under the widely understood assumption that residents of low-income (affordable) housing typically generate fewer trips as compared to other residents, due to lower automobile ownership and greater use of public transit. This assertion is generally supported by historical data, studies and household travel surveys compiled nationally which indicate that households with annual income between \$30,000 and \$50,000 generated approximately 27% fewer trips than households with annual income between \$50,000 and \$80,000 (American Community Survey, 2006).

27a-27

Based on the existing known information that the current median household income for local families within the proposed CASP area is in the vicinity of \$25,000, we estimate that the affordable housing requirement proposed in this alternative will generate approximately 27 percent fewer residential peak hour trips than the market rate housing. Estimated transportation impact weights for each proposed land use type and relative proportion of the project, were developed for the CASP Proposed Alternative using standard *Trip Generation*, 8<sup>th</sup> Ed., trip generation rates developed by the Institute of Transportation Engineers' (ITE), as shown in Table 4, below.

*Table 4  
Estimated Trip Generation Weights Based on the CASP Proposed Alternative*

Proposed Land Use	Size / Unit	% of Total Use	Est. Weighted Trip Generation
Residential	10,844,830 SF	54.7%	36.1%
Retail	508,425 SF	2.6%	14.4%
Commercial/Office	1,702,147 SF	8.6%	12.4%
Light Industrial/R&D	6,571,654 SF	33.1%	35.2%
Institutional	200,000 SF	1.0%	1.8%
Parks/Open Space	69 ac	0.0%	0.1%

By combining the above trip generation weights for each land use type with the estimated trip credit/reduction factor of 27% for residential uses within the CASP (due to proposed affordable housing alternatives), a final reduction factor of 0.0947\*X is derived to estimate the net reduction in trips due to achieving specific affordable housing targets. The parameter of "X" represents the affordable housing goal attained by the project. For example, a 50/50% market rate/affordable housing goal for all residential projects would yield the following reduction in peak hour trips throughout the CASP Project Area:

$$50\% \text{ Affordable Housing attainability} = 0.0947*(0.50) = \mathbf{4.74\% \text{ reduction in peak hour trips}}$$

$$40\% \text{ Affordable Housing attainability} = 0.0947*(0.40) = \mathbf{3.79\% \text{ reduction in peak hour trips}}$$

27a-27



- 30% Affordable Housing attainability = 0.0947\*(0.30)  
= **2.84% reduction in peak hour trips**
- 20% Affordable Housing attainability = 0.0947\*(0.20)  
= **1.89% reduction in peak hour trips**
- 10% Affordable Housing attainability = 0.0947\*(0.10)  
= **0.95% reduction in peak hour trips**

Modified versions of the CASP Proposed Alternative, which stratify the Specific Plan Area into strictly Residential (15%) and Other (85%) mutually exclusive land uses for Industrial, Retail and Commercial/Office, are represented by the weighted trip generation tables below, followed by the resulting estimated reductions in peak hour trips based on each affordable housing threshold.

*Table 5  
Estimated Trip Generation Weights Based on Modified (I) CASP Proposed Alternative*

Proposed Land Use	Size	% of Total	Est. Weighted TG
Residential	2,974,069 SF	15.0%	11.9%
Light Industrial/R&D	16,853,056 SF	85.0%	88.1%

- 50% Affordable Housing attainability = 0.0321\*(0.50)  
= **1.61% reduction in peak hour trips**
- 40% Affordable Housing attainability = 0.0321\*(0.40)  
= **1.28% reduction in peak hour trips**
- 30% Affordable Housing attainability = 0.0321\*(0.30)  
= **0.96% reduction in peak hour trips**
- 20% Affordable Housing attainability = 0.0321\*(0.20)  
= **0.64% reduction in peak hour trips**

27a-27

10% Affordable Housing attainability =  $0.0321 \times (0.10)$   
= **0.32% reduction in peak hour trips**

Table 6

Estimated Trip Generation Weights Based on Modified (II) CASP Proposed Alternative

Proposed Land Use	Size	% of Total	Est. Weighted TG
Residential	2,974,069 SF	15.0%	9.1%
Retail	16,853,056 SF	85.0%	90.9%

50% Affordable Housing attainability =  $0.0246 \times (0.50)$   
= **1.23% reduction in peak hour trips**

40% Affordable Housing attainability =  $0.0246 \times (0.40)$   
= **0.98 % reduction in peak hour trips**

30% Affordable Housing attainability =  $0.0246 \times (0.30)$   
= **0.74% reduction in peak hour trips**

20% Affordable Housing attainability =  $0.0246 \times (0.20)$   
= **0.49% reduction in peak hour trips**

10% Affordable Housing attainability =  $0.0246 \times (0.10)$   
= **0.25% reduction in peak hour trips**

Table 7

Estimated Trip Generation Weights Based on Modified (III) CASP Proposed Alternative

Proposed Land Use	Size	% of Total	Est. Weighted TG
Residential	2,974,069 SF	15.0%	2.5%
Retail	16,853,056 SF	85.0%	97.5%

50% Affordable Housing attainability =  $0.00675 \times (0.50)$   
= **0.3375% reduction in peak hour trips**

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$$\begin{aligned} 10\% \text{ Affordable Housing attainability} &= 0.00675*(0.10) \\ &= \mathbf{0.0675\% \text{ reduction in peak hour trips}} \end{aligned}$$

The *Community-Oriented Development (COD) Overlay Zone* and *Super-Density Incentives for COD Overlay Zone* alternatives, as described at the beginning of this section, each serve as recommended amendments to the CASP's original preferred alternative plan. The COD Overlay Zone (COD-OZ) Alternative allows for balanced growth within the CASP, requiring that future growth be stabilized according to "development levels" set by the City of Los Angeles. In this scenario, the development levels would be planned in a way such that minimum and maximum numbers of building permits for each type of land use must be met before "advancing" to the next development level to where the CASP may allow new building permits to be granted.

The residential permitting process would also focus on providing housing targets which provide a reasonable proportion of affordable housing to each market-rate housing development. The COD Overlay Zone specifies additional affordable housing goals in which the proportion of such developments should be stratified by income level, including 30% Moderate Income, 27% Low Income, and about 21-22% for each Very Low Income (VLI) and Extremely Low Income (ELI). The COD-OZ also recommends that for 30-unit buildings and above, those projects obtaining 3:1 and 4:1 FARs, a minimum of 10% and 15%, respectively, be 3-bedroom units. A sub-alternative for this measure would be to instead require that 20% of units must be 2-bedroom for 3:1 FAR projects, and 30% of units must be 2-bedroom for 4:1 FAR projects.

Similar to the COD Overlay Zone, the Super-Density alternative builds upon the principals of planning for base FAR requirements. Conversely, however, the Super-Density alternative proposes to maintain a base FAR for all residential and mixed-use/residential at 1.5:1, and instead offer "density bonuses" to developments that meet the proposed alternative's requirements.

The City of Los Angeles previously adopted a "Density Bonus Ordinance" program as a means to create flexibility within the City's pre-existing zoning policies, implement state density bonus requirements, and ultimately increase the supply and production of affordable housing. The ordinance establishes density "bonus provisions" for housing development projects that include affordable units. For example, *For-sale* or *rental* housing projects allowing for 10% of its units to be affordable to LI-Households (or 5% of units affordable to VLI-Households), receive a density

27a-27



bonus of 20%. Senior citizen housing projects and projects that include child care facilities are also eligible for a density bonus. The ordinance establishes additional incentives for these projects, such as flexible parking requirements, reduced lot width and setback regulations, and increased lot coverage.

The Super-Density Incentives Program involves the use of the City of Los Angeles' DB Program, by allowing a maximum increase in density of 35% for eligible projects. Therefore, it is estimated that the project-area's FAR can increase to up to 2.025:1, assuming that either 11% VLI and/or 20% LI goals are met. If 5% VLI or 10% LI goals are met, the Density Bonus threshold can increase project-area FAR to 1.8:1.

In addition, the Super-Density Ordinance alternative proposes to allow for a 100% and 167% intensification—that is, an increase in FAR from 1.5:1 to 3:1 and 4:1, respectively—if higher affordable housing goals can be reached. This includes providing for 18% VLI and 7% ELI (no LI-requirement) for a 100% FAR increase, and 25% VLI and 10% ELI (no LI-requirement) for 167% FAR increase. As stated in the preferred alternatives summary above, the primary incentives generated by this plan include the opportunity for developers to double their floor-area-ratio without significantly adding to construction costs, provided that “units per acre” requirements for each sub-alternative are met.

### ***Housing Displacement***

Three scenarios have been brought forward as potential adverse situations in which having no provisions or amendments in the CASP for adequate affordable housing might over time cause low-income residents to become displaced due to the surrounding gentrification and housing market forces. Each scenario follows a sequential order, where *Scenario 1* is the result of approving the CASP with all new residential projects being developed at market-rate values. *Scenario 2* follows that in due course, 50% of the CASP's low-income residents would be “pushed out,” of the area; ultimately *Scenario 3*, represents some future time at which all current low-income residents will have been priced out of the area due to lack of affordable housing. It follows that the impact on the transportation system due to these scenarios should also be adversely affected. Any rapid decrease in the localized population of transit-oriented users, in favor of automobile-owning users (in this case, median income families who are



significantly more likely to own and operate an automobile), would translate into additional peak hour vehicular trips and naturally a declining level of service on local roadways.

The DEIR reports that as of 2007, there were an estimated 1,814 housing units within the Project Area, including a 400-DU single-family neighborhood, a 422-unit multifamily apartment complex, and a group of multifamily apartment and condominiums adjacent to Lincoln Heights Metro Gold Line Station. Census data from SCAG and the Los Angeles Department of City Planning<sup>[8]</sup> show that Lincoln Heights has an average household size of about 3.6 people. Without factoring in multiple families occupying a single dwelling unit, the estimated population of residents in the Project Area is at a minimum, 6,530.

It is therefore estimated that approximately 6,000 to 7,000 residents in the CASP Project Area would ultimately be displaced from the area. Based on this estimated housing displacement, it is our recommendation the DEIR be revised to address these “worst case” conditions (at a minimum, to consider the possibilities and impacts of *Scenario 3*), in which the CASP Alternative, proposed as-is, may potentially cause undue traffic impacts on the surrounding street network. As described above, the justification and logic for this revised analysis would be based on the researched likelihood that many, if not all of the CASP’s low-income families (and thus the core group of transit users within the area) would eventually be displaced by automobile-owners without appropriate measures to provide for better affordable housing within the CASP.

27a-28

## 7.0 References

For this evaluation, the following technical studies, standards and guidelines were reviewed:

1. *Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan*, (DEIR), Section 4: Transportation Element. City of Los Angeles, State Clearinghouse No. 2009031002, September 2011.
2. *Congestion Management Program for Los Angeles County*, Los Angeles County Metropolitan Transportation Authority, July 2004.
3. *Traffic Study Policies & Procedures*, City of Los Angeles, August 2011.
4. *Traffic Study Policies & Procedures*, City of Los Angeles, March 2002.
5. *Highway Capacity Manual (HCM)*, Transportation Research Board, 2000.
6. *L.A. CEQA Thresholds Guide*, City of Los Angeles, November 2006.
7. *Transportation Research Circular No. 212, Interim Materials on Highway Capacity*, Transportation Research Board (TRB), 1980.
8. *Mapping L.A. Neighborhoods*, Los Angeles Times. Source Data: Census 2000, SCAG, Los Angeles Department of City Planning.

# Exhibit B



## FACT SHEET

## Zip Code Tabulation Area 90031

View a Fact Sheet for a **race, ethnic, or ancestry group**

### Census 2000 Demographic Profile Highlights:

**General Characteristics - show more >>**

	Number	Percent	U.S.		
Total population	38,409			map	brief
Male	18,916	49.2	49.1%	map	brief
Female	19,493	50.8	50.9%	map	brief
Median age (years)	29.1	(X)	35.3	map	brief
Under 5 years	3,473	9.0	6.8%	map	
18 years and over	26,233	68.3	74.3%		
65 years and over	3,703	9.6	12.4%	map	brief
One race	36,782	95.8	97.6%		
White	11,115	28.9	75.1%	map	brief
Black or African American	351	0.9	12.3%	map	brief
American Indian and Alaska Native	460	1.2	0.9%	map	brief
Asian	9,779	25.5	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	45	0.1	0.1%	map	brief
Some other race	15,032	39.1	5.5%	map	
Two or more races	1,627	4.2	2.4%	map	brief
Hispanic or Latino (of any race)	26,435	68.8	12.5%	map	brief
Household population	37,935	98.8	97.2%	map	brief
Group quarters population	474	1.2	2.8%	map	
Average household size	3.69	(X)	2.59	map	brief
Average family size	4.11	(X)	3.14	map	
Total housing units	10,854			map	
Occupied housing units	10,279	94.7	91.0%		brief
Owner-occupied housing units	3,068	29.8	66.2%	map	
Renter-occupied housing units	7,211	70.2	33.8%	map	brief
Vacant housing units	575	5.3	9.0%	map	

**Social Characteristics - show more >>**

	Number	Percent	U.S.		
Population 25 years and over	21,874				
High school graduate or higher	7,882	36.0	80.4%	map	brief
Bachelor's degree or higher	1,592	7.3	24.4%	map	
Civilian veterans (civilian population 18 years and over)	790	3.0	12.7%	map	brief
Disability status (population 5 years and over)	8,779	25.1	19.3%	map	brief
Foreign born	21,109	54.5	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	6,831	50.2	56.7%		brief
Female, Now married, except separated (population 15 years and over)	6,775	46.0	52.1%		brief
Speak a language other than English at home (population 5 years and over)	30,521	86.6	17.9%	map	brief

**Economic Characteristics - show more >>**

	Number	Percent	U.S.		
In labor force (population 16 years and over)	14,271	51.6	63.9%		brief
Mean travel time to work in minutes (workers 16 years and older)	28.8	(X)	25.5	map	brief
Median household income in 1999 (dollars)	25,300	(X)	41,994	map	
Median family income in 1999 (dollars)	26,201	(X)	50,046	map	
Per capita income in 1999 (dollars)	9,892	(X)	21,587	map	

# Exhibit C





## FACT SHEET

## Los Angeles city, California

View a Fact Sheet for a **race, ethnic, or ancestry group**

### Census 2000 Demographic Profile Highlights:

#### General Characteristics - show more >>

	Number	Percent	U.S.		
Total population	3,694,820			map	brief
Male	1,841,805	49.8	49.1%	map	brief
Female	1,853,015	50.2	50.9%	map	brief
Median age (years)	31.6	(X)	35.3	map	brief
Under 5 years	285,976	7.7	6.8%	map	
18 years and over	2,713,509	73.4	74.3%		
65 years and over	357,129	9.7	12.4%	map	brief
One race	3,503,532	94.8	97.6%		
White	1,734,036	46.9	75.1%	map	brief
Black or African American	415,195	11.2	12.3%	map	brief
American Indian and Alaska Native	29,412	0.8	0.9%	map	brief
Asian	369,254	10.0	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	5,915	0.2	0.1%	map	brief
Some other race	949,720	25.7	5.5%	map	
Two or more races	191,288	5.2	2.4%	map	brief
Hispanic or Latino (of any race)	1,719,073	46.5	12.5%	map	brief
Household population	3,612,223	97.8	97.2%	map	brief
Group quarters population	82,597	2.2	2.8%	map	
Average household size	2.83	(X)	2.59	map	brief
Average family size	3.56	(X)	3.14	map	
Total housing units	1,337,706			map	
Occupied housing units	1,275,412	95.3	91.0%		brief
Owner-occupied housing units	491,882	38.6	66.2%	map	
Renter-occupied housing units	783,530	61.4	33.8%	map	brief
Vacant housing units	62,294	4.7	9.0%	map	

#### Social Characteristics - show more >>

	Number	Percent	U.S.		
Population 25 years and over	2,308,887				
High school graduate or higher	1,538,715	66.6	80.4%	map	brief
Bachelor's degree or higher	589,061	25.5	24.4%	map	
Civilian veterans (civilian population 18 years and over)	173,683	6.4	12.7%	map	brief
Disability status (population 5 years and over)	733,626	21.7	19.3%	map	brief
Foreign born	1,512,720	40.9	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	659,568	46.9	56.7%		brief
Female, Now married, except separated (population 15 years and over)	640,612	44.2	52.1%		brief
Speak a language other than English at home (population 5 years and over)	1,974,316	57.8	17.9%	map	brief

#### Economic Characteristics - show more >>

	Number	Percent	U.S.		
In labor force (population 16 years and over)	1,690,316	60.2	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	29.6	(X)	25.5	map	brief
Median household income in 1999 (dollars)	36,687	(X)	41,994	map	
Median family income in 1999 (dollars)	39,942	(X)	50,046	map	
Per capita income in 1999 (dollars)	20,671	(X)	21,587	map	

# Exhibit D



PCT055

## MEANS OF TRANSPORTATION TO WORK FOR WORKERS 16 YEARS AND OVER [16]

Universe: Workers 16 years and over

Census 2000 Summary File 4 (SF 4) - Sample Data

NOTE: Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanotes/expsf4.htm>.

**POPGROUP: Total population**

	Los Angeles County, California
Total:	3,858,750
Car, truck, or van:	3,296,964
Drove alone	2,714,944
Carpooled	582,020
Public transportation:	254,091
Bus or trolley bus	234,662
Streetcar or trolley car (publico in Puerto Rico)	1,946
Subway or elevated	6,200
Railroad	7,660
Ferryboat	366
Taxicab	3,257
Motorcycle	6,758
Bicycle	24,015
Walked	113,004
Other means	29,275
Worked at home	134,643

# Exhibit E



PCT055

## MEANS OF TRANSPORTATION TO WORK FOR WORKERS 16 YEARS AND OVER [16]

Universe: Workers 16 years and over

Census 2000 Summary File 4 (SF 4) - Sample Data

NOTE: Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanotes/expsf4.htm>.

**POPGROUP: Total population**

	<b>Los Angeles city, California</b>
Total:	1,494,895
Car, truck, or van:	1,203,143
Drove alone	982,735
Carpooled	220,408
Public transportation:	152,435
Bus or trolley bus	144,973
Streetcar or trolley car (publico in Puerto Rico)	804
Subway or elevated	3,054
Railroad	1,730
Ferryboat	136
Taxicab	1,738
Motorcycle	2,474
Bicycle	9,052
Walked	53,386
Other means	12,710
Worked at home	61,695

# SCANPH

SOUTHERN CALIFORNIA ASSOCIATION OF NONPROFIT HOUSING  
www.scanph.org

28

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November 23, 2011

Ms. Claire Bowin  
City Planner, Los Angeles Department of City Planning  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012  
Claire.bowin@lacity.org

Via E-mail:

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft  
Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse  
#2009031002.

Dear Ms. Bowin:

On behalf of the Southern California Association of Non-Profit Housing (SCANPH), I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area.

SCANPH is a membership organization that supports the production, preservation and management of homes affordable to lower-income households. Our 450 members include community development corporations, nonprofit service organizations, public agencies, lenders and investors, private businesses and individuals. Most SCANPH members work in the Los Angeles metropolitan area.

We support and laud many of the CASP's goals and appreciate the thoughtful, underlying intent of creating a walkable, livable community. As such, however, we believe that the plan falls short as a framework for increasing the area's social equity and environmental protections. As drafted, the CASP will have a negative, irreversible impact for the local community, particularly with regard to preserving the affordability of existing homes and setting the stage for the production of additional homes affordable to low-income households.

28-1

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. We believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

28-2

We strongly encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area and to re-circulate the DEIR with analysis of the COD alternative for public comment. The COD alternative is feasible, significantly reduces environmental impacts, and it meets the Project's purposes. It

28-3



would specifically address the need for increased production and preservation of affordable housing in the Project Area and it would ensure that current residents are not displaced.

28-3

We encourage the City to continue working with those proposing the COD. We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. Furthermore, the current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

28-4

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. Thank you for the opportunity to comment on the CASP and the DEIR.

Sincerely,



Paul Zimmerman  
Executive Director

Cc: Council Member Ed Reyes



November 17, 2011

TO: The Planning Commission of the City of Los Angeles  
REGARDING: The Cornfields Arroyo-Seco Specific Plan (CASP)

Honorable Commission Members:

On behalf of SAJE, and our allies in the UNIDAD Coalition (UNITED Neighbors In Defense Against Displacement), I am here today to urge you to follow the recommendations of Southeast Asian Community Alliance regarding the Cornfields Arroyo-Seco Specific Plan (CASP).

Many of the challenges faced by SEACA and its community in Chinatown are the same challenges faced by the communities in the Figueroa Corridor and greater South Los Angeles. And as in our communities, planning and development in Chinatown *must* serve local communities, including low- and very low-income residents, especially by the creation and preservation of affordable housing.

Yet the CASP, if adopted as currently drafted, would fail disastrously in that regard, accelerating and intensifying the displacement of low-income residents that is already underway.

We urge the Planning Commission and the Planning Department to give SEACA and its allies a genuine seat at the table in revising the CASP, and then to incorporate their input into the plan.

We make this request not just out of solidarity with communities facing similar challenges to our own, but also because displacement, by its very definition, is not confined to the areas from which people are displaced. It is long past time that the City treat displacement of low-income communities as a citywide crisis, and enact measures in every urban plan and with every large-scale development to prevent displacement by preserving existing affordable housing and creating new affordable housing.

In the case of the CASP, SEACA is offering well-researched, carefully considered suggestions and solutions. We urge you to listen to and act upon them.

Respectfully,

David Robinson  
Political Director, SAJE  
Coordinator, UNIDAD



November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

T.R.U.S.T. South LA is a community-controlled organization dedicated to building the economic and political power of residents of South Los Angeles, as well as to influence and control institutional policies and practices that affect them as residents, people of color, immigrants, parents, and workers. The ultimate goal of T.R.U.S.T. South LA is to build a vibrant, safe and sustainable community in South LA, where long-term, low-income residents have a continued presence and a voice in the development of their neighborhoods. We have long been concerned about and active in land use planning issues within our South LA neighborhoods, and recognize the extent to which decisions about the Cornfields Arroyo Seco Specific Plan (CASP) set precedent for later land use decisions in other parts of the City. For this reason, we feel strongly about voicing our concerns about the weaknesses within both CASP and the Draft Environmental Impact Report (DEIR) for the CASP Project area.

On behalf of T.R.U.S.T. South LA, I would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the DEIR for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

30-1

Below is a summary of our concerns:

- CASP in its current form is likely to accelerate the displacement of low-income communities of color
- CASP is insufficient in providing incentives for affordable housing
- Given the toxicity of the area, CASP must do more to address environmental justice
- CASP should support local jobs for local residents

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

30-2

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

30-3

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with SEACA, Public Counsel, and T.R.U.S.T. South LA in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

30-4

Sincerely,



Sandra McNeill  
Executive Director

Cc: Councilmember Ed Reyes

# United Neighbors In Defense Against Displacement

## UNIDAD • UNITY

November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

United Neighbors In Defense Against Displacement — better known by the acronym UNIDAD — is a coalition of nonprofit & community organizations, residents, workers, students, & small merchants in the northern portion of South LA. The coalition's mission is to ensure that the local community helps determine the kind of growth that occurs in their neighborhoods, and that local development brings improvement to all, without displacing low-income residents. The coalition includes faith organizations, organized labor, health providers & promoters, affordable housing & tenants' rights organizations, student organizations, groups focused on jobs & economic development, & more. We have worked for many years on land use planning issues within our South LA neighborhoods. Given that work, we recognize the extent to which decisions about the Cornfields Arroyo Seco Specific Plan (CASP) will set a precedent for subsequent land-use decisions in other parts of the City. We are also deeply concerned about the well-being of our neighbors in the CASP Project area. For these reasons, we feel strongly about voicing our concerns about the weaknesses within both CASP and the Draft Environmental Impact Report (DEIR) for the CASP Project Area.

On behalf of core UNIDAD organizations, I would thus like to express our concerns about the CASP and the DEIR for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcomings of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

Below is a summary of our concerns:

- CASP in its current form is likely to accelerate the displacement of low-income communities of color
- CASP is insufficient in providing incentives for affordable housing
- Given the toxicity of the area, CASP must do more to address environmental justice & public health
- CASP should support local jobs for local residents

31-1

c/o SAJE  
 152 W 32<sup>nd</sup> St.  
 Los Angeles, CA 90007

# United Neighbors In Defense Against Displacement

## UNIDAD • UNITY

In addition, we are concerned that the DEIR analysis is flawed, and that CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

31-2

We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area, submitted to you by SEACA and Public Counsel as an appendix to their own letter. (Please note: we join and incorporate by reference SEACA and Public Counsel's letter). WE also urge you to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

31-3

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with both SEACA, Public Counsel, and concerned, informed, experienced allies, such as those in the UNIDAD Coalition, in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, and sets a positive, health-and-equity-promoting precedent for all future planning and development in Los Angeles—but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

31-4

Sincerely,



David Robinson, Coordinator  
UNIDAD Coalition

on behalf of the following UNIDAD organizations:

CD Tech  
T.R.U.S.T. South LA  
St. John's Well Child and Family Center  
SAJE (Strategic Actions for a Just Economy)  
St. Mark's Lutheran Church

Esperanza Community Housing Corporation  
St. Francis Center  
The Blazers  
All People's Christian Center  
St. Agnes Catholic Church

cc: Councilman Ed Reyes, CD 1

c/o SAJE  
152 W 32<sup>nd</sup> St.  
Los Angeles, CA 90007





Claire BowIn <claire.bowIn@lacity.org>

# Comments on the Cornfields-Arroyo Seco Specific Plan DEIR

1 message

Meredith McKenzie <urbanriverinstitute@gmail.com>  
To: claire.bowin@lacity.org

Mon, Nov 21, 2011 at 7:15 PM

Dear Claire:

We am pleased to provide these comments on the DEIR for the Cornfields-Arroyo Seco Specific Plan on behalf of the Urban Rivers Institute.

First, We'd like to address semantic corrections to the report:

32-1 [ A. On page S-2, the report indicates that this project is located in the lower Los Angeles River watershed. This is incorrect. Based upon the State of California and Los Angeles County Integrated Regional Water Management Program (IRWMP) maps, this project is located within the Upper Los Angeles River Watershed Sub-Region and for purposes of consistency with integrated planning goals should be identified as such.

32-2 [ B. Also on page S-2, the report refers to the 110 freeway as the Pasadena Freeway. It is now, in fact, officially the Arroyo Seco Parkway, with both California State and Federal Scenic Byway designations. Thus, the report should refer to this roadway as the Arroyo Seco Parkway, formerly known as the Pasadena Freeway, in this section.

Our substantive comments follow:

1. The 50 foot river's edge setback is inadequate for a 100 year floodplain development area. (Page S-11) and cannot be mitigated without appropriate expansion.

The proposed 50 foot river's edge setback along both the Los Angeles River and the Arroyo Seco provides inadequate watershed health and flood risk management protection for this 100 year floodplain. Moreover, this setback is inconsistent with both best practices in current urban river revitalization planning and the goals outlined by the Federal Partnerships Urban Waters Initiative, of which the Los Angeles River is a pilot project.

32-3 [ The 50-foot setback puts the area both at risk of flood events due to flashy hydrology and hinders habitat and ecosystem restoration, as well as river's edge sight line views and public access, in response to urban river syndrome.

Because the Cornfields-Arroyo Seco Specific Plan will likely set the development/redevelopment standard for Los Angeles River Revitalization throughout the watershed, river's edge (rather than river front which implies there is no land use/water use planning integration) revitalization must allow for future naturalization/realignment of both the Los Angeles River and the Arroyo Seco. In addition, the current Plan does not provide any future flexible framework for expanded restoration, including green infrastructure improvements both within and adjacent to the streambeds, which will be impossible under the current 50' setback framework.

We respectfully request that the river's edge setback be a minimum of 100 feet.

32-4 [ 2. The Plan does not adequately integrate the City's Low Impact Development (LID) Ordinance and soon to be approved River Improvement Overlay District (RIO) Ordinance into its framework as mitigation tools.

With the LID Ordinance already approved and the RIO Ordinance facing approval in a few short months, it is vital that this Specific Plan comply with the elements of each, while reaching to a higher standard in terms of water quality management, stormwater run-off, and watershed-based land use design guidelines. This is not clear in the DEIR as currently written.

32-4

We respectfully urge that both Ordinances are referenced in this document, including summaries as to how the Plan will utilize and exemplify their goals.

Thank you very much for giving us the opportunity to comment on this important Specific Plan designed to create a sustainability-focused mixed use neighborhood at the City's heart.

Please do not hesitate to contact me if you have any questions.

Best,

*Meredith*

**Meredith McKenzie**  
**Urban Rivers Institute**

2548 El Molino Avenue  
Altadena, CA 91001

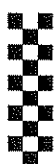
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[www.arroyolover.com](http://www.arroyolover.com)

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NOV 09 2011

November 8, 2011

City Councilmember Ed Reyes  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

**Re: Cornfields Arroyo Seco Specific Plan**

Dear Councilmember Reyes:

We at Women Organizing Resources, Knowledge & Services (WORKS) write to express our concerns for the Cornfields Arroyo Seco Specific Plan (CASP). We believe CASP will have a profound impact on the future of our community, and while we support the Plan's goals of improving livability and economic development, we feel that the Plan in its current draft does not provide strong enough guarantees to meet the social equity and environmental protection goals, specifically as it relates to the needs and concerns of local residents and small businesses.

We ask that as our representative to City Council, you advocate for the following changes:

- Protect and increase the existing stock of affordable housing. At least 40% of new housing construction should be set aside for affordable housing if CASP becomes a Project Area of the Community Redevelopment Agency (CRA), and 15% if it does not become a CRA project. All affordable housing should target residents who fall within 30-60% of the Area Median Income (AMI), with an emphasis on households at 40% or below.
- Conduct a Health Impact Assessment of the Plan and a Cumulative Impact Analysis that includes the Spring Street Bridge Widening, the Clean Tech Corridor project, the California High Speed Rail project, and existing environmental hazards within the Plan Area.
- Identify potential park sites, housing developments, and other sensitive land uses within CASP that would abide by CARB *Air Quality and Land Use Guidelines* and prioritize development of such parcels.
- Work with community members, public health officials, and researchers to identify potential buffer zones near hazard areas using CARB land use guidelines. Development proposals within buffer zones should include mitigation measures and involve a public hearing process.

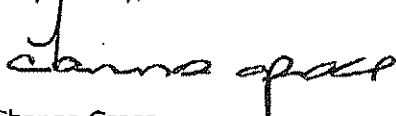
33-1

- Prioritize development of new parks smaller than 5 acres with active recreational amenities, such as playgrounds for children, tables for elderly, and a variety of sports facilities. Parks should be located in a number of locations spread throughout the CASP area, not just clustered in certain areas.
- Provide more meaningful, culturally- and age-appropriate public participation on a more consistent and timely basis with better translation and interpretation services for all events, meetings, newsletters, and outreach materials in the following languages: Vietnamese, Khmer, Spanish, and Chinese (written in *Simplified Chinese*, translation in Cantonese and Chiu Chow).
- Conduct research to identify and actively recruit job sectors that are sustainable, provide a significant number of entry-level positions for the predominantly Limited English Proficient (LEP) residents of the area, offer a significant number of living wage jobs, and provide career ladder opportunities for employees.
- Protect the existing job base and increase the number of living-wage jobs in the area by providing support for existing businesses to remain in the area and requesting that new employers, brought in as a result of the Plan, sign a local hire agreement that prioritizes the hiring of local residents and provides living wage jobs, as defined by the City's Living Wage Ordinance.
- Ensure that the Community Land Trust established in the plan expend funds generated from the plan to projects located within 2 miles of the CASP boundaries and involves a public input process.

33-1

We recognize and support many of the initial goals of the plan but want to ensure that social equity and environmental protection goals are strengthened to adequately meet the needs of current residents, local business owners, and other key stakeholders.

Respectfully,



Channa Grace  
President and CEO

**WANT MORE HEALTHY, JUST, AND LIVABLE COMMUNITIES? JOIN OUR CAMPAIGN.**

Comment [1]:

**We need YOUR support to improve public health and air quality, create safe and sustainable jobs, and protect affordable housing in the neighborhoods of Lincoln Heights, Cypress Park, and Chinatown.**

We are asking for your support for an exciting campaign around the *Cornfields Arroyo Seco Specific Plan (CASP)* in Los Angeles. CASP will determine how the neighborhood is built and we believe that CASP will have a profound, irreversible impact on the future of our community. While we support CASP's overall goals of improving livability and economic development, we are concerned that CASP in its current form does not provide strong enough guarantees to protect environmental health and social equity, specifically as it relates to the needs and concerns of local residents and small businesses.

As it stands, CASP will continue to allow the development of unhealthy neighborhoods where homes are located next to polluting facilities and parks next to freeways. CASP does not set aside land or support for the development and preservation of affordable housing, nor does it aim to provide living-wage jobs in a neighborhood where 36% of residents live below the poverty line. Furthermore, the City has not been engaging in meaningful public participation around the Plan.

The current draft of CASP is looking to create new homes that most people in our community cannot afford and we want to take this opportunity to ensure that the Plan meets the needs of existing community residents by:

- **Creating A Healthy Environment Where We Live, Work, Learn, and Play** by reducing the exposure of residents to environmental hazards in the Plan area
- **Creating More Affordable Housing** by offering incentives to new housing developments to be affordable to low-income households
- **Creating Safe and Sustainable Jobs for Local Residents** by targeting industries that offer living-wage jobs and provide career ladder opportunities, while also protecting existing small businesses and employees
- **Providing Meaningful Public Participation** on a more consistent and timely basis to update stakeholders on the progress of the Plan

**What you can do:**

1. Endorse the campaign by signing this endorsement form
2. Send a letter to Councilmember Ed Reyes ([see back](#))
3. Mobilize your members and staff to support the campaign by signing this petition
4. Participate in upcoming meetings and public hearings

Organization: Women Organizing Resources Knowledge & Services (WORKS)

Contact Person: Francesca de la Rosa

E-Mail: [fdelarosa@worksusa.org](mailto:fdelarosa@worksusa.org) Phone: 213-446-4522

Address: 795 N Avenue 50

City/State/Zip: Los Angeles, CA 900042

Signature: 

Fax completed endorsement forms to (213) 928-4100 or email to [info@seaca-la.org](mailto:info@seaca-la.org).

**Southeast Asian Community Alliance (SEACA)**

970 N. Broadway, Suite 209

Los Angeles, CA 90012

(213) 628-8667

33-2



November 23, 2011

Ms. Claire Bowin  
 City Planner, Los Angeles Department of City Planning  
 200 N. Spring Street, Room 410  
 Los Angeles, CA 90012  
 Via E-mail: Claire.bowin@lacity.org

RE: Cornfield Arroyo Seco Specific Plan and Redevelopment Plan Draft Environmental Impact Report, ENV-2009-599-EIR, State Clearinghouse #2009031002

Dear Ms. Bowin:

We at **Women Organizing Resources, Knowledge & Services (WORKS)** would like to express our concerns about the Cornfields Arroyo Seco Specific Plan (CASP) and the Draft Environmental Impact Report (DEIR) for the CASP Project area. We believe CASP will have a negative, irreversible impact for the local community. While we support and laud many of CASP's goals, we believe that there are several shortcoming of CASP as related to its stated goals of increasing livability, social equity, and environmental protections.

**Below is a summary of our concerns:**

- **CASP in its current form is likely to accelerate the displacement of low-income communities of color**
- **CASP is insufficient in providing incentives for affordable housing**
- **Given the toxicity of the area, CASP must do more to address environmental justice**
- **CASP should support local jobs for local residents**

In addition, we are concerned that the DEIR analysis is flawed, and the CASP will subject current and future residents to considerable environmental harm. As such, we believe that the DEIR fails to comply with CEQA because it does not properly or sufficiently analyze the significant impacts of the CASP. The DEIR does not provide adequate analysis of alternatives or of mitigation opportunities.

**Below is a summary of our concerns:**

- **The DEIR fails to address the significant land use impacts created by the CASP and fails to ensure or even encourage the provision of much needed affordable housing.**
- **The DEIR acknowledges lack of affordable rental housing in the City of Los Angeles, yet it fails to discuss zoning and density in the Project Area, and thereby fails to analyze how proposed densities will facilitate the provision of affordable housing.**

34-1

34-2



34-2

- The DEIR fails to clearly state the projected population increase in the Project area, fails to adequately analyze impacts on the displacement of people and housing, and it fails to include any analysis of the impacts of the Plan on the City's Housing Element of the City's General Plan, including affordable housing and overcrowding.
- The DEIR also fails to justify the job-housing balance effectively. It expects its increased population to travel to work outside the Project Area, fails to quantify the number of temporary and permanent jobs that will be created in the Area, how they will be distributed, and the types of jobs that it will create. It does not analyze whether the housing that will be created will be suitable for the jobs that will be created by the Plan. The imbalance that it creates will increase auto transit, significant impact on traffic, air quality, and greenhouse gas emissions.

34-3

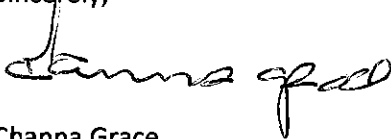
We further encourage the City to analyze the proposed Community Oriented Development Overlay Zone (COD) alternative developed by SEACA and Public Counsel with key stakeholders in the CASP area (attached below) and to re-circulate the DEIR with analysis of the COD alternative for public comment. We believe the COD alternative would increase affordable housing and mitigate various significant and unmitigated impacts identified in the Draft EIR.

We are deeply concerned that the current CASP undermines the City of Los Angeles Density Bonus Ordinance by giving away density and parking reductions. We encourage the City to continue working with both SEACA, Public Counsel, and **WORKS** in developing the COD alternative and respectfully urge the City to adopt sound affordable housing policies and incentives in the CASP area immediately. The current CASP does not contain affordable housing incentives and must be modified to protect and to preserve affordable housing.

34-4

CASP provides a great opportunity to create a more livable community that provides good jobs, a clean environment, and affordable housing for all, but only if these concerns are sufficiently addressed before the plan becomes finalized. The DEIR must be revised and re-circulated to take into account our comments and concerns. Thank you for the opportunity to comment on the CASP and the DEIR.

Sincerely,



Channa Grace  
President and CEO

Cc: Councilman Ed Reyes, CD 1

## Public Counsel-SEACA Proposed Affordable Housing Alternative for CASP

### Community-Oriented Development (COD) Overlay Zone

**Specific Plan language** must specifically express the need for affordable housing in the CASP; City should express commitment to planning for affordable housing and a jobs/housing mix such that current residents of CASP are not displaced by future growth; increased density around transit (bus/rail) should be connected to and prioritize affordable housing; and public input reflected desire for increased affordable housing production/preservation. *The median income in Lincoln Heights is approx. \$25,300 for a family of 4 (2000 Census) which is less than 30% AMI (Extremely Low Income). CASP includes parts of Chinatown, Lincoln Heights, and Cypress Park.*

#### **Set fixed quantities of building permits based on target levels of development**

- Housing target is 50% market rate and 50% affordable
- City will set different development levels, at which each level will have a minimum # and a maximum # of building permits for industrial, commercial, and residential developments
  - o The quantity of permits for residential units will be calculated to take into account affordable housing: ELI, VLI, LI, and Moderate Income goals throughout the CASP Project area.
- To go to the next level for new permits, the minimum # and maximum # of building permits across all categories of industrial (based on square footage), commercial (based on square footage), and residential (based on units, including affordable) must be met.
- Use *Regional Housing Needs Assessment (RHNA)* allocations for Los Angeles to determine quantity of residential permits.
- If 50% of the permitted units will be tied to market rate rents, then the 50% remaining permits which will be affordable housing should be broken into the following:
  - o 21-22% Extremely Low Income (ELI)
  - o 21-22% Very Low Income (VLI)
  - o 27% Low Income (LI)
  - o 30% Moderate

#### **Bedroom-Unit Mix Requirement**

- Applies only to 30 unit buildings and above
- Those projects obtaining a 3:1 FAR/48% increase in FAR
  - o Minimum 10% of units must be 3 bedroom OR minimum 20% of units must be 2 bedroom

- Those projects obtaining a 4:1 FAR/100% increase in FAR
  - o Minimum 15% of units must be 3 bedroom OR minimum 30% of units must be 2 bedroom

## **Super Density Incentives for COD Overlay Zone**

### **FAR**

- **Keep base FAR for residential (and mixed-use including residential) at 1.5:1**
- LA Density Bonus Ordinance allows a maximum 35% increase in density. Applying this density to the project area FAR (since the Plan is silent on applicable du/acre), FAR goes up to 2.025:1 for 11% VLI or 20% LI. (The DB threshold level is a 20% increase of FAR, up to 1.8:1, in exchange for 5% VLI or 10% LI).
- **Density bonus incentive**
  - o **1.5:1 FAR to 2.025:1 FAR = 35% increase in density = DB Ordinance, 11% VLI or 20% LI**
- **Super density bonus incentive**
  - o **1.5:1 FAR to 3:1 FAR = 100% increase in density = Super DB Ordinance, 7% ELI or 18% VLI required (NO LI)**
  - o **1.5:1 FAR to 4:1 FAR = 167% increase in density = Super DB Ordinance, 10% ELI or 25% VLI (NO LI)**
- **Factors to consider:**
  - o Even though density doubles from 2:1 FAR to 3:1 FAR, construction costs do not significantly increase
  - o Units per acre corresponding to the correct 35%, 100%, and 167% increases in density must be allowed.

### **Parking Maximum**

- Zero parking in CASP area-wide for residential units.
  - o Parking will be given at the rate of .5 space maximum for ALL residential units (project-wide) if the project attains 11% VLI or 20% LI (DB)
  - o Parking will be given at the rate of 1 space maximum for ALL residential units (project-wide) if the project attains 7% ELI or 18% VLI (Super DB)

- Parking will be given at the rate of 1.25 spaces maximum for ALL residential units (project-wide) if the project attains 10% ELI or 25% VLI (Super DB)
- Once a project meets affordability criteria, the project is given the maximum number of spaces for every residential unit (affordable and market-rate) across the entire project.
- The developer will determine how the spaces are distributed among the residential units.
- Keep unbundling, car sharing programs etc.
- Do not allow developers to purchase land which is used solely for one project's parking. Developers may, however, pool parking.

**Entitlement Process**

- Fast-track permitting for projects that have 70% or over affordable housing units

Dear Councilmember Reyes,

On Behalf of Homeboy Industries and Homegirl CAFE, I would like to Ask for AFFordable Housing In the Area close to our Jobs.

35-1

WE NEED housing for People who have changed there lives of leaving gangs behind we from Homegirl our young mother's want to Raise Our Children in a Safe Space. Thank you for Our Attention in to these note.

Sincerely,  
Adela Juarez

Homegirl CAFE  
130 W. Bruno ST.  
Los Angeles, ca. 90008

Adela.Juarez70@gmail.com.

10.15.11

~~Joe~~  
Loera583@aig.mail.com

Dear council member Reyer

Hi my name is Janet Loera  
I'm 21 years old ~~am~~ single parent  
of a 2 year old of Angelina Montana  
I'm also a employe of homegirl  
cafe. I've been working there over  
a year or so. I'm ~~a~~ writing this  
quick letter to ~~ce~~ ce how can you  
guys help our single mothers  
at homegirl cafe. I'm speaking for  
the majority of the woman in there  
we need affordable housing for us  
woman. we all would love to have  
our kids living well and able to  
provide for other things for our kids  
and also child care that would be  
great since we all work all day hard  
and can't afford to pay babysitter's  
and still pay rent bills & food! We  
will be so ~~gr~~ grateful if you  
can help our single parents

Thank you so much for  
your time.





Claire BowIn <claire.bowIn@lacity.org>

## Comments to Draft EIR CASP Cornfield Arroyo Specific Plan due 11.21.2011

1 message

Joyce Dillard <dillardjoyce@yahoo.com>

Mon, Nov 21, 2011 at 3:51 PM

Reply-To: Joyce Dillard <dillardjoyce@yahoo.com>

To: Claire Bowin <claire.bowin@lacity.org>, The Honorable Carmen Trutanich <CTrutanich@lacity.org>

Comments to Draft EIR CASP Cornfield Arroyo Specific Plan due 11.21.2011

37-1 [ **AIR QUALITY** will be affected as all air quality in the South Coast Air Quality Management District AQMD has issues of compliance.

37-2 [ Trucks and industry are factors not taken into consideration in an industrial area near freeways and rail yards.

37-3 [ You have not identified Air Pollution from signage and lighting.

**NOISE POLLUTION:**

37-4 [ The Cornfields aka LA Historic State Park produces extreme light pollution and noise pollution from events already.

37-5 [ Rail yards including Metrolink and their high decibels need to be taken into consideration.

There are problems with infrastructure and capacity including but not limited to sewers.

There are references to the City of Los Angeles INTEGRATED RESOURCES PLAN certified in December 2007.

The Plan is now obsolete, yet you refer to it as reference. There have been changes to that Plan since certification. In particular, the following report:

The Donald C. Tillman Water Reclamation Plant In-Plant Storage Project Environmental Assessment, US Army Corps of Engineers, August 9, 2011

37-6 mentions significant changes to the SEWAGE SYSTEM.

In Section 1 Introduction 1.1 Overview

"In 2007, the City implemented measures to reduce the amount of nitrogen compound discharged from its water reclamation plants as mandated by the Los Angeles Regional Water Quality Control Board ("Nitrogen Compounds and Related Effects Total Maximum Daily Load (TMDL) for the Los Angeles River Watershed", an amendment to the Los Angeles River Water Quality Control Plan).

The City now proposes to construct two 7.6 mg basins (proposed project) within the plant's bermed area to temporarily store 15.2 mg of primary treated wastewater during periods of peak wet weather flows. The basins would be in lieu of the 60 mg tank envisioned in the IRP."

## In Section 2 Purpose & Need 2.1 Background

**“Tillman began operations in 1985 in the Sepulveda Basin with the intent to relieve pressure on the major interceptor sewers in the San Fernando Valley as well as to relieve pressure on Hyperion Treatment Plant (Hyperlon) by treating sewage from the western portion of the San Fernando Valley. After construction of the first phase of the multi-phase build-out, Tillman began operation with a treatment capacity of 40 million gallons per day (mgd). Phase II was planned for and evaluated within the 1982 Wastewater Facilities Plan Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). Phase II began operation in 1991 and provided an additional 40 mgd of treatment capacity. The EIS/EIR also considered two additional phases, Phase III and Phase IV, resulting in an additional 40 mgd each.”**

**“A number of sewers are located in the immediate vicinity of Tillman. Sewers feeding into Tillman include the Additional Valley Outfall Relief Sewer (AVORS) and the East Valley Interceptor Sewer (EVIS). Wastewater flows exceeding Tillman’s treatment capacity and all biosolids are discharged into the AVORS and carried downstream for treatment at Hyperion. AVORS and EVIS, as well as the Valley Outfall Relief Sewer (VORS), all contain diversion gates that allow water within the sewer to bypass treatment at Tillman and be transported downstream to Hyperion for treatment.**

**Approximately 1.5 miles downstream of Tillman, beneath the intersection of Magnolia Boulevard and Kester Avenue, the returned flow from Tillman conveyed by the 78-inch diameter AVORS is forced into the 42-inch diameter East Valley Relief Sewer (EVRS). This convergence creates a bottleneck that, during substantial rain events, defined herein as 2- to 10-year rain events, causes overflows of the sewer system. To regulate the adverse hydraulic conditions during wet weather peak flows, often resulting in downstream surcharges and sewage spills, the City discontinues Tillman’s Phase II treatment process and utilizes the existing Phase II sewer treatment structures for in-plant storage of primary effluent. As a result, Tillman only operates Phase I to produce only 40 mgd of Title 22 recycled water for beneficial use during wet weather peak flows.**

37-6

**In the longer term, the City proposes to resolve the convergence capacity challenge by constructing three new downstream trunk sewers: the Valley Spring Lane Interceptor Sewer (VSLIS), the Glendale-Burbank Interceptor Sewer (GBIS), and the Northeast Interceptor Sewer Phase II (NEIS II). The anticipated cost of all three sewers is approximately 1.2 billion dollars. However, in order to minimize sewage overflows, eliminate regulatory violations associated with sewage overflows, and to reduce risks to public health and safety from sewage overflows, the City seeks to implement short-term solutions.”**

**“Typical consequences of overflows include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams. The California State Water Resources Control Board adopted Statewide General Waste Discharge Requirements in 2006, which require public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all overflows to the State Water Resources Control Board.**

**The construction of VSLIS, GBIS and NEIS II could occur in the distant future; NEIS II is proposed to be operational in 2022, GBIS in 2029, and VSLIS in 2050. However, there is a need in the shorter term for an interim solution that can be accommodated within the City’s existing limited budget, allows the City to comply with State Water Resources Control Board requirements, and also restores maximum treatment and reclamation capacity as well as relieves sewers downstream of Tillman during 2- to 10-year rain events. The City has conducted several studies to identify and evaluate potential solutions; the results of these studies are summarized in Section 3.0, Alternatives Considered.”**

## In Section 2 Purpose & Need 2.2 Purpose & Need

**The City’s primary purpose for the proposed project is to provide a short-term method to restore maximum treatment and reclamation capacities of Tillman during substantial rain**

**events, defined as up to 10-year rain events, while continuing to attenuate peak wet weather flows to the AVORS-EVRS-NOS confluence. The purpose fulfills a need to protect public health and welfare and minimize water quality impacts by preventing sewage overflows during substantial storm events.**

- In Section 3 Alternatives Considered 3.1 Background

**"In 2006, the City of Los Angeles prepared an Environmental Impact Report (EIR) for the Integrated Resources Plan (IRP). The IRP EIR addressed the wastewater facilities needed in the year 2020, while integrating future recycled water and urban runoff needs. A project element in the IRP EIR, in part to address restoring maximum treatment and reclamation capacities of Tillman while continuing to attenuate peak wet weather flows to the VORS-AVORS-EVIS confluence (the primary objective of the proposed project), included the evaluation of a proposed underground 60 million gallon (mg) wastewater storage tank located immediately outside the eastern boundary of Tillman. This proposed 60 mg tank would store primary effluent during substantial storm events.**

**Since the IRP EIR, the City has reviewed and analyzed the wastewater system needs further. In January 2008, the City prepared the Flow Equalization and Tertiary Filtration Concept Report, which evaluated a number of alternatives to store primary effluent at, or in the vicinity of Tillman, to relieve pressure on the constriction that occurs at the convergence of VORS, AVORS and EVIS, beneath the intersection of Magnolia Boulevard and Kester Avenue. The recommended alternative in 2008 involved the construction of Phase III structures without treatment equipment. Phase III structures would be used for in-plant wet weather storage to relieve the sewer system during substantial storm events by diverting and holding primary effluent for a duration of up to 12 hours, then discharge the effluent back into the AVORS.**

**In February 2009, the Open Lined Basin Evaluation Technical Memorandum was prepared by the City which identified the currently preferred, and more cost effective action to build in-plant storage in lieu of Phase III structures to store primary effluent at Tillman, and to relieve pressure at the convergence: the construction of two 7.6 mg inplant storage basins to store in total 15.2 mg of primary effluent during substantial rain events."**

In Section 3.3 Alternatives Evaluated in this EA

**3.2 In-Plant Storage Basins Alternative (City-Preferred Alternative)**

**As discussed above, this alternative identified in the January 2008 Flow Equalization and Tertiary Filtration Concept Report involved the construction of Phase III structures without treatment equipment. The City initiated the Wet Weather Storage Recovery System Project in 2009, and during this study, a new, more cost-effective alternative emerged: construction of an open lined basin within the Tillman site for in-plant storage of excess wet weather flows. This new alternative is estimated to cost approximately \$23 million, and therefore results in a savings an estimated \$20 to \$30 million to the City, when compared to build-out of Phase III facilities to store primary effluent, while still achieving the project purpose and need.**

**The In-Plant Storage Basins Alternative involves constructing two open concrete-lined basins that would collectively provide 15.2 mg of storage capacity to be used to relieve the sewer system during substantial storm events and would allow the Tillman plant to remain fully operational during wet weather periods, treating 80 mgd. The two new basins would be constructed on the east side of Tillman, within the existing plant boundary, as shown in Figure 3-1, Tillman Site Plan. Tillman is located in the Sepulveda Basin in the San Fernando Valley area of the City of Los Angeles on property leased by the City from the Corps. The total storage volume, and thus the total volume of wastewater that would be at the Tillman plant at any given time under the In-Plant Storage Basins Alternative would be 59.08 mg, given that both Phase I and Phase II components collectively have a total volume of 43.88 mg and the storage basins would hold 15.2 mg of primary effluent.**

**Details of this alternative include the construction of two 7.6 mg open concrete-lined basins to provide**

37-6

temporary storage of primary effluent with no treatment, a piping and flow control system from the existing primary effluent channel to the two new basins and from the two new basins to the existing AVORS, a new AVORS junction structure, basin washdown systems and modification of the existing primary sedimentation tanks withdrawal piping, as shown in Figure 3-2, Project Overview and Figure 3-3, In-Plant Storage Basins Alternative Details.

The design of the storage basins requires a cut and fill method of construction, with construction of a new maintenance road around the basins. More material would be cut than would be required for fill around the road. All excess material, estimated to be approximately 55,000 cubic yards (cy), would be removed from the Sepulveda Basin, as required by the Lease. Much of this excavation and disposal was accomplished during July 2011. Approximately 120 truck trips daily, assuming 18-cy trucks haul away the excess soil, would remove the soil over a period of approximately 6 weeks. Trucks would access Tillman from Interstate 405 (I-405) to the east, travel west-bound along Victory Boulevard, and turn south at Densmore Avenue. When exiting Tillman trucks would follow the same route back to I-405 and continue eastbound on Highway 101, Highway 134 and Interstate 210 to the City of Azusa. Removed soil is being disposed of at Waste Management Azusa Landfill located at 1211 West Gladstone Street in the City of Azusa.

37-6

Additionally, as shown in Figure 3-2, during construction a laydown/staging area and temporary construction worker parking area would be provided in the northeast portion of the plant, outside of the bermed area of Tillman and immediately south of the Septage Transfer Facility. The construction laydown and parking area would occupy approximately 200,000 square feet of the Sepulveda Recreation Area for a period of less than one year."

CIRCULATION issues including military passage should be addressed.

37-7

OIL and MINERAL RIGHTS are still not addressed and this is an issue in the area. You have not addressed any LUST Underground Tank Storage issues or pipeline issues. Are all abandoned oil wells identified and safe. Possible extraction of oil or natural gas is not addressed. Methane issues need to be addressed.

37-8

WATER SUPPLY, WATER QUALITY and RECYCLING WATER including storage and treatment plants are not addressed. We have seen storm water capture concepts at the River not mentioned.

37-9

WATER CONSERVATION is under the jurisdiction of the US Army Corps of Engineers, yet no mention is made of the possible use of the Hansen Dam for such.

37-10

TOTAL DAILY MAXIMUM LOADS should be addressed as to water quality. Lead has been found at Albion Dairy.

37-11

FLOODPLAIN issues need to be addressed based on 100 year incidents and development on liquefaction and hillside areas.

37-12

GEOLOGY, SOILS and SOIL SEDIMENT are issues that should have mitigation measures. Historically, the LA River has had quicksand.

37-13

SEA-LEVEL RISE and the SOUTHERN CALIFORNIA BIGHT issues need to be addressed and mitigated.

37-14

LOS ANGELES BASIN PLAN, WATERSHEDS and SUB-WATERSHEDS should be addressed as well as GROUNDWATER BASINS, their effect and mitigation.

37-15

FORESTS and effects from FIRES should be addressed and mitigation measures presented.

37-16

PUBLIC SERVICES including FIRE, POLICE and EMERGENCY SERVICES staffing and equipment availability need to be addressed and mitigated. HOSPITAL ACCESSIBILITY, especially with LA County-USC General Hospital nearby is a critical piece of infrastructure.

37-17

METRO BOMB SQUAD is located in the vicinity and measures for that service including National Security issues

37-18

37-18 should be addressed and mitigated.

37-19 [ ENDANGERED SPECIES should be addressed in more accurate terms. The Santa Ana Sucker is part of the LA River Watershed, and consequently, critical to this area also.

37-20 [ From the LOS ANGELES RIVER MASTER PLAN, June 1996, Los Angeles County Department of Public Works, we have analyzed their Goals, Objectives and Regional Context Maps that are the basis of the effects under their Negative Declaration. This should be incorporated along with City of Los Angeles Proposition K projects. Trails are included.

Joyce Dillard  
P.O. Box 31377  
Los Angeles, CA 90031

CASP

11/17/2011



Commissioner:

As a native of Los Angeles, I believe

it is imperative that CASP be reviewed

to ensure inclusion of the following aspects:

### I Affordable Housing

- a. As a traditionally low-income and highly immigrant neighborhood, the impacted area presents an opportunity to increase affordable housing stock in the impacted zone.
- b. Failure to include or require affordable housing stock could lead to high vacancy rates which would impact local school funding and might lead to an aesthetic of blight or abandonment.
- c. Building/including high-density housing presents an opportunity to successfully use the density bonus.

38-1

①



II Democratic Process

a. Our city should model inclusive democratic processes. Therefore CASP should factor-in and consult ALL persons directly impacted. This process, to be inclusive, must include centers.

b. To be truly ~~two~~ democratic, CASP must factor language and literacy capacities in the impacted zone.

Operationally this means notice and other materials must be in languages ~~at~~ available

in addition to english. Translation must also be available at community meetings.

III Environmental Impact/Factors

a. In addition to green space, residents need safe access to green space.

Here, traffic calming measures and best-of-breed cross-walks.

b. Green space must be safely green.

Toxic abatement/remediation must be closely monitored and results should be presented widely and as transparently as possible.

Respectfully,

  
Kar Martinez

FILE COPY

38-2

38-3

OCTOBER 15, 2011

DEAR COUNCILMEMBER REYES,

IT WAS A PLEASURE SPEAKING WITH YOU AT THE C.A.S.P. MEETING THAT TOOK PLACE AT THE GOODWILL JOBS CENTER.

I WORK AT HOMEWORK CAFE WITH 50 WOMEN WHO MADE THE DECISION TO TURN THEIR LIVES AROUND AND LEAVE THE LIFESTYLE OF GAMBLING BEHIND.

I HOPE THAT AFFORDABLE HOUSING BE MADE AVAILABLE TO THESE WOMEN WHO ARE BEACONS OF HOPE AND LIFE FOR THE CITY OF LOS ANGELES.

IT IS THE BETTER, IF NOT BEST INVESTMENT FOR ANY INVESTOR TO MAKE HOUSING AVAILABLE FOR THESE WOMEN, MANY OF WHOM ARE LOCAL RESIDENTS OF LINCOLN HEIGHTS,

OVER →

ON BEHALF OF HOMEOWN  
INDUSTRIES AND HOMEOWN CARE,  
I ASK THAT YOU NOT  
FORGET ABOUT THOSE  
THAT KEEP THE  
HEART AND SOUL OF  
LOS ANGELES ALIVE, NAMELY  
LOCAL RESIDENTS WHO  
HAVE BEEN THE  
BACKBONE OF THIS  
CITY'S WORKFORCE.

I APPRECIATE YOUR  
ATTENTION TO THIS LETTER.

SINCERELY,

RICHARD D. GARCIA

(523) 208-2698  
130 W. BRUND ST.  
LOS ANGELES, CA 90012

EMAIL: richardg@homeown-industries.org

**DATE:** November 21, 2011  
**TO:** Claire Bowin, L.A. Dpt. City Planning  
**FROM:** Dr. C.T. (Tom) Williams  
**SUBJECT:** Draft Environmental Impact Report, ENV-2009-599-EIR/2009031002  
 Cornfield Arroyo Seco Specific Plan  
**RE:** Comments on Chapters 1-3

Unfortunately, the comments for the Draft EIR are extensive and will be submitted electronically in sections for various Chapters and their relevant appendices. I have conducted more than 250 EIRs, EISs, and EAs for cities, counties, state, federal, and international agencies and organizations and find this document unacceptable based on standards of the industry. In general I find the entire DEIR based on inadequate, incomplete, and outdated technical information for the environmental setting. For several comments they focus on incorrect or erroneous basic information. With a poor baseline environmental setting, the assessment and mitigation and compensation measures also are rendered inadequate and incomplete.

As a programmatic EIR, the mitigation measures for future project development are totally inadequate and incomplete as to enforceable conditions for future ministerial permit considerations.

For a transit-focused development, the Transportation Chapter would be the primary sector of concern and is totally inadequate and incomplete, does not provide any transit capacity and levels of service setting, contains many errors, and generally cannot be considered as supporting the transit resources known to exist within the Project Area and Study Area.

I highly recommend that following review of the comments that the City of Los Angeles agencies review the document, make revisions of the initial draft EIR, and either recirculate as a new draft EIR or several supplemental EIRs for the relevant sections.

I am available for discussions and any clarifications so as to provide a timely recirculation of the DEIR for this very important project.

Dr. Clyde Thomas (Tom) Williams  
 VP, NELA Coalition, Brd.Mbr. LA-32 Neighborhood Council  
 323-528-9682  
 4117 Barrett Rd.  
 Los Angeles, CA 90032-1712

Copies of DEIR text are noted, summarized, and highlighted as to the relevant phrases for which **comments** are made.

40-1

**p.1-3 1 Introduction 1.3 Project Need** The Project Area is currently in a transitional state...and real estate market trends have combined in recent years to accelerate interest in redeveloping large parts of the Project Area....

40-2 [ ***Project Needs and goals are not specified and not quantified and therefore achievement cannot be adequately assessed and compared amongst alternatives. Goals are usually established for various parameters, followed by comparisons as to what is current levels of Goal Achievements and what remains should be the Needs.***  
***What are the specific “real estate trends” and their “combined” effects? What do “accelerate” and “interest” actually mean?? In any city of more than 100 years old and without significant (>1 acre) open/vacant/greenfield flat lands, everything becomes redevelopment or reconstruction of existing land uses and structures.***  
***How does CAS Project area differ?? How big and which parts are “large parts”??***  
***Revise, revise, and quantify statements or remove as inadequately established. Provide revised draft and recirculate.***

**p.1-3** ....Project Area is already well-served by regional roadways and local streets...Within the past five years [2000 census???], 11 acres of previously industrial land in the Project Area were rezoned to accommodate residential uses.

40-3 [ ***Broad statements as to service is contradicted by the large number of intersections and the freeways which are operating at LOS F and designation of Los Angeles as the second worst air quality in the US.***  
40-4 [ ***Given the long period that environmental considerations have been underway, use of “past five years” can be almost any period, please provide numerical dates and references as to support of this rezoning.***  
***Revise, revise, and quantify statements or remove as inadequately established. Provide revised draft and recirculate.***

**p.1-3** The Project Area’s location and amenities...natural location for housing and a mix of other uses...uncoordinated redevelopment...provide limited environmental and social benefit...loss of valuable industrial land....development of the Proposed Alternative was undertaken to provide a framework for creating an environmentally sustainable, inclusive, and economically viable area.

40-5 [ ***As the General Plan and the various other plans and planning considerations have been in effect and presumably have been dutifully followed the “uncoordinated redevelopment” would appear to indicate that the City’s current process and planning has not been appropriate and thereby future impositions could not be improved and similar conditions would occur for the CASP.***  
40-6 [ ***Use of general ill-defined terms, uncoordinated, limited, valuable, sustainable, and viable cannot be considered adequate for a DEIR and would be considered as bias or non-objective.***  
***Revise, revise, and quantify statements or remove as inadequately established. Provide revised draft and recirculate.***

**p.1-3** Policies...are intended to accommodate a range of housing options, new public spaces, opportunities for walking and bicycling, and clusters of development for both existing industrial businesses and the new technology businesses...

40-7 [ ***Policies, ranges, and opportunities are not provided; no discussion and assessment are provided for housing ranges, walking/bicycling, clusters, or new technology businesses and no references are provided to other DEIR or CASP sections where such would be reviewed.***  
***Revise, revise, and quantify statements or remove as inadequately established. Provide revised draft and recirculate.***

**p.1-1 Sec. 1.1** The Redevelopment Plan component of the Proposed Alternative was prepared by the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) and encompasses an area identical to the Specific Plan as shown on Figure 1-1...as an implementation tool to advance the goals of the Specific Plan. The goals of the Redevelopment Plan include  
implementing those of the Specific Plan,  
expanding the employment base in the Project Area,  
eliminating conditions of physical and economic blight,

providing additional affordable housing,  
preserving and rehabilitating existing single family neighborhoods, and  
advancing sustainable neighborhoods through  
cleaning up brownfield sites,  
using green building techniques, and  
making green infrastructure improvements

***This is the only a single page of very generalized activities provided for the inadequate and incomplete “Redevelopment Plan”. The “mechanism” is not provided as to how it will work with, accelerate, improve, etc. the CASP. As no goals are provided for the CASP and cannot be derived from the “Needs”, activities to “achieve the goals” are incomplete and inadequate as no CASP Goals are specified, and no CRA/LA “mechanisms” are adequately described to achieve the undefined goals. CRA/LA and the Redevelopment Plan later define “goals” but do not provide the mechanism to achieve the CRA goals much less how the CASP goals will be achieved. Revise, revise, and quantify statements or remove as inadequately established. The CRA/LA and Redevelopment Plan are totally inadequate where provided and largely incomplete for any meaningful assessment of impacts for the CASP, local communities, and the Environment. .Provide revised draft and recirculate.***

40-8

***p.1-3 The Redevelopment Plan is intended as a mechanism for helping to achieve the goals of the Specific Plan.***

***As only a single page of very generalized activities are provided for the inadequate and incomplete “Redevelopment Plan”. The “mechanism” is not provided as to how it will work with, accelerate, improve, etc. the CASP. As no “goals” are provided for the CASP and cannot be derived from the “Needs”, activities to “achieve the goals” are incomplete and inadequate as no CASP Goals are specified, and no CRA/LA “mechanisms” are adequately described to achieve the undefined goals. CRA/LA and the Redevelopment Plan later define “goals” but do not provide the mechanism to achieve the CRA goals much less how the CASP goals will be achieved. Revise, revise, and quantify statements or remove as inadequately established.***

40-9

***The CRA/LA and Redevelopment Plan are totally inadequate where provided and largely incomplete for any meaningful assessment of impacts for the CASP, local communities, and the Environment. Provide revised draft of a complete RP and CRA Mechanism Process and recirculate.***

***p.1-2 Figure 1-1 Project Area Map is not consistent with other similar maps in later Chapters (e.g., Figure 4-1 in Transportation) but does appear to be no accurate with regard to the boundary of the Cornfields State Historical Park.***

***Revise all Project (or Study) Area maps to be consistent with a verified Figure 1-1 maps. Provide revised draft of all updated maps and recirculate.***

40-10

***p.1-3 This Draft EIR is a program-level document [Programmatic EIR] that meets the requirements of CEQA...from a broad-based perspective, which is appropriate for approving the Specific Plan and subsequent Community and General Plan amendments, as well as the Redevelopment Plan...intended that future projects in the Project Area...meet the requirements of the City’s Administrative Clearance procedure...consistent with all requirements...not require additional environmental review.***

***As the various sections and Chapters have been/will be shown to be incomplete and inadequate the Programmatic EIR cannot be considered to meet CEQA requirements.***

40-11

***As there is no “Redeployment Plan” other than the CASP continuing reference to the “Plan” is in error which would imply an organized system of implementation and without such the participation of CRA/LA cannot be considered to be part of the Programmatic EIR and would be subject to further CEQA considerations.***

40-12

***Without required specific quantified mitigation requirements and conditions for ministerial consideration and compliance, all subsequent “projects” must undergo further CEQA considerations and must be deemed to not meet the City’s Clearance procedure.***

40-13

***Provide revised draft EIR and a complete RP and CRA Mechanism Process and recirculate.***



**p.1-3 ...adhere to the standards...** use this programmatic EIR as their project level environmental review. Projects...not consistent with the Proposed Alternative, will require **additional environmental review**...tier off this EIR in accordance with the rules governing program-level EIRs and tiering...

40-14 [ **As no “standards” are specifically referenced, defined, and quantified all “projects” must be provided as “Supplemental” or “Subsequent) EIRs and then certified before approvals. Provide revised DEIR along with a specific subsequent review Process and recirculate.**

**p.1-5 1.2.2 Demographics** The Project Area falls within four Census tracts...total number of households...in 2007...majority...outside of the Project Area boundaries...**(City of Los Angeles, 2008a)...****The 2000 Census**...based upon **2000 dollars**. Thirty-six percent of the population lives in poverty...**2000 Census**, 50 percent of the population had received..., 25 percent had a high school education..., and another 16 percent graduated from high school...In the **2000 Census, renters accounted for 82.5 percent...15 percent took public transit**, 25 percent took other means, and another 3 percent worked at home **(ibid.)**.

40-15 [ **The DEIR is based on outdated references, such references are not compared with early 2010 Census reports nor the full 2010 Census and thereby is both incomplete and inadequate.**

**Data is outdated and needs severe revisions in accordance with 2010 census which became available during the preparation of the EIR.**

**As the DEIR also contains the LADWP Water Supply Assessment (Vol2, Chapter 7, Appendix 7B) uses 2010 information for utilities and detailed facilities potential conflicts could arise when different planning horizons are used for the same project, e.g., 2010 use rates for 2000, 2003, and 2005 conditions.**

**Although mentioned here for year 2000, MTA records are available for all MTA lines and from LADoT for DASH lines in the Project Area for 2010.**

**Provide revised Draft EIR updated to 2010 for all chapters and appendices and recirculate.**

**p.2-1 2 Project Description** This...EIR) analyzes the potential impacts of implementing...Specific Plan and the **Redevelopment Plan (Proposed Alternative)**.

40-16 [ **As given herein separation of the two components erroneously suggests distinctiveness which is not provided.**

**Provide revised draft of a complete RP and CRA Mechanism Process and recirculate.**

**p.2-1 ...the Proposed Alternative reflects the policies and proposed land use changes** that would result from the **land use and other changes identified in this chapter**.

40-17 [ **Policies, Goals, Needs, and Objectives are not adequately defined and are incompletely related in a coherent system applied to land uses, transportation, population, and socioeconomic sectors of the Environmental consideration. No references are provided to the common, basic system of Policies, Goals, Needs, and Objectives and therefore the DEIR remains incomplete and inadequate.**

**Provide revised draft with a single set of Policies, Goals, Needs, and Objectives and their application in the CASP and recirculate.**

**p.2-1 2.2 Proposed Alternative** The Proposed Alternative...based upon **careful consideration of the characteristics of the Project Area, potential opportunities and constraints**, historical context, regional context, market realities, future sustainability, accessibility, and other planning considerations...involve implementing **two plans**:...Specific Plan and the **corresponding** Redevelopment Plan. While the **Redevelopment Plan does not propose any land use changes, the Specific Plan does**...includes the adoption of a **new Hybrid Industrial General Plan Land Use category** for a **majority**...elements of both plans are explained in more detail...”

40-18 [ **Define “careful”, characteristics, potential, opportunities, constraints, corresponding, majority. Without clear and consistent definition of these terms they render the Chapters and perhaps the entire DEIR and Chapters as non-objective and therefore inadequate and incomplete for meaningful review and comments.**

**As indicated elsewhere there are no “Two Plans”, and RP should clearly state what it does do and not what it does not do.**

40-19 [ **No definition of Hybrid Industrial” General Plan category is defined although several CASP hybrid “district” designations are given without clear definition or reference to CASP or DEIR section describing such.**

**Provide revised Draft EIR and a coherent CRA/LA RP and recirculate.**

40-20

**p.2-15** The four new zoning districts [*new “Urban” zoning districts = the new Hybrid Industrial Land Use category*]...result from implementation of the Specific Plan are the following:

**Urban Village:**...craftsman and artisan activities and light industrial, creative, and cognitive production.

**Urban Innovation:**...Small-scale craftsman and artisan activities, light industrial, creative and cognitive production, and research and development uses...

**Urban Center:**...districts that capitalize upon the area’s proximity to fixed-rail, mixed-uses and open space by providing an intense blend of commercial, light industrial...”

**All district appear to contain similar elements and no distinctions are provided other than those given in the unreferenced anywhere Appendix 7B, LADWP Water Supply Assessment, which does include populations, dwelling sizes, and floor space for retail, offices, and light industrial uses.**

40-21

**No definitions are provided for “Small-Scale”, craftsman, artisan, creative and cognitive, activities and uses and production, and therefore the designations are considered incomplete and inadequate.**

40-22

**Proximity to fixed rail (presumably stations rather than tracks) is mentioned without definition and is not adequately presented in the relevant Transportation assessment (Vol.1-Chapter 4).**

**Provide revised, referenced, and coordinated complete and adequate Draft EIR and recirculate.**

**p.2-2 – 2-12 Table 2-1: 2010 Initial Study – Potential Impacts of Future Development in the Project Area That Are Less Than Significant Impacts with Mitigation Incorporated**

**This is the Project Description Chapter and ten pages of Impacts are to be addressed in the appropriate section. Inclusion in the Project Description causes the Project Description to be minimized and therefore less adequately than should be especially for the lack of CRA Description rather than simple listing of major categories.**

40-23

**Provide revised draft with distinctive section contents and recirculate.**

**p.2-13 2.2.1.1 Program Assumptions** For the purpose of this Draft EIR...Specific Plan will enable development up to the levels specified in Table 2-2: **Program Assumptions**

**Table 2-2: Program Assumptions**

	Proposed Alternative (2035)	No Project Alternative (2035)	Current (2003)

Source: Los Angeles DCP, 2011.

**No adequate list of Program Assumptions is provided only the limits on various factors without a single set of Policies, Goals, Needs, and Objectives and their related assumptions for the CASP.**

40-24

**Current as of 2003 (presumably based on 2000 Census) is not reflective of current conditions especially if using a 2011 (or 2010) report.**

40-25

**Landuse classifications are not consistent with those in the DEIR.**

40-26

**No City of LA, DCP Report of 2011 (2010, Retrieved in 2011) in references; retrieval is irrelevant and suggests recent study rather than pre-2010 Census study**

40-27

**Provide revised Draft EIR with updated coordinated and referenced information and tables and recirculate.**

**p.2-14 2.2.1.2 Purpose and Objectives** The purpose of the Specific Plan [*CRA RDPlan*]...set of **objectives** identified through the community planning process:

- To transform an underserved and neglected vehicle-oriented industrial and public facility area into a cluster of mixed-use, pedestrian-oriented, and aesthetically pleasing neighborhoods
- **To provide economic growth opportunities for emerging new technologies**
- **To reconnect historical communities**
- **To maintain and enhance the concentration of jobs in the public and private sectors**
- **To provide a range of housing types and price levels** that offer many choices, including home ownership for people of diverse ages, ethnicities, household sizes, and incomes
- To provide shops and services for everyday needs, including groceries, day care, cafes, restaurants, banks, and drug stores, within an easy walk from home or work

- To facilitate pedestrian mobility, encourage bicycle use, provide shared and unbundled parking spaces, and provide access to a variety of **transit** options including frequent **light rail and bus connections**, shared vehicles and bicycles, and taxis
- To **lessen dependence** on automobiles, and thereby reduce vehicle emissions, while enhancing the personal health of residents, employees, and visitors
- To provide “eyes on the street” to create a safe and stable community and to encourage interaction and identity
- To respect historically significant buildings, including massing and scale, while encouraging innovative architectural design that expresses the identity of contemporary urban Los Angeles
- To reduce use of energy and potable water, **capture stormwater**, improve ecology and hydrology of...create connections from the community to...and support the Los Angeles River Revitalization Master Plan
- To increase access to open space
- To provide places for people to socialize, including parks, sidewalks, courtyards, and plazas that are combined with shops and services
- To provide **adequate** public recreational open space **within walking distance** of residents and employees and to integrate public art that contributes to the civic and cultural life...

40-28 [ **No specific and adequate set of Policies, Goals, Needs, Purposes, and Objectives and assumptions is provided in or reference by the CASP.**  
**No definitions and references are provided for the many terms used without adequate incorporation with other sections, e.g., for Transportation (Vol.1, Chap.4): Easy walk, Walking distance, Access, and Lessen dependence on automobiles**  
**Provide revised Draft EIR with well-defined, coordinated, and referenced information and tables and with clear relations of Goals, Objectives, Purposes, Needs, and Policies and recirculate.**

40-29 [ **p.2-17 2.2.1.4 Transportation and Circulation** The Specific Plan incorporates a revised set of “**complete**” street standards that provide cyclists, pedestrians, **transit riders**...safe and convenient mobility options.  
**No Transportation or Circulation standards are provided for transit facilities: road stop, laybys, stations, signal over-rides, etc..**  
**No transit options are provided for safe and convenient mobility.**  
**Provide one set of consistent “Pedestrian Oriented” requirements for land use and transportation related facilities and conditions for all subsequent CEQA consideration.**  
**Provide revised Draft EIR with updated coordinated and referenced information and tables and recirculate.**

40-30 [ **p.2-17 ...strengthens** regional bicycle routes and identifies land along the Los Angeles River and the Arroyo Seco for future routes.  
**No definition of “strengthens” is provided, and no regional, Study Area, or Project Area bicycle routes are provided. No coordination, circulation, or connection is provided for the CASP and the LARiver or Arroyo Seco for “Future Routes”.**

40-31 [ **This section and the Transportation Chapter 4 are not cross-coordinated or referenced and thereby provide contradictory statements and appear to be inadequate and incomplete with regard to “Complete Streets” or “Complete Mobility”**  
**Provide revised Draft EIR with updated coordinated and referenced information and tables and recirculate.**

40-32 [ **p.2-17 Street Typologies** Each street in the city is designated as a **Major Highway** or a Secondary, Collector, or Local Street...do not reflect the recent move toward a **Complete Street standard...goal of this plan** to provide for **all modes** of transportation, **most of the existing streets**...designated with one of the **new modified** street standards:...emphasize **intracity, multimodal travel and connect urban activity centers...mix of local and regional traffic...on-street parking or bicycle lanes and may not include sidewalk on both sides of the street (due to roadway constraints)**...wide sidewalks, exclusive bicycle lanes, on-street parking, and landscaping.  
**Major highways are not delineated; no Complete Street Stand is provided, transportation goals of this CASP are not stated and applied to the designs, inconsistent use of Light and Local Industrial**

*streets is shown between text and figure (figures take precedence over text in contracts), street parking is not delineated within the Project Area.*

*The Project Description is not coordinated with the Transportation Chapter 4, and neither references the others.*

*No discussion is provided for the Major Highway streets and their relationships to other lower classed street and how they work together and how they relate to the Pass-Through traffic and both Rail/Road transits.*

*No specific standards provided for Light/Local Industrial Streets.*

*For a pedestrian oriented development not to have sidewalks does not adequate provide support for the approach to development.*

*Provide revised Draft EIR with updated coordinated and referenced information and tables and recirculate.*

40-32

**Page 2-18 2.2.1.5 Parking** The Specific Plan...parking standards...to expand transportation choice by separating the cost of renting or purchasing parking spaces from the cost of renting or purchasing a housing unit or nonresidential space, and by significantly reducing the maximum levels of parking required by developers. The **specific standards** for parking are described below.

**“Residential** Projects or those portions of Mixed-Use Projects that are residential shall do all of the following:

**“Nonresidential** Projects or those portions of Mixed-Use Projects that are nonresidential shall do all of the

**The use of Residential, Nonresidential, and “Mixed Use” categories is not consistent with the Hybrid categories used elsewhere.**

**Mixed-Use projects typically include Residential, Commercial-Offices and Retail, but NOT industrial.**

**Street parking should be clearly designated either in this or Chapter 4 and should be consistent with the designated land use categories. Specific Standards would also be graphically illustrated as the categories and “requirements” are not directly related to the Hybrid categories.**

**Provide revised Draft EIR with updated coordinated and referenced information and tables and recirculate.**

40-33

40-34

**2.2.1.11 Block 52 Options**

A **Modified Project Alternative**...Lincoln Heights Jail (Jail)...**Urban Innovation District**...change of designation...**limited physical consequences**...provide the **economic stimulus** to use Block 52...that would **improve** the community...**working closely**...River Revitalization Corporation (RRC)...suggested that the land uses that would be permitted in the proposed Greenway District may **ultimately prove too limiting to attract future tenants** that could generate **sufficient revenues** to rehabilitate the building...

**As an option Block 52 would not be considered as an Alternative which should be discussed in the typical alternatives section and not in the Project Description Chapter 2.**

**As the RRC is a separate entity, an appropriate Plan with goals, objectives, purposes, needs, etc. would be required.**

**Definitions are required for “limited physical consequences”, “economic stimulus”, improve, closely, ultimately, too limiting, sufficient revenues, and others in the paragraph.**

**As a Modification of the Proposed Project, the change of one “block” or one building does not appear to warrant designation as a Modified Project Alternative, when far more important alternatives should be considered to focus of rail transit station villages, major bus station transit centers, and vehicular park-n-ride facilities would be more commensurate with a “pedestrian-friendly” “complete street” modified project alternative.**

**Provide Transit Modified Alternatives, revised Draft EIR with updated coordinated and referenced information and tables and recirculate.**

40-35

40-36

40-37

40-38

**p.2-26 2.2.2 The Redevelopment Plan** ...CRA/LA activities...Redevelopment Plan...identify **priority projects** and authorized powers of the CRA/LA **in this portion of the Project Area.**

**No CRA priority projects are identified in the CASP. Based on 20+ years of project development, a Redevelopment Plan must be integrated with the CASP and must be included as to how to maintain existing affordable housing and industrial facilities and activities. Without projects, the RP is totally incomplete. A listing of financial elements without amounts is totally inadequate.**

40-39

40-39 Provide even general, Level 1-2 types of Projects and for Estimated dollar amounts to achieve the CRA contribution to improved CASP performance – time schedule presumably would be accelerated.

p.2-26 The Redevelopment Plan...create a tax-increment financing district (TIF)...fund strategic investments to implement the vision of the Specific Plan...spent in only the Redevelopment Project Area boundaries and only for activities allowed by California Redevelopment Law...such redevelopment activities as the following:

40-40 Provide the “Vision” of the Specific Plan within the FEIR.  
“Spent in only the...boundaries” is totally mis-leading and CRALA commonly spends money and builds projects outside of the RP boundaries.

40-41 Provide estimate of tax-increment finances for the typical 25 year period (2012-2037).  
Revise or include special mitigations that NO CRALA CASP generated funds will be spent outside of the CASP Project Area boundary.

p.2-26 Investing in construction and rehabilitation of housing for residents of all income levels, with denser mixed-use projects located near transit...

40-42 Provide a base case of housing provisions in the CASP/RP of anticipated general distribution of housing for all residents of all income levels.

Provide distribution by income for residents within 500ft of rail transit stops.

Provide approximate capacity of rail transit stations and how capacity/supply relates to the demand/denser residential units located near (500ft to 15 minute/2500ft pedestrian walking time).

p.2-26 ...consolidating and repurposing the publicly owned land in the Project Area...

40-43 Provide anticipated/planned re-purposing for public lands (including – State, LACo., LACity, and various public entities).

p.2-26 ...“last mile” infrastructure around transit such as bike stations and car-sharing stations...

40-44 The total project area is all within a one-mile radius of the Spring Street Bridge but far less than the distances from various bus and rail stops/stations within the Project Area. Use of bike and car sharing facilities rather than good pedestrian pathways appears unnecessary for service within the Project Area. The DEIR is totally inadequate for assessment of first/last mile analyses and provides no information regarding the actual probable last/first distances between the employment and dwelling sites and the transit sites within the Project Area.

Provide locations of all bus stops/stations and rail stations and use 500ft radius for “last mile” pedestrian pathways from transit to dwellings or employment sites.

p.2-27 ...Chapter 17...alternative...for no redevelopment...consistent with...eliminate new Redevelopment Areas...

40-45 No mention of Light Industrial, of road or rail transits, of RRA and CRA coordination, of specific projects and economic uses, and of FAR/AirRights and transfers from continuing public lands to other lands. This is the only section describing CRA and the Redevelopment Plan but is totally incomplete and inadequate

Provide.

p.3-10 3.1.2.3 Adjacent Redevelopment Project Areas Two Redevelopment Project Areas are immediately adjacent,,Adelante Redevelopment Project focuses on...industrial and commercial uses...as well as improvement of local shopping areas...Whiteside Redevelopment Project Area...was merged with the Adelante Project Area in September 2009 to form a larger Biomed Tech Focus Area.

40-46 Current designation for the “Adelante” CRA area is actually Adelante/Eastside. Whiteside is referenced in text but not delineated in any drawings.

Provide delineation of Whiteside or remove the text reference; revise Adelante to current designation.

p.3-10 3.1.2.5 Southern California Association of Governments

...SCAG Compass...vision for the development...identifies the Project Area as a target area for infill development...reduce the need for additional development...



**No references provided to current 2010-11 SCAG “visions” for the CASP project area and how these compared to those used in the TAZ.**  
**Provide SCAG references for the statement or remove. Provide updated description of SCAG’s 2012 Plan (Draft) for detailed comparisons for population and land uses within the Study Area..**  
**Provide revised text.**

40-47

**p.3-13 Fig. 3-9 Redevelopment Areas - Map**  
**No delineation of the Whiteside area(s) within the Study Area. Provide locations of Whiteside and BioMed areas.**  
**Provide revised text.**

40-48

**p.3-17 ...Specific Plan of the Proposed Alternative, the land use designations for the three Community Plans...would be expanded to include a Hybrid Industrial land use.**  
**Land use designations are not expanded they are new and old terms are removed; all designations would include “light industrial” uses**  
**Provide revised text.**

40-49

**p.3-17 ...Hybrid Industrial designation...permit a controlled mix of residential, commercial, community, and industrial uses...Tables...illustrate the distribution of existing and proposed land use designations.**  
**Provide by block, in appendices, “controlled” percentages for each existing and proposed/Hybrid land uses.**

40-50

**p.3-17 Table 3-1: Current Land Uses and Their Applicable Community Plan Acreages**  
 Northeast - Commercial Industrial Open Space Public Facilities Residential Multifamily  
**p.3-17 Table 3-2: Proposed Land Use Designations and Their Applicable Community Plan**  
 Northeast  
 Los Angeles Hybrid Industrial Open Space Public Facilities Residential Multifamily  
**Multiple Family Residential eliminated as use in Central LA Community Plan**  
**Remaining in NELA is single??/Multifamily residential**  
**Provide revised text.**

40-51

**p.3-19 to establish and maintain attractive distinctions between each district. Further the districts are intended to result in a land use plan compatible with meeting the GOALS of both AB 32 and SB 375.**  
**No mention is made of Residential Multi-Family zoning or Residential Single Family in SE portion**  
**Provide.**

40-52

**p.3-25 ...The determination of significance applying...Threshold Guide is made considering the following factors:**

- Whether the proposal is inconsistent with the adopted land use/density designation in the Community Plan, redevelopment plan, or specific plan for the site

**No physical RD Plan is provided, and various “program” elements have not been assessed as to how they may accelerate or change the implementation. Although the Community Planning components may not be directly affected by the presence or absence of the RD Plan, economic program elements would emphasize increasing incremental tax revenues which would increase capital investments with largest structures and highest sale and rental rates..**  
**Provide revised text.**

40-53

**p.3-26 3.3.1 Assumptions**  
 Implementation of the Redevelopment Plan component of the Proposed Alternative will not result in any land use changes that conflict with the Specific Plan component of the Proposed Alternative.  
**The Statement has not been completely or adequately substantiated. As indicated in the statements, the City has had differences between the Community Plans and Redevelopment Plans, and therefore assessment and evaluations must demonstrate that implementation of the two separate components are in fact compatible and complement rather than oppose each other.**  
**Provide adequate and complete equivalent descriptions, comparisons, and assessment of the Redevelopment Plan “component” for/of that of the Specific Plan “component”.**

40-54



**p.4-1 4 Transportation**

...addresses the potential transportation impacts...with the implementation of the Cornfield Arroyo Seco Specific Plan and **Redevelopment Plan** (Proposed Alternative). The geographic scope...includes the Project Area and a larger study area because **potential transportation impacts are not limited to the Project Area.**

40-55 **As indicated elsewhere the "Study Area" is identified but is inadequately defined especially as they relate to "pass-through" (=commuter) corridors, e.g., Figueroa/San Fernando Road, Pasadena, Broadway, Valley-Main, and Mission, and "dispersion". These four commuter corridors represent the primary access for most NELA and western and even central San Gabriel Valley commuters. These commuters are largely "dispersion" traffic from the I-10, SR 110, and I-5/SR 2. As no adequate information, analyses, or impacts are provided by corridors no adequate assessment of "dispersion" can be made.**

40-56 **Many commuters do disperse to the various corridors as alternatives to the congested freeway because the arterial signal sequencing effectively provides a preferred commuter route compared to the freeways. No section is proved regarding the effective speeds of the major corridors as established by the signalization which appear to be set at or above the posted speed limits.**

40-57 **Dispersion does occur but is based on the commuters real-time assessments of three main commuter focal points: Valley vs I-10, Broadway vs Main vs Mission, and Figueroa/Huntington-Mission vs SR-110. Traffic flow patterns are largely established east of the assessed Project Area and Study Area. Study Area needs to include the Broadway/Mission and the Figueroa/Pasadena decision points.**

40-58 **Unfortunately no potential transportation impacts or benefits can be ascribed to rail and road transit system as no information is provided regarding their existing or ultimate capacities, demands, and potential mitigation.**

40-59 **Absences of corridor, signal-sequencing, and transit from baseline, assessment, and mitigation renders the Chapter (and the supporting Appendices) largely incomplete and inadequate.**

40-60 **This Chapter does not consider the effects and mitigation required for a successful "pedestrian-oriented" project, e.g., dispersion of more automobile traffic from freeways to arterials and traffic management measures required to less this dispersion.**

40-61 **Acquire, review, assess, and mitigate corridor, signalization, and transit elements.  
Provide a revised and updated information base for re-modeling the Project Area and Study Area traffic and transit movements.**

**p.4-1 Offsite traffic impacts on 43 intersections in the study area are analyzed [modeled] under existing (2009) and cumulative (2035) conditions.**

40-62 **The 43 intersections and networks were analyzed without including public transit and without 2010 census, land use, and ridership information.  
Review and incorporate 2010 census, land uses, and transit ridership information in the models. Revise projections, re-assess impacts and mitigation, and provide an updated DEIR, Chapter 4 and appendices.**

**p.4-1 4.1 Existing Conditions** ...existing conditions in the study area shown on Figure 4-1...for the transportation analysis is larger than the Project Area because potential traffic impacts that could result from the implementation of the Proposed Alternative could occur in a broader area. The **assessment of conditions** relevant to this...EIR includes **traffic control and geometry at study intersections**, traffic volumes at these facilities, **the public transit service** and pedestrian/bicycle facilities in the study area, and operating conditions at study area intersections.

40-63 **Within the Transportation Study Area assessment of the Mission/Main/Valley intersection is erroneous and several intersections are either mislabeled, misidentified, or incompletely described, or are not consistently designated (#20, #21, #35, #36, #37, etc.). AM/PM commuter parking restrictions are not fully reflected in the various traffic facilities and their volumes (e.g., Broadway – East and West of the I-5 and LARiver and in Chinatown vs Lincoln Heights).**

40-64 **Traffic volumes from the existing industrial areas have very high components of Heavy Duty Trucks between the various logistic centers and the various freeway access points, and future continued and expanded industrial land uses are proposed. No modal separation is provided for any traffic assessment, especially Main<->Daly<->Mission<->I-5; truck traffic at Mission/Daly/Marengo is well**

*know to be a major intersection/turning problem. No assessment is provided as to the potential impacts*

40-64

*No assessment is provided for existing and future capacities and conditions for road transit – both MTA and LADoT/DASH buses (and others) - and rail transit – Gold Line and California High Speed Rail (LAUS-Palmdale). There is no mentioned of the many LACo/USC Medical Center buses. Although the bus lines and Gold Line transit facilities are identified, frequency/headways, passenger capacities, ridership/productivity etc. are not provided. Prospective pedestrian ridership is not assessed for both the Ave.26/Lincoln Heights/Arroyo Seco and Chinatown Stations; nor are the future prospective ridership assessed for pedestrian access to each station (population with 500ft radius of station).*

40-65

40-66

40-67

40-68

*The Assessment does not include the many LADoT studies for the Riverside Dr. Bridge, Figueroa/SanFernando Road Roundabout, Broadway, Spring Str., Chavez, and First Str. Bridges and their existing and future capacities. Although the entire road commuter demand for downtown access passes through four bridges (Mission-Chavez, Valley/Mission-Main, Broadway, SanFernando-Figueroa-Pasadena-Spring/Broadway) no assessment is provided regarding existing and future capacities and flows across these chokepoints.*

40-69

40-70

*Acquire relevant information and develop a transportation rather than a traffic assessment for the Study Area, review, assess, and mitigate transportation and transit effects rather than roadway and intersection only. Complete Streets is no substitute for Complete Mobility*

40-71

*Provide a revised and updated information base for re-modeling the Project Area and Study Area traffic and transit movements.*

**p.4-1 4.1.1.1 Freeways and Ramps Golden State Freeway/Interstate Highway 5 (I-5)** Ramps in the study area provide access to/from Mission Road, ~~Daly Street~~ **Marengo, Ave.21/Main**, North Broadway, Pasadena Avenue, and West Avenue 26. **[and Darwin/Main]**

*Several items are in error and should be modified and augmented. Provide a revised, updated version and recirculate for meaningful review and comments.*

40-72

*Review all traffic counts and verify their adequacy and relevance to the traffic model.*

*Revise as appropriate and conduct quality controls and assurances for inputs to any model. Provide updated and verified calibration and performance runs and revised Chapter 4 as needed and supplement the Appendices and the overall DEIR.*

**p.4-1 Pasadena [Arroyo Seco] Freeway/State Route 110 (SR110)** runs in a north**EAST**–south**WEST** direction through the study area...to its northerly terminus in ~~South~~ Pasadena. The Pasadena Freeway **generally** provides three-~~four~~ lanes...Ramps located in the study area provide access to/from Figueroa Street, **Amador/Solano-Casanova**, Hill Street, Bishop Road/Stadium Way, and West Avenue 26.

*Several items were in error and should be modified and augmented. Provide a revised, updated version and recirculate for meaningful review and comments.*

40-73

**p.4-1 Santa Ana Freeway (US-101)** runs...south of the study area...**through** the study area. Ramps **in the study area** provide access to/from ~~Pleasant Avenue~~ **goes from US101-NB, to I-10EB only, or add Riverside Dr. to the I-5/SR110] Mission**, Vignes Street, Commercial Street, Alameda Street, **Los Angeles, Broadway, Spring**, Grand Avenue, and Temple Street.

*Pleasant Ramp is in error and is not in the Study Area; other additional ramps in/near the Study Area were not included..*

40-74

*Several items were in error and should be modified and augmented. Provide a revised, updated version and recirculate for meaningful review and comments.*

**p.4-1 4.1.1.2 Other Routes of Regional Significance and Local Roadways**

*Classification Terms are used without comparisons of the designated street and the LACity, LACo, and/or Caltrans standards and as evidenced below with many errors for the real streets. Items were in error or contradictory and should be modified and revised.*

40-75

*No information is provided regarding existing funded projects and plans related to what the CASP provides and those planned by LADoT/LADPW.*

40-76

*Provide a revised, updated version and recirculate for meaningful review and comments.*

40-77 [

**p.4-1 North Figueroa Street** is a **Class II Major Highway**...with two lanes in each direction plus left-turn channelization...Parking is **generally allowed** along **most** of North Figueroa Street...  
**Provide.**

40-78 [

**Page 4-2 North Broadway** is a Class II Major Highway...with two lanes in each direction plus left-turn channelization...Parking is generally allowed along most of North Broadway...  
**North Spring Street** is a Class II Major Highway...Parking is generally **not allowed** along most of North Spring Street...  
**Other discussions and figures for these streets provide contradictory descriptions, here 4 lanes and other as 6 lanes and parking restrictions – no parking, time-restricted parking, and full parking. Other LADoT/DPW-BoE sources have indicated that San Fernando Road is also and Class II highway and is not herein.**  
**Many items were in error or contradictory and should be modified and revised. Provide a revised, updated version and recirculate for meaningful review and comments.**

40-79 [

**Page 4-2 North Main Street** is a **Secondary Highway**...with two lanes in each direction...Parking is generally not allowed along most of North Main Street...  
**Parking is variable along Main west of the LA River and prohibited along Daly-Lamar due to heavy truck traffic from Lamar. No discussion is provided regarding the truck traffic from UPS and Mission Yard. Items were in error or contradictory and should be modified and revised. Provide a revised, updated version and recirculate for meaningful review and comments.**

40-80 [

**Page 4-2 ??? San Fernando Road** is a Secondary Highway...with two lanes in each direction...**Parking is generally allowed along most of San Fernando Road...**  
**Parking is variable along the easterly side and prohibited along much of the west side. No discussion is provided regarding the proposed DPW widening project. items were in error or contradictory and should be modified and revised. Provide a revised, updated version and recirculate for meaningful review and comments.**

40-81 [

**Page 4-2 ??? Avenue 26** is a Secondary Highway...with two lanes in each direction...Parking is generally allowed along most of Avenue 26...  
**Parking has the same commute limitations as on Broadway; both are in error: Broadway is four-lanes and Ave. 26 is two-lanes, except when under parking restrictions.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-82 [

**Page 4-2 ??? Pasadena Avenue** is a Secondary Highway...with one lane in each direction plus left-turn channelization...Parking is generally allowed along most of Pasadena Avenue...  
**??? Daly Street** is a Secondary Highway...with two lanes in each direction...Parking...generally allowed along most of Daly Street...  
**Parking has the same commute and permanent limitations as others streets; Daly south of Main has generally “No Stopping Zones” as does Pasadena has along both east and west of I-5..**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

**Page 4-2 4.1.1.3 Intersections**

The **analyzed** study intersections were selected...total of 43 intersections, 30 signalized and 13 unsignalized, were selected for **analysis**...on Figure 4-1:

- 1. North San Fernando Road and **West** Avenue 26
  - 2. North San Fernando Road and **North** Avenue 19
  - 4. **West** Avenue 26 and North Figueroa Street
- Page 4-3**
- 12. **North** Avenue 19 and ??? Humboldt Street (unsignalized)
  - 15. North San Fernando Road/**South Avenue 20** and ??? Pasadena Avenue
  - 16. I-5 Southbound On- and Off-Ramps/**North Avenue 20** and ??? Pasadena Avenue
  - 17. I-5 Northbound On-Ramp/**North Avenue 21** and ??? Pasadena Avenue
  - 18. West Avenue 26/??? Daly Street and ??? Pasadena Avenue
  - 19. North Broadway and ??? Pasadena Avenue

- 20. North Avenue 18 and North Spring Street/North Broadway
- 21. South Avenue 20 and North Broadway
- 22. ??? Daly Street and North Broadway
- 23. ??? Wilhardt Street and North Spring Street (unsignalized)

**The entire DEIR does not use consistent designations: North, South, East, and West for all streets and intersections and does not appear to have a consistent naming hierarchy for Ave. 26, Daly, Pasadena, etc..**

**Provide a single simple standard set of terms throughout and a revise, update version and recirculate for meaningful review and comments.**

40-83

- Page 4-3** 29. South Avenue 20 and North Main Street  
 30. South Avenue 21 and North Main Street (unsignalized)

**These are incorrectly located on Ave.19 and Ave.20 in figures rather than as designated 20 and 21. The IS geometry is incorrect for Ave.20 for IS30.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-84

40-85

- Page 4-3** 31. ??? Daly Street and North Main Street

**This IS is a simple four-way signalized intersection, BUT has a large percentage of HDT,-Heavy Duty Trucks (Vehicles) coming from Lamar/Main. The entire Chapter 4 does not consider the issue of mixed modes (HDTs, buses and light vehicles); this is of special concerns with Main/Daly and Daly/Mission and the Mission on-ramps for I-5 just west of Daly/Mission IS. Similar conditions occur at the Ave.**

**Provide a revised, updated version including thorough analyses of truck movements and their effects on general traffic flows, re-run models, and recirculate for meaningful review and comments.**

40-86

- Page 4-3** 33. North Alameda Street and North Main Street/Ord Street (unsignalized)

**This IS forms an easterly part of a compound IS with Alameda, Alhambra (400ft long), Main, and Ord. Alhambra Ave (<200ft) forms a north-bound left-turn slip lane for Main access and feeds into the South-bound Alameda traffic from Main. As a compound IS traffic signals at Alpine (north) and Main (south) effectively protect LT from South-Bound Alhambra onto Alameda.**

**Turning analyses do not reflect the compound intersection movements as is the case with IS37 and others. Alhambra is an important PM commute slip lane.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-87

- Page 4-3** 34. North Mission Road and Cesar E. Chavez Avenue

35. ??? Mission Road and ??? Daly Street/Marengo Street

**Mission-N/S AM399SB PM453NB                      Daly-E/W AM1446WB PM1171EB**

36. ??? Mission Road and ??? Griffin Avenue/Zonal Avenue

**Mission-N/S AM1336SB PM453NB                      Griffin-E/W AM93WB PM261EB**

37. ??? Mission Road and ??? Valley Boulevard /Main Str.

**Main vs Valley – indicated as Valley both sides**

**Geometry is incorrect/incomplete; IS 37 is a large, 1000x1200ft, compound intersection with south and north bound Mission slip lanes to Main and Valley respectively. South-Bound Mission left turns are not allowed onto the “Valley” West-Bound lanes, nor South Bound right turns onto the Main East-Bound lanes. Counting appears to have only located at the Main/Mission portion of the intersection which prohibits right turns and does not have any info for the Mission/Valley portion of the intersection, and no info for the right-turn lane Mission>Main and Mission>Valley.**

**E/W and N/S (and thereby SB/NB-EB/WB) designation are also not consistent and not related to their true positions Main is oriented true E-W and Daly is true N-S**

**Note above that Mission at Daly has only 399 while one signal away Mission has 1336**

**37.1 Mission – N/S and Valley – E/W; IS- 36 - Mission and Griffin – E/W;**

**IS 35 - Mission and Daly – E/W (whereas Daly is designated as N/S with Main)**

**37.2 Valley changes to Main at crossing of Mission, there is NO Valley west of Mission;**

**37.3 WestBound Valley>Main is physically separated by 370ft from EastBound Main>Valley, with designated RTlane from Mission>Main and separated RT Mission>Valley. Apparently only WB-**

40-88

40-88

**Valley/Main was counted and modeled separately from the fully separated WB-Right Turn Mission>Main Slip Lane and fully separated EB-RT Missio>Valley Slip Lane;**  
**37.4 RT is allowed and protected for SB-Mission>WB-Main (LT prohibited), but RT is prohibited for the SB-Mission>EB-Main (LT allowed)**  
**This entire intersection has not been counted or described adequately and completely and has been modeled on only partial values for the overall intersection. Traffic flows through this intersection forms the initial pass-through flows for all of Main Street from Mission to Alameda. Incorrect input counts may distort all subsequent values and alter future forecasted values for Mission Road and major cross streets (Daly, Griffin, and Main).**  
**Provide a revised info base for the entire intersection, update “existing” conditions and re-model future with and without Project conditions and transportation assessment for the Mission, Main (to Alameda), and southerly Daly (Broadway to Mission) segments. A new DEIR Chapter version is required and recirculated for meaningful review and comments.**

- Page 4-3** 38. ??? State Street and ??? Marengo Street
- 39. ??? Hope Street/SR 110 and SR 101 Southbound Off-Ramps and Temple Street
- 40. ??? Grand Avenue and ??? Cesar E. Chavez Avenue
- 41. North Broadway and ??? Cesar E. Chavez Avenue
- 42. ??? Hill Street and ??? Alpine Avenue
- 43. North Broadway and ??? Alpine Avenue

40-89

**Provide a revised, updated version of all street designations between listings, text, and figures on maps/figures and recirculate for meaningful review and comments.**

**Page 4-4 Figure 4-1**

**Provide a revised, updated version of all related intersection maps/figures and recirculate for meaningful review and comments.**

**p.4-5 Figure 4-2**

- 6 Lanes on BroadwayXGates-Ave.18 and in Chinatown BoardwayXAlpine-College
- 4 lanes on Ave.26 (Pasadena-Lacy), Pasadena (Ave.26-Boardway), and San Fernando (Ave. 19-Pasadena)

40-90

**These depictions are incorrect but are used in modeling the forecasted values.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

**p.4-6 Figure 4-3c**

40-91

**The individual and general illustrations for Intersection 37, Valley-Main and Mission Road demonstrate that the counts and forecasted values are not adequate descriptions of the actual intersection; the number 37 is located on the EastBound**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

**p.4-6** Intersection LOS was analyzed using...Critical Movement Analysis (CMA) methodology...or the Highway Capacity Manual (HCM) unsignalized methodology (TRB, 2000) to assess the estimated operating conditions in the AM and PM peak hours...use intersection geometries, phasing, and traffic volumes to determine LOS.

40-92

**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

**p.4-6** LADOT requires...signalized intersection analysis was performed using the City’s CalcaDB intersection analysis software...  
**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

**p.4-6** ...LADOT analysis procedures, the V/C ratio calculated using the CMA methodology is further reduced by 0.07 for those intersections...Automated Traffic Surveillance and Control System (ATSAC) and an additional 0.03 for Adaptive Traffic Control System (ATCS)...



**Intersections 4, 5, 8, and 9 on Ave.26 and 29, 30, 31, and 35 on Main and Daly include very large flows of HDTrucks (of 5-axle with trailers of up to 53ft) requiring very different intersection analyses compared to those dominated by LightDutyTrucks and vehicles.**  
**As the presented intersection geometries and movements are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-93

**p.4-6 Table 4-1: Level of Service Definitions for Signalized Intersections**  
**With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-94

**Page 4-6 Roadway Operations** Level of service...qualitative measure...**LOS F represents severe congestion and delay under stop-and-go conditions.**  
**LOS scale is qualitative but A-E are based on quantitative parameters, therefore only designation of LOS F may be considered as "qualitative" and arbitrary unless based on additional quantification as often done with freeways.**  
**No definition of "severe" vs mild congestion is provided and presumes that all LOS F has delays and stop and go conditions which have not been verified or references provided. Some LOS F may have delays, may have stop-n-go, and may have "congestion" but the only true definition is that the flow of traffic by counts equals the estimated capacity without regard to modal mixes number of lanes and number and sequencing of signals.**  
**As indicated elsewhere use of LOS F does not encompass the full range of congestion where LOS A-E are less than 100% capacity while conditions in LOS F can represent the total range from 100% to 200+%.**  
**A full range of quantitative designations can be constructed especially for the Los Angeles area which has more LOS F than any other 1M+ cities in the US.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-95

**p.4-6 Table 4-1 defines the ranges of V/C ratios and their corresponding LOS using the CMA methodology.**  
**Table 4-1: Level of Service Definitions for Signalized Intersections**  
**These statement and accompanying table and qualitative descriptions do not truly reflect the conditions found with the Study Area. From Main/Lamar east to Daly and south to Mission and west onto Mission or to the on-ramps of the I-10/I-5 includes an unmeasured/uncounted modal mix of HD Trucks, buses, and other slow moving vehicles with wide turning arcs and greatly change the levels of services through the Main, Daly, and Mission streets.**  
**Similarly the entire Transportation assessment does not recognize the existence of trucks and buses with relationship to their turning requirements and the truck ban on the SR110 which requires trucks to use Ave 26 off-ramp to access Figueroa and San Fernando Road for passage and deliveries. The affected intersection thus may appear to be LOS A-E based on axle counts when in fact if time measured the IS may be having a lower LOS.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-96

**Page 4-7 Table 4-2 defines...ranges of control delay at unsignalized intersections...corresponding LOS using...HCM methodology.**  
**Table 4-2: Level of Service Definitions for Unsignalized Intersections**  
**A ≤ 10.0    B 10.1–15.0    C 15.1–25.0    D 25.1–35.0    E 35.1–50.0    F > 50.0** Source: TRB, 2000.  
**With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate.**  
**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Several unsignalized intersections are adversely affected by trucks and buses and resulting tail-backups from nearby signalized intersections and railroad crossings. Without a thorough assessment of trucks and buses for the Study Area all calculations for LOSes must be considered as inadequate and incomplete, in addition to the numerous errors in IS geometries.**

40-97



40-97 **Provide a revised, updated version and recirculate for meaningful review and comments.**

**Page 4-7 Traffic Count Data** Traffic counts...collected at the study intersections...in Section 4.1.1.3...during the AM (7:00 to 9:00 AM) and PM (4:00 to 6:00 PM) peak periods...peak hour traffic volumes were determined at each study intersection and used as the basis for the existing **and future** traffic operations analysis.

40-98 **With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified. As the presented intersection geometries and counter locations are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.**

**Page 4-7** Traffic counts...in November 2007...April 2009...dates ranging from 2006 to 2009. Traffic counts...were grown to represent 2009 traffic conditions by applying 1 percent growth per year and were balanced with traffic counts collected in 2009...

40-99 **With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified. As the presented intersection traffic may be incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.**

**Page 4-7** Traffic counts...Traffic count data sheets are provided in Appendix 4A and the existing traffic volumes are illustrated on Figure 4-3.

**Appendix 4A Traffic Data provides the basis for the entire assessment and EIR Chapter 4. Review of Intersections (IS) 1 and 2 provide the clear inadequacy of the Transportation and Traffic assessment. Simply, IS 1 is oriented properly to the North Arrow provided and the Chapter 4 illustrations and numbers are consistent with those in the Appendix 4A, while those for IS 2 are not consistent with those of IS 1 in both the Chapter 4 and Appendix 4A. Other intersections are also subject to errors and inconsistencies.**

**The basic traffic count data for IS 1 and IS 2 are inconsistent in the Appendix, and Appendix information is not consistent with the Chapter 4 summaries. We must assume that the Quality Control systems for the entire traffic counts, analyses, and modeling of existing and future conditions cannot be assumed to be accurate, complete, or adequate.**

**AM IS 1 traffic flows are consistent with the commuter patterns and the intersection's three-sided geometry. AM IS 2 with three-sided geometry, however, appears to have reversed/mirrored geometry with left turns (rather than right) from San Fernando Road into the MetroLink Yard rather than along the San Fernando Road (=Ave. 20 to Broadway). AM In-Bound commute flows from IS1 to IS2 and IS 12 are consistent with the largest values (>1000 vph) but the IS geometries are not consistent with figures in Chapter 4 and Appendix 4A.**

**As the presented intersection traffic may be incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.**

**Page 4-7 4.1.2 Existing (2009) Traffic Operations** Traffic operations were analyzed at each study intersection...summarizes the AM and PM peak hour V/C or delay and corresponding LOS at each of the study intersections. Refer to Appendix 4B for technical calculations (including traffic control, signal phasing, and lane geometries).

**With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**

**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**

*Provide a revised, updated version and recirculate for meaningful review and comments.*

40-101

*p.4-8 – 9 Table 4-3*

**Page 4-10** ...34 of the 43 study intersections are currently...acceptable...LOS D or better) during both the AM and PM peak hours...nine study intersections operate at LOS E or F during at least one peak hour...

**With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, - counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**

40-102

**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**

*Provide a revised, updated version and recirculate for meaningful review and comments.*

**p.4-10 Signalized Study Intersections**

2. Intersection North San Fernando Road and North Avenue 19????????? (LOS F in AM)

4. Intersection West Avenue 26 and North Figueroa Street (LOS E in AM)

18. Intersection West Avenue 26/Daly Street and Pasadena Avenue (LOS F in AM)

**34. Intersection Mission Road and Cesar E. Chavez Avenue (LOS F in AM)**

**41. Intersection North Broadway and Cesar E. Chavez Avenue (LOS E in PM)**

40-103

*Provide a revised, updated version and recirculate for meaningful review and comments.*

**Unsignalized Study Intersections**

5. Intersection West Avenue 26 and SR 110 Southbound Off-Ramp (LOS F in AM and PM)

11. Intersection West Avenue 26 and Humboldt Street (LOS E in AM)

30. Intersection South Avenue 21 and North Main Street (LOS F in AM and PM)

**32. Intersection North Main Street and West College Street (LOS E in AM)**

*Provide a revised, updated version and recirculate for meaningful review and comments.*

**p.4-10 4.1.3 Transit** The Project Area...served by a total of 15 different transit lines... Given the proximity of the Project Area...likely patrons will utilize transit service to access the Project Area.

**Metro** Metro Gold Line Metro Local and Limited Lines: 45, 76, 81, 83, 84, 90, 91, 94, 96

**LADOT** Commuter Express Lines 413 and 419, DASH Line B, DASH Lincoln Heights/ Chinatown

**Santa Clarita Transit** Santa Clarita Transit Line 799

**Simple listing of transit line numbers does not provide assessment for the Transportation Chapter, nor the impacts of land use and transportation interfaces – routes are not indicated, turnings are not identified (e.g., Marengo/Daly/Mission intersection), and no coordination of existing and future bus stops and stations are provided. No discussion is provided as to the effects of Park-N-Ride facilities for San Fernando Road, Ave. 26, Figueroa, Pasadena, Broadway, Main, and Mission.**

40-104

**The text states that this is only for the “Project Area” rather than the “Study Area” which if included would double the numbered bus lines plus USC buses, Chapter 4 - Study Area includes - MTA 70, 71, 78, 79, 251, 252, 378, 605, 620, 751, and many others if counting the many bus lines SW of the Project Area.**

**Since the Proposed Alternative is considered as “pedestrian-friendly”, rail and road transit are most important as to how commuters will get downtown and whether they may or may not impact the Project Study Area depends on how many are on buses.**

**This and related sections are totally inadequate and incomplete.**

*Provide a revised, updated version and recirculate for meaningful review and comments.*

**p.4-10 4.1.4 Pedestrian and Bicycle Network** Bike Plan for LACity and Metro

**No Bikeways are indicated in plan and how they related to the Study Area and Pass-Through traffic, and assessments of LOS, turnings, and must be considered similarly.**

40-105

*Provide a revised, updated version and recirculate for meaningful review and comments.*

**p.4-17 4.2 Standards of Significance**

**No discussion is provided regarding the all components of “Complete Streets” and without assessment as to achievement of complete streets, the incomplete streets of the Project and Study Areas and the assessment of the DEIR should be considered as incomplete and inadequate. As a City policy, “Complete Streets” must be considered for the “Standards of Significance” for transportation impacts for all components including pedestrian, cycling, transits, and motorist. Provide a revised, updated version and recirculate for meaningful review and comments.**

40-106

**4.2.1 Transit System**

An impact is...significant...**disrupt or interfere** with existing or planned transit operations or transit facilities. **As no existing or planned transit operations or facilities are provided, analyzed, or assessed, assessment of disruption or interference cannot be considered and therefore such is incomplete and inadequate.**  
**No discussion is provided regarding the transit components of “Complete Streets” and without assessment as to achievement of complete street, the incomplete streets of the Project and Study Areas and the DEIR should be considered as incomplete and inadequate.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-107

**4.2.2 Bicycle/Pedestrian System**

An impact is considered significant...**disrupt or interfere** with existing or planned bicycle or pedestrian facilities. **As no existing or planned operations or facilities are provided, analyzed, or assessed, assessment of disruption or interference cannot be considered and therefore such is incomplete and inadequate.**  
**No discussion is provided regarding the bicycling components of “Complete Streets” and without assessment as to achievement of complete street, the incomplete streets of the Project and Study Areas and the DEIR should be considered as incomplete and inadequate.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-108

**p.4-17 4.2.3 Intersection Analysis Criteria Signalized Intersections**

**...impact is considered to be significant if one of the following thresholds is exceeded:**  
The LOS is C, its final V/C ratio is 0.701 to 0.80...project-related increase in V/C is 0.040 or greater  
The LOS is D, its final V/C ratio is 0.801 to 0.90...project-related increase in V/C is 0.020 or greater  
The LOS is E or F, its final V/C ratio is 0.901 or greater...project-related increase in V/C is 0.010 or greater  
**With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**  
**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-109

**p.4-17 Unsignalized Intersections LADOT does not define impact criteria for unsignalized intersections...**

**As many unsignalized intersections lie within the study area, a simple quantitative – time – could be used to assess significance. Since analyses are conducted before signalization, such analyses would be the expected basis.**  
**With the numerous errors and inconsistencies in information and modeled “existing” and “future” conditions, any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**  
**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**  
**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-110

40-111

**p.4-17 4.2.4 Congestion Management Program Analysis Criteria**

**Analyses**...to comply with the CMP requirements...in accordance with the procedures outlined in the 2004 Congestion Management Program [MTA for LACo.]...requires that...traffic impact analyses are to be conducted for **select regional facilities** based on the quantity of project traffic expected to use those facilities.

**No provisions or even listing of "select" regional facilities is provided, Without identification, the entire subsection is incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-112

**Page 4-18 4.3 Potential Transportation Impacts** ...description of **assumptions**...in the analysis of potential transportation impacts.

**No assumptions are provided for the analysis of potential (2035) transportation impacts. Critical assumptions regarding transit ridership is pivotal to impacts of motorist traffic. All potential traffic impacts can be mitigated by appropriate diversion of motorists to transit systems. Provisions of Park-N-Ride systems for Huntington, Valley, Figueroa, Eagle Rock Blvd., and San Fernando Road corridors could easily relieve much of the commuter/pass-through congestion on Mission, Main, Broadway, Figueroa, and San Fernando Road and provide the opportunities for real Complete Streets in the Project Area.**

**As the presented, potential impacts are based on incorrect, inadequate, and incomplete traffic counts and all related analyses, forecasts, and assessments must be considered similarly.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-113

**Page 4-18** ...analysis, the potential transportation impacts of the Proposed Alternative were analyzed by comparing the cumulative (2035) No Project Alternative conditions to the cumulative (2035) conditions with Proposed Alternative.

Proposed Alternative were also analyzed by comparing the existing (2009) conditions to the cumulative (2035) conditions with Proposed Alternative, as shown in Appendix 4E.

**With the numerous errors and inconsistencies, any assignments of many LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified.**

**As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-114

**Page 4-18 4.3.1 Assumptions** The traffic forecasting process...using a travel demand model developed from the **Southern California Association of Governments (SCAG) 2008 Regional Transportation Plan (RTP) travel demand forecasting (TDF) model**. The SCAG 2008 RTP model focuses on estimating regional travel...necessary to supplement the SCAG 2008 RTP model with a more detailed sub-area model.

**No assumptions are provided for the analysis of potential (2035) transportation impacts. Critical assumptions regarding transit ridership is pivotal to impacts of motorist traffic. All potential traffic impacts can be mitigated by appropriate diversion of motorists to transit systems. Provisions of Park-N-Ride systems for Huntington, Valley, Figueroa, Eagle Rock Blvd., and San Fernando Road corridors could easily relieve much of the commuter/pass-through congestion on Mission, Main, Broadway, Figueroa, and San Fernando Road and provide the opportunities for real Complete Streets in the Project Area.**

**As the presented, potential impacts are based on incorrect, inadequate, and incomplete traffic counts and all related analyses, forecasts, and assessments must be considered similarly.**

**Provide a revised, updated version and recirculate for meaningful review and comments.**

40-115

**Page 4-18 4.3.1.1 Sub-Area Model Development**

The model sub-area encompasses the Project Area...**detailed review** of the model **roadway network and land use assumptions**...performed revealing the need to increase the detail of the roadway network and coarse traffic analysis zone (TAZ)<sup>1</sup> structure...accurately model traffic flows for intersection-level analysis...modified to include **all arterial and collector roadways**...facilitate the proper assignment of vehicles through the Project Area.

40-116 ***With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified. As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.***

40-117 ***Page 4-18*** The existing four SCAG TAZs...disaggregated into...91 TAZs to improve the loading of vehicle trips on the roadway network and to be consistent with the Proposed Alternative's land use plans...  
 40-118 ***All regional TAZ are based on 2000 census information, and thereby disaggregation of outdated values generates outdated local TAZ for modeling based on 2009 adjusted traffic. As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.***

40-119 ***Page 4-19 4.3.1.2 Sub-Area Model Validation*** ...sub-area model was validated to ensure the model replicated 2009 traffic conditions and would respond to changes in the built environment.  
***With the numerous errors and inconsistencies any assignment of many IS-LOS are in error and must be considered as incorrect, and thereby incomplete and inadequate. All intersection geometries, counts, and modeled results must be reviewed and confirmed before re-assessment of the entire traffic and transportation impacts and mitigations can be verified and certified. As the presented intersection geometries are incorrect, inadequate, and incomplete, all related analyses, forecasts, and assessments must be considered similarly. Provide a revised, updated version and recirculate for meaningful review and comments.***

40-120 ***Page 4-19*** The validation...calibration of model parameters in the land use and roadway network files...model validation report was produced and approved by LADOT...  
***As the presented intersection counts are incorrect, inadequate, and incomplete, thereby validation/calibration adjustment of flows to make the model balanced with inaccurate counts would affect all related analyses, forecasts, and assessments must be considered similarly. These are critical to three major corridors as currently reviewed – Mission, Main, and San Fernando Road Provide a revised, updated version and recirculate for meaningful review and comments.***

40-121 ***Page 4-19 4.3.1.3 No Project Alternative Model Development*** ...forecasting process...made to the base year SCAG 2008 RTP model were made to the 2035 SCAG / 2008 RTP model. This ensured the No Project Alternative analysis scenario was consistent with the traffic analysis guidelines...assuming a future baseline condition that includes existing traffic plus traffic from ambient growth and related projects, but no traffic from the Proposed Alternative (LADOT, 2002.). By using this scenario as the basis of comparison for evaluating the Proposed Alternative, the project's contribution to traffic impacts can be identified.  
***Model development and related forecasts of 2035 cannot be correct, adequate, and complete when based on models adjusted for inaccurate counts and erroneous geometries which would affect developments and resulting assessments. The three critical major corridors as currently reviewed – Mission, Main, and San Fernando Road would be in error and thereby traffic flows at all related intersections may be incorrect and incomplete. Provide a revised, updated version and recirculate for meaningful review and comments.***

40-122 ***Page 4-19*** The following Eight-With-Project Scenarios were analyzed and compared to existing 2009 (not 2011) conditions and the No Project Alternative to determine each scenario's effect on regional pass-through traffic:  

- Scenario A – ~~2009 Existing~~ Roadway Capacity
- Scenario B – All Project Roadways as two-lane facilities except North Broadway and North Figueroa St as 4-Lane Facilities (parking restrictions on North Broadway east of Los Angeles River were also removed)
- Scenario C – Scenario B with Spring Str, San Fernando Rd, and Ave 26 north of the Metro Gold Line – 4 Lanes



- Scenario D – Scenario C with existing parking restrictions on North Broadway east of LA River
- Scenario E – Scenario D with Spring Street and San Fernando Road as two-lane facilities
- Scenario F – Scenario E with Main Street as a four-lane facility
- Scenario G – Scenario F with San Fernando Road as a four-lane facility
- **Scenario H – Scenario G with North Spring Street as a four-lane facility Proposed Alternative**

With existing parking restrictions on North Broadway east of the Los Angeles River  
**Based on cumulative requirements of Scenarios B-G, 4-Lane Facilities would include:**  
 North Broadway and North Figueroa St  
 Main Street  
 San Fernando Road  
 Ave 26 north of the Metro Gold Line

**All other Project Roadways as two-lane facilities**

**This Scenario H definition contains contradictory elements compared to other transportation “Existing Conditions” descriptive texts and illustrations. Broadway west of LA River has the same commuter traffic parking prohibitions as those east of LA River and thereby should have the same “six-lane” designations for both segments.**

40-123

**Similarly, existing Ave. 26 south of Metro Line and Pasadena have commuter parking prohibitions equivalent to 2+1 lanes for both AM and PM commutes; these lanes and parking conditions remain as-is.**

**College at the SW end of the Project Area is shown to lie within the Project Area and, therefore, would be downsized from four to two travel lanes.**

**Errors and inconsistency appear to arise in the Scenarios and the Proposed Alternative (Scenario H) which may result in impacts which have not been adequate or completed provided in the assessment.**

**No assessment of street changes and parking effects has been provided (total parking provided under existing and Proposed Project and No Project Alternatives based on Scenario H).**

**Page 4-20 Table 4-4: Regional Pass-Through Traffic Comparison**

	Percent of Traffic on Project Roadways That Is Pass-Through	Pass-Through Traffic Dispersion from Project Roadways
Base Year (2009)	73% --	
Cumulative (2035) No Project	70% --...	

**The pass-through analyses depends on inadequate traffic information and incorrect counting of major starting points for analyses. Major pass-through corridors (e.g., San Fernando Road, Figueroa, Pasadena, and Broadway) do not include any counting points outside of Project Area (or Study Area), and therefore no reliable and adequate assessment can be undertaken as to external contributions to the locally generated additions to the “pass-through” commuters.**

40-124

**As the “pass-through” corridors include major bus routes into and through the Project Area, no comparisons can be made regarding the VMT and commuter elements within the gross-pass-through, rather than that of light duty vehicles.**

**As indicated in other sections/comments, the pass-through traffic for Valley-Main and Mission has not been adequately and completed counted and modeled**

**Provide at least one additional counts of each major pass-through corridors either at the City boundary or at the boundary of Project Area or at least 2000ft beyond the current counting points. Provide adequate and complete counting of the Valley-Main/Mission/Marengo.**

**Review, revise, and augment model inputs and comparisons and recirculate the DEIR.**

**Page 4-20 ...Scenario A,...results in a 5 percent dispersion of pass-through traffic from project roadways. This is due to auto trips...increasing congestion within the Project Area, resulting in a dispersion of pass-through traffic to faster routes. Scenario B, which assumes the most drastic roadway capacity reductions, results in a 40 percent dispersion of pass-through traffic.**

40-125

**The pass-through (P-T) analyses depends on inadequate traffic information and incorrect counting of major starting points for analyses. Major pass-through corridors (e.g., San Fernando Road, Figueroa, Pasadena, and Broadway) do not include any counting points outside of Project Area (or Study Area), and therefore no reliable and adequate assessment can be undertaken as to external contributions to the locally generated additions to the “pass-through” commuters.**



40-125 **As the “pass-through” corridors include major bus routes into and through the Project Area, no comparisons can be made regarding the VMT and commuter elements within the gross-pass-through, rather than that of light duty vehicles.**  
**Dispersion of P-T depends on alternative non-Project Area corridors which could receive dispersion but the only P-T route which is NOT in the Project Area is Mission Road which does not have significant capacity to receive and convey such dispersion.**  
**Dispersion of P-T depends on alternative non-Study Area corridors which would allow dispersion but the Study Area does not include any significant alternative dispersion route.**  
**Provide a map of any acceptable alternative P-T route around the Project Area or Study Area which would have acceptable capacity to attract such dispersion.**  
**Review, revise, and augment model inputs and comparisons and recirculate the DEIR.**

**Page 4-20 ...evaluated** which resulted in various levels of dispersion... Scenario H was selected as the Proposed Alternative... minimized traffic impact to the surrounding study area... meeting the **larger complete street objectives of the Plan**. The No Project Alternative and Proposed Alternative (Scenario H) roadway network assumptions...

**Page 4-46 ...complete street standards...**

40-126 **The Complete Street approach should reflect the pedestrian, cycling, and transit components in addition to those for road traffic. The DEIR provides no such background, modeling, assessment, or mitigations including the other components of the Complete Street (should be Complete Mobility).**  
**Provide description as to the “larger complete street objectives” and the “Complete Street Standards” of the CASPlan which have not been provided anywhere in the Chapter.**

**Page 4-20 ...efficient yet balanced transportation system... encourages non-auto modes of travel...** model estimated that only 86 percent of project-related trips would be **auto-based**... existing and new jobs within the Project Area have a higher potential to be satisfied by walk and bicycle trips from existing and new households within the Project Area... more balanced jobs-to-housing ratio.

**The Complete Street approach should reflect the pedestrian, cycling, and transit components in addition to those for road traffic. The DEIR provides no such background, modeling, assessment, or mitigations including the other components of Complete Mobility. Given the lack of background analyses, and assessment the “86%” solution cannot be justified nor verified.**

40-127 **As a “pedestrian oriented” development, transit ridership of >50% for the Proposed Project should be achieved which would be expected to greatly improve the LOS of all arterials/roadways in the Study Area.**

**The Chapter 4 does not consider the effects and mitigation required for a successful “pedestrian-oriented” project, e.g., dispersion of more automobile traffic from freeways to arterials and traffic management measures required to less this dispersion (e.g., congestion and/or destination pricing).**  
**Provide description as to the “larger complete street objectives” and the “Complete Street Standards” of the CASPlan which have not been provided anywhere in the Chapter.**

40-128 **Page 4-20 ...new households...could also utilize the existing transit system...**

40-129 **Page 4-21 ...Parking Cap for each of the Project Area’s Site Areas...establishes the maximum number of spaces...in addition to those built as part of residential, commercial, and industrial development, as well as public facilities and parks...supports the...intent to create a transit-oriented, low emissions community... allowing...a limited amount of additional parking to support high-activity land uses...beyond the maximum permitted in the Proposed Alternative.**

40-130 **p.4-48 Unsignalized Intersections Recommended to be Signalized**  
 West Avenue 26 and xxxx Humboldt Street (Intersection #11)  
North Spring and xxxx Wilhardt Streets (Intersection #23)  
North Main Street and xxxx Wilhardt Streets (Intersection #27)  
 North Main Street and South Avenue 21 (Intersection #30)

North Main Street and West College Street (Intersection #32)

**p.4-49** In addition to the **five unsignalized** intersections recommended for signalization, the following **four** intersections within the Project Area are programmed for **signalization**:

**Spring Street and Wilhardt Street #23**

...part of the Spring Street Bridge project.

**DEIR is plagued with errors and inconsistencies and therefore is inadequate if not also incomplete. Inconsistent usage may have given rise to Error- North Spring or Spring and repeated in separate paragraphs of same section but don't know which way the error – nine intersections to be signalized or eight.**

40-130

40-131

**p.6-1 Chapter 6 Earth Resources**

**No information provided from the many public projects, no information as basis for liquefaction, and no information regarding soil capacity for increased recharge. Taken as a whole, important Earth Resources are not adequately provided and those provided are incomplete, although many agencies have conducted and are conducting geological and geotechnical studies and assessments in the Project Area.**

**Collect readily available geological and geotechnical information from the various Federal, State, regional/County, and City of Los Angeles agencies which have conducted geological studies and investigation within the Project Area and Study Area.**

**Review and revise Chapter 6 and Appendix 6. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

40-132

**p.6-1 6. Earth Resources 6.1.1.2 Site Geology** The Project Area is generally underlain by Quaternary alluvial soils overlying Tertiary age sedimentary deposits. Older alluvium consisting of river terrace deposits is mapped along the **east side of the river**...

**River terraces (at elevations of about 330-350ft, above the floodplain at 290-310ft, and LA River channel of 280ft) are also located on the west side of the LA River and are included within the Project Area.**

**Review and revise Chapter 6 and Appendix 6. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

40-133

**p.6-6 6.1.1.4 Groundwater and Liquefaction** ...State of California Seismic Hazard Report...historic high groundwater level in the **vicinity of the site** is reported to be at a **depth of approximately 20 feet** below the ground surface...

**p.6A-9 No references provided in Appendix 6, although citations are given in text p.6A-1**

**Groundwater** ...the historic high groundwater level in the vicinity of the site is reported to be at a depth of approximately 20 Page 6A-2 feet below the ground surface (**CDMG, 1998b**)...

**No definition of "vicinity" of the "site" is given and the fact that the CASP has a Project Area". Given these differences the statement of "20 feet below the ground surface" of the Project Area is totally inadequate. The preparer apparently did not search for readily available geological documents from the Corps of Engineers (LA River), Dept.Tox.Subst.Controls (Cornfields), LACo./MTA (County Jail, Gold Line Yard, LA River Crossing, etc.), and City of LA (bridge reconstruction and replacement program), etc.. and therefore the entire geological setting for the Project Area and considerations of liquefaction must be considered as incomplete**

**Collect appropriate documents, review, and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

40-134

40-135

**p. 6-6** Factors known to influence liquefaction potential...Much of the Project Area is located in an area mapped as potentially subject to liquefaction on the State of California Seismic Hazards Zones map...

**As indicated above, the map does not provide adequate or complete "detail" for a meaningful assessment of liquefaction other than to require all facilities to require design and physical measures as part of the Programmatic EIR mitigation, similar to the level of detail required for the infiltration of groundwater which could have significant implications for liquefaction and for the presence and control of methane gas.**

**Review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

40-136

**p.6-7 6.1.3 Mineral Resources**

The CGS and the State Mining and Geology Board...The Project Area is within the eastern end of what is designated as the Los Angeles City Oil Field. As reported in Chapter 10, Table 10-2, there are 49 oil and gas wells that have been identified in the Project Area.

**p.6-10** Section 19 of the Conservation Element, "Resource Management (Fossil Fuels): Oil," and Section 20, "Resource Management (Fossil Fuels): Gas," ...regulated...by the Division of Oil and Gas Geothermal Resources (DOGGR)...

**The CGS and SM&GBrd. Do not have jurisdiction over Oil and Gas facilities and their development, but the Report does not reference or consider the Division of Oil, Gas, and Geothermal Resources and their extensive readily available DOGGR data bases.**

**The MTA Red Line Phase 1 construction encounter important high levels of oil-field sour gases and required unanticipated expensive remediation for groundwater in the areas immediately downslope of the Project Area. No locations or assessment or information is provided for the wells known and expected to be below ground in the Project vicinity and their potential for redevelopment given new technologies in the Exploration and Production industry.**

**Acquire DOGGR information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

**Page 6-11 6.2 Standards of Significance** Criteria for determining the significant impacts associated with earth resources...Expose people or structures to potential substantial adverse effects...liquefaction and lateral spreading...located on a geologic unit or soil that is unstable or that would become unstable...and potentially result in on- or offsite landslide, settlement, or collapse...

**Acquire information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

**p.6-11 6.2 Standards of Significance** Result in loss of a known valuable mineral resource or in the loss of availability of a locally important mineral resource identified in an approved land use plan...City of Los Angeles CEQA Thresholds Guide will be used:

**p.6-12 6.3 Potential Earth Resources Impacts 6.3.1 Assumptions...**assumptions apply to the analysis:...Implementation of the Proposed Alternative...may change...certain types of development...**not** introduce **new uses into areas with known earth resources constraints** related to...**unstable soils**,...

**Except for a few existing "multi-family residential" areas and open spaces, all existing zoning will be changed and most if not all industrial land uses will be available for mixed uses or significant residential uses within the Hybrid zones. Therefore new residential uses wil have earth resources – liquefaction/unstable and ground methane constraints.**

**Acquire readily available information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

**p.6-13** Oil and gas operations, including drilling new wells and restoring existing wells...accomplished in full compliance with City of Los Angeles requirements as well as those of the...DOGGR...oil and gas operations...are **not assumed to be in conflict**...

**This element was not discussed in the Appendix and is not supported by references nor description of existing conditions, abandonment, and production.**

**Drilling and re-drilling of oil and gas wells is not under the jurisdiction of the City and only under the authority of DOGGR and the contracts with lease/subsurface rights owners**

**No discussion of methane zones or oil and gas fields an resources are given in the Earth Resources Chapter 6 or the related appenix, although the State of California includes the Oil and Gas resources in the Department of Conservation rather than under Toxic and Hazardous Substances.**

**Acquire DOGGR information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

**p.6A-8 Mineral Resources** Only for aggregate

**No citation are made for DOGGR and the existing fields as given in Chapter 6, although references are made to Methane Zones. for Fields, and to Hazardous Materials Section.**

**Acquire DOGGR information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapter 7 and 10, which rely on the geological context of the Project Area.**

40-143

**p.6-14 6.3.2.1 Potentially Significant Earth Resources Impacts of the Proposed Alternative Impact Earth Resources 2:..expose people, structures, and facilities to liquefaction. This potential impact is considered to be significant...located in an area mapped as potentially liquefiable...potential for liquefaction associated with implementation of the Proposed Alternative would need to be evaluated...and incorporated into the design...detailed site specific analysis...impacts due to liquefaction should be considered to have a potentially significant impact.**

**p.6-15 Mitigation Measure Earth Resources 2:...subject to liquefaction...submit a geotechnical report...registered civil engineer or certified engineering geologist...for review and approval.**

The project shall comply...Liquefaction Potential and Soil Strength Loss...assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement, or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration.

The project...comply...**Approval Letter**...as...**subsequently amended or modified**.

**With...mitigation measure...potentially significant impact...reduced to...less than significant.**

**Without clear definition the mitigation measures may be largely unenforceable and requires a clear definition as to settings, impacts, and ranges of "mitigation" requirements for all projects within the Project Area.**

**As part of the Mitigation for the Project and as an expression of concerns for the lack of coordinated data bases for the Project Area and its sphere of influence, mitigation must include a central repository for all related geologic, geotechnical, groundwater, and other information arising from the future development along with information that may be acquired during the revision of this and other chapters of this DEIR.**

40-144

**Acquire readily available Federal, State, County and City information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapters 7 and 10, which rely on the geological context of the Project Area.**

**p.6-1 – 17 Earth Resources**

**No mention of subsidence and methane (other than methane in references for Methane Controls is made on p.6-18)**

**Acquire readily available Federal, State, County and City information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapters 7 and 10, which rely on the geological context of the Project Area.**

40-145

**p.6-17 - 19 6.4 References**

**Vague references to Appendix 6A, although entire reference list was transferred to Chapter 6 without review.**

**No references is given to Ninyo & Moore (N&M) October 2008, only to NavigateLA, 2008, source of most text. In other Chapters, N&M are cited and references are direct to N&M not NavigateLA.**

**Most if not all illustrations are cited as taken from N&M... rather than NavigateLA.**

**No references is given for DOGGR (Oil and Gas Wells) as the N&M did not discuss the Oil and Gas resources.**

**No references to other local geological resources -, CHSRail, MTA (RedLine Phase 1, Brdway, GoldLine), LACo. (LACo Jail), LACity (PipeTech, Bridges)**

40-146

**Acquire readily available Federal, State, County and City information, review and revise Chapter 6.1. Recirculate Chapter 6 and dependent Chapters 7 and 10, which rely on the geological context of the Project Area.**

**p.6-18 References City of Los..., Bureau... (2004). Methane and Methane Buffer Zones,...dated March 31. Reference is given without any text citation of reference. Entire reference section taken from Ninyo & Moore without mention.**

**Revise and recirculate Chapter 6 and dependent Chapters 7 and 10, which rely on the geological context of the Project Area.**

40-147

**p.6A-5 Subsidence** Subsidence is typically associated with areas of groundwater withdrawal or other fluid withdrawal from the ground such as oil and natural gas, and could cause damage to project improvements, including foundations, structures, pavements, and other hardscape features.

**Our background review did not indicate that subsidence has been reported in the project area. Consequently, potential subsidence is considered to have a less than significant impact.**

***No reference is given in Chapter 6 to this conclusion and it is not provided in Chapter 6. As the preparer did not make inquiries to relevant agencies (e.g., MTA, City of Los Angeles, and Corps of Engineers) and did not make any background review of the potential subsidence due to changes in groundwater with unstable soils and alluvium and to withdrawal of large amounts of oil and releases of large amounts of field gases, the off-hand conclusion of “no significant impact” can not be adequately supported. Chapter 6 is also incomplete in that it does not extend the preparer’s inadequate conclusion in the DEIR. Acquire readily available Federal, State, County and City information, review and revise Chapter 6. Recirculate Chapter 6 and dependent Chapter 7 which rely on the geological context of the Project Area.***

40-148

**p.6A-6 Methane Zones** Portions of the site in the western and northern areas are located in...methane zone and the City of Los Angeles methane buffer zone. **Methane gas...could have an impact...[and] potential for methane would be evaluated...as appropriate...**

***The preparer has not provided maps of the various zones, and they have not been included in Chapters 6 or 10 rendering this Appendix as inadequate and Chapter 6 and perhaps Chapter 10 as incomplete. Appropriate is no defined and cannot be considered as an adequate assessment of impacts or mitigation. Acquire readily available City information, review and revise Chapters 6 and 10. Recirculate Chapter 6 and dependent Chapter 10, which rely on the geological and methane context of the Project Area.***

40-149

**p.6A-6 Groundwater** Based on our **limited background review...In the event a future storm water infiltration system is implemented, the future performance of the improvements may be impacted. The impacts may include hydrocollapse and soil settlement of potentially compressible soils, mounding of groundwater and increase in the potential for liquefaction.**

***The preparer has identified a potential effect without impact assessment and even any administrative mitigation and the same is not included in Chapters 6 or 7 rendering this Appendix inadequate and Chapter 6 and perhaps Chapter 7 as incomplete. Appropriate is no defined and cannot be considered as an adequate assessment of impacts or mitigation. Acquire readily available City information, review and revise Chapters 6 and 10. Recirculate Chapter 6 and dependent Chapter 10, which rely on the geological and methane context of the Project Area.***

40-150

**7 Hydrology and Water Quality**

***See comments in Chapter 6 pertaining to Groundwater and apply the same to Chapter 7. Other comments for Chapter 7 are included below.***

40-151

**p.7-13 7.1.6 Groundwater** The Project Area is located at the boundary of the San Fernando and Central Groundwater Basins ***[Fig.7-7]***.lie along the line of Main Street...Groundwater flows north to south below the Project Area and outflows to the Central Groundwater Basin...The historic high groundwater level in the vicinity of the Project Area is reported to be at a depth of approximately 20 feet below the ground surface...aquifer thickness at the Glendale Narrows varies between 50 to 200 feet (Los Angeles County, 1996). Flow velocity ranges...to 1,300 feet per year beneath the Los Angeles River Narrows

***Figure 7-7 (p.7-14) does not name the basins in the Figure as Central or SF and the red line boundary lies across the upper third of the Project Area and thus would be about the Arroyo Seco confluence with the LA River, Humboldt Street. And Figure 7-8 (p.7-15) does not extend north of I-10 in LA City. Groundwater flow is shown only for that from the San Gabriel recharge facilities towards the Southwest or East, north of I-105. At their closest, groundwater contours are more than 200ft below the ground***

40-152



*surface in the Project Area and thereby would lie within the Puente Formation beneath the alluvial groundwater levels of the LA River..*

40-152

**p.7-20 7.1.8.10 City of Los Angeles, Department of Water and Power, 2005 Urban Water Management Plan (2005) and**

**p.7-26 7.3.1 Assumptions** The LADWP will provide potable water to the Project Area during the construction phase and during subsequent land use (also see Chapter 16, Utilities).

**Although this DWP Plan is discussed, the Appendix 7B which is not referenced in this Chapter 7 is presented for the "Water Supply Assessment" for the entire Project.**

**Revise and recirculate Chapter 7 and dependent Appendix 7B, which rely on the Hydrological Resources of the City and the Project Area.**

40-153

**p.7-25 The Los Angeles Standard Urban Stormwater Mitigation Plan**

...Stormwater LID Ordinance will take precedence over the SUSMP if it is adopted. However, in some instances, where LID implementation is infeasible, developments will still be required to meet the requirements of SUSMP.

**p.7-26 7.3 Potential Hydrology and Water Quality Impacts** This section begins with a description of When a significant impact has been set forth, mitigation measures to address that potential impact are also presented, along with a determination of whether the impact will continue to be significant after implementation of the mitigation measure.

**p.7-27 7.3.2.1 Potentially Significant Hydrology and Water Quality Impacts of the Proposed Alternative Impact Hydrology and Water Quality 1:...**In addition, the City of Los Angeles, under mandate from the Regional Board, requires new development and redevelopment projects to incorporate stormwater mitigation measures, effective September 2, 2002. The new development will be held to the requirements of the General NPDES Permit, the SUSMP, or to the LID Ordinance upon adoption, in order to comply with the Regional Board requirement. Developers are encouraged to begin work on complying with these regulations by visiting the Watershed Protection Division in the design phase of their projects (City of Los Angeles, 2002). The project includes guidance to developers for meeting the SUSMP and NPDES permit requirements.

**p.6A-6 Groundwater** Based on our limited background review... In the event a future storm water infiltration system is implemented, the future performance of the improvements may be impacted. The impacts may include hydrocollapse and soil settlement of potentially compressible soils, mounding of groundwater and increase in the potential for liquefaction.

**The preparer of Appendix 6 has identified a potential effect without impact assessment and even any administrative mitigation and the same is not included in Chapters 6 or 7 rendering this Appendix inadequate and Chapter 7 as incomplete.**

**Revise and recirculate Chapter 7 and dependent Chapters 6 and 10, which rely on the geological context of the Project Area.**

40-154

**p.7-33 – 34 7.4 References**

**No citations or references to Appendix 7B, LA DWP Water Supply Assessment was found in Chapter 7 and the list of references.**

**No citations for or references to is made to NavigateLA (2008) for source of Ninyo & Moore, 2008, as in Chapter 6; although they are the same study.**

**Revise and recirculate Chapter 7 and dependent Chapter 6, which rely on the geological and hydrological context of the Project Area.**

40-155

**p.10-1 10 Hazardous Materials**

**p.10-1/3 10 Hazardous Materials** ...identifies known sources of contamination in the Project Area as a basis for identifying potential impacts related to the management of hazardous materials and wastes.

**This Chapter is inadequate and incomplete with regard to potential presence of hazardous materials which are not even mentioned but would be expected to lie within the Project Area and would include:**

- Oil and Gas Resources – Sour Gas in the Water Groundwater H2S**
- Oil Field Methane and other heavier hydrocarbon gases and liquids**
- Creosote and other wood preservatives derived from the coal gasification plant**
- chemicals used in the lumber industries related to the railroad in the Project Area**

40-156



*Leaks, spills and other releases widely associated with hydraulic and lubrication system of railroads and commonly found in yards, siding, and trackways*  
**Review historic aerial photos, maps, and land use designations and revise potential existing sources of contaminated soils and groundwater. Re-assess potential impacts and areas of concerns. Revise Chapters 10 and related Appendix 10A and recirculate relevant Chapter and appendix as a supplement.**

40-156

**p.10-1/4 10.1 Existing Conditions...**recognized that...Project Area has a long history of industrial uses...hazardous materials may have been used and waste managed in ways that do not comply with the current regulatory requirements...**area has a history of oil and gas operations and early development was supplied with gas from coal gas facilities...**

**No map or historic photos are provided for the O&G facilities nor for related soaking pits for railroad and oilfield lumber.**

**Review historic aerial photos, maps, and land use designations and revise potential existing sources of contaminated soils and groundwater. Re-assess potential impacts and areas of concerns. Revise Chapters 10 and related Appendix 10A and recirculate relevant Chapter and appendix as a supplement.**

40-157

**p.10-1/4** See **Appendix 10A** for a report commissioned by...Department of Environmental Affairs to **determine the existing conditions of specific properties...**

**The scope of work for the report preparer was inadequate for characterization of the Project Area and thereby the report, the Appendix, and the derived DEIR are inadequate and maybe incomplete in assessment of impacts, development of mitigation, and significance of impacts after inadequate mitigation..**

**Review historic aerial photos, maps, and land use designations and revise potential existing sources of contaminated soils and groundwater. Re-assess potential impacts and areas of concerns. Revise Chapters 10 and related Appendix 10A and recirculate relevant Chapter and appendix as a supplement.**

40-158

**p.10-1/** **Information about known sources of contamination in the Project Area**...presented, drawing on **known** databases **maintained** by the appropriate federal, State, or local agency...**noted that some sources of contamination** from hazardous materials and wastes...**may not be recorded in the databases.**

**p.10-4 10.1.2 Existing Hazardous Materials and Wastes** ...Community Redevelopment Agency (CRA/LA) commissioned a **records search** to identify known sources of hazardous materials use and hazardous waste contamination in the Project Area...

Coal gasification is a database of sites that have been involved in coal gasification.

Oil and Gas Wells - A listing of oil and gas well completions, pluggings, and permits.

**This disclaimer does not support the adequacy and completeness of the DEIR and its use as a Programmatic EIR for tiering and ministerial actions.**

**As indicated in Chapter 7 comments, many readily agencies exist with information directly pertaining to conditions and past effects within the Project Area but which have not been accessed to ascertain what records and information would be available. Selective definition of "known", appropriate, recording, etc. would clearly be to the financial benefit of the consultants and the supporting agencies and not to the discretionary benefit of the public and their representatives.**

**Review historic aerial photos, maps, and land use designations and revise potential existing sources of contaminated soils and groundwater. Re-assess potential impacts and areas of concerns. Revise Chapters 10 and related Appendix 10A and recirculate relevant Chapter and appendix as a supplement.**

40-159

**p.10-15** Future development on sites with **known** sources of contamination will require regulatory agency approval...Construction in areas with **known** contamination...undertaken using methods that will not expose workers or the public to any health risks from hazardous substances.

**p.10A-1– 9 Appendix 10A Property Inventory Study [CASP] AREA PROPERTY INVENTORY STUDY CITY OF LOS ANGELES LOS ANGELES COUNTY, CALIFORNIA**

...Ninyo & Moore has evaluated known environmental conditions on selected properties...Photos...taken during drive-by reconnaissance, readily available environmental reports, and summaries from available databases...have been imported into a geographic information system (GIS). The attached report summarizes our methodology, findings, and recommendations regarding the inventory of properties...

**p.10A 1. INTRODUCTION**

Ninyo & Moore prepared this report...The scope was to evaluate known environmental issues on selected properties within the Cornfield Arroyo Seco Specific Plan...

*The various conditions – “known”, “selected”, “readily available”, and “available databases” without substantiation and definition of the terms renders the entire “Appendix” inadequate and incomplete without meaningful content to review and comment upon.*

*As this Appendix supports and is referenced throughout Chapter 10, Chapter 10 must be considered as inadequate and incomplete.*

*Provide the consultant’s scope of work and contract conditions for the “study” and definitions of all conditions/limitations in the presented “report”.*

*Provide supporting information not methods, and revise assessment. Revise this Appendix and its dependent Chapter 10 as needed and then recirculate for meaningful review and comments.*

40-160

**p.10A-4 - 8 4. APPROACH and 5. RESULTS**

*Most discussion in 5. Results relates to the methods used, as an extension of 4. Approach rather than results achieved, e.g., rankings and GIS. Without “Results” this Appendix is incomplete and inadequate along with its supported Chapter 10.*

*Provide results of study resulting in the presented “summary” in a total of 9 pages.*

*Provide supporting information not methods, and revise assessment. Revise this Appendix and its dependent Chapter 10 as needed and then recirculate for meaningful review and comments.*

40-161

**p.10A-8 6. CONCLUSIONS AND RECOMMENDATIONS** ...summary of the available records and results of this evaluation, and indications of potential or suspected environmental impacts...following conclusions and recommendations:

*The consultant and prepared reports appear to be unaware of the many reports and records available for onsite and adjacent projects from Federal (USACOE), State (DTSC), Regional (RWQCB), County DPW and MTA, and City (DPW, LAHD, LAFD). Unless “available” means restricted, the Appendix and Chapter 10 sections are incomplete and inadequate.*

*Provide all available records and information and revise assessment. Revise Appendix and dependent Chapter 10 as needed and recirculate.*

40-162

**p.10A-8 Groundwater is impacted beneath much of the CASP Area, primarily with total petroleum hydrocarbons (TPHs) and volatile organic compounds (VOCs). Soils beneath some of the properties are impacted with TPHs, metals, and VOCs.**

*No information is provided to support this statement although contamination would be expected based on the historic uses of the Project Area and its surroundings, e.g., oil/gas and railroad facilities and operations. This statement clearly indicates that the Appendix and dependent Chapter 10 is incomplete and inadequate for assessment of potential impacts from encountered expected hazardous wastes and materials during construction and spreading of the contaminated groundwater due to increased groundwater infiltration and induced movement.*

*Provide supporting information and revise assessment. Revise Appendix and dependent Chapter 10 as needed and recirculate.*

40-163

**p.10A-9** Seven of the 56 properties...ranked 1A (with known unresolved environmental issues or an open regulatory agency case and no RP). Twelve of the properties... 1B...Eight of the properties...2 (with past environmental concerns and a potential for further, future issues). Twenty-four properties...3...and/or known historic uses that have a potential for causing impact). Four of the properties were ranked 4 (with no records of previous or current environmental conditions).

*All Railroad track/yard ROWs are commonly expected to contain hazardous wastes from operations and releases (e.g., poly-chlorinated biphenyl and dioxins; many locations in or near the Project Area contain lands used for lumber related to railroad construction, railroad ties and timbers for wooden bridges, which were creosoted in earthen pits before shipping; the coal gasification plant just south*

40-164

40-164

**of LACo Jail/MTA Bus Yard supplied gasification products, including creosote, were transported and stored by rail and others within the Project Area.**

**Chapter 10 does not apply these rankings and parameter to the Project Area and apparently did not apply such before the consultant conducted the work.**

**Provide additional information regarding all expected historic hazardous contamination and revise as needed and recirculate.**

**p.10A-8** Based on the results of this evaluation...**recommendations for additional assessment**...recommendations include conducting **review of records at local agencies**...or state agencies...review of historical site use records...to develop historical profile, or complete a Phase I Environmental Site Assessment (ESA)...results of additional records research or Phase I ESA, subsurface exploration, sampling and analyses (Phase II ESA) may be recommended on selected properties of interest to define environmental impact and preliminary scope of appropriate remedial activities.

40-165

**Many agencies (e.g., State Dpt.Tox.Subst.Controls/State Department of Parks and Recreation/Cornfields, MTA/RTD, Los Angeles County, LA City/DPW, LADWP, LAFD, LAHD, etc.) have projects in the area which include geotechnical reports on their projects and methane and other occupational health-related important materials**

**Provide Scope of Work for consultant and ascertain whether such recommendations are consistent with the contract. Revise as needed and recirculate.**

**p.10A-9 7. LIMITATIONS** Our [**consultant, Ninyo & Moore**] conclusions, recommendations, and opinions are based on an analysis of the **observed site conditions and the referenced literature**...conditions of a site can change...findings of this report may, therefore, be invalidated over time...

40-166

**Such limitations by consultant are inadequate, unless a copy of the Scope of Works of the contract is provided and thereby is incomplete.**

**Provide Scope of Work for consultant and ascertain whether such limitations are consistent with the contract. Revise as needed and recirculate.**

**OTHER COMMENTS REGARDING CHAPTER 17 ARE IN PROCESS AND WILL BE SUBMITTED AND INCORPORATED BY REFERENCE HEREIN.**

**p.17-16 17.6.2.3 No Redevelopment Plan Alternative** If the Redevelopment Plan component...were to be eliminated...changes that would result from the implementation of the Specific Plan component of the Proposed Alternative **would remain the same as the potentially significant environmental impacts**...while it would eliminate a **potentially important way to help** implement the Proposed Alternative, would have the **same environmental consequences**...

40-167

**Given the incomplete and inadequate CRA Description and comparisons of the two components of the "Proposed Alternative", the statement cannot be supported and thereby is incomplete, inaccurate, and inadequate. As a minimum, the RP Component would be expected to accelerate the CASP so that by the end of the planning and impact periods the Proposed and Modified Proposed Alternatives would be produce different results and impacts.**

**With and without the components, a reasonable difference would involve the Gentrification of all tenant occupied residential units and thereby the displacement of lower and middle income tenants would be expected.**

**Provide revised text.**

Andrew Salas  
Chairman

Nadine Salas  
Vice-Chairman

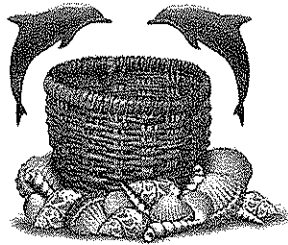
Christina Swindall-Martinez  
Secretary

Albert Perez  
Treasurer I

Martha Gonzalez-Lemos  
Treasurer II

Albert Acuna, Jr  
Chairman of the  
Council of Elders

Ernest P. Salas Tautimez  
Chief and Spiritual Leader



## GABRIELEÑO BAND OF MISSION INDIANS

Historically known as The San Gabriel Band of Mission Indians

recognized by the State of California as the aboriginal tribe of the Los Angeles basin

Claire Bowin, AICP, City Planner  
City of Los Angeles, Dept of City Planning  
200 N Spring St, Room 667  
Los Angeles, CA 90012

May 20, 2012

Dear Mrs. Bowin,

Thank you for your correspondence dated April 24, 2012 advising me of the proposed Cornfield Arroyo Seco Specific Plan. We, the Gabrieleno Indians, once occupied the now greater Los Angeles area with many villages located around the now named Los Angeles River. One of our most known villages, Yangna, was located just west of this site. We consider this site to be potentially full of cultural resources that have yet to be found. We are requesting to protect our potential resources by having one of our experienced & certified Native American monitors to be on site during all ground disturbances. We would like to request participating in the consultation process.

41-1

In all cases, when or if the Native American Heritage Commission states there are "no records of sacred sites" in the subject area, they always refer the contractors back to the Native American Tribes whose tribal territory the project area is in. This is due to the fact that the NAHC is only aware of general information on each California NA Tribe they are not the "experts" on our Tribe. Our Elder Committee & Tribal Historians are the experts and are the reason why the NAHC will always refer contractors to the local tribes.

41-2

We are requesting that this response be included in your Final EIR for this project. Please contact our office regarding this project to coordinate a Native American monitor to be present during ground disturbing construction when the time comes.

41-3

Sincerely,

Andy Salas, Chairman  
Gabrieleno Band of Mission Indians



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

July 17, 2012

Claire Bowin  
City of Los Angeles, Planning  
200 N. Spring St, Room 667  
Los Angeles, CA 90012

Subject: Cornfield Arroyo Seco Specific Plan  
SCH#: 2009031002

Dear Claire Bowin:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on July 16, 2012, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2009031002  
**Project Title** Cornfield Arroyo Seco Specific Plan  
**Lead Agency** Los Angeles, City of

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**Type** EIR Draft EIR

**Description** On September 22, 2011, the City circulated the Original DEIR for public review. This Recirculated Portions of the DEIR (RP-DEIR) replaces several portions of the Original DEIR in response to comments received during the public comment period which ended on November 21, 2011 and further review by City staff. The City is recirculated this RP-DEIR pursuant to CEQA Guidelines Section 15088.5, Subdivisions a (1), a(4) and (c). As CEQA Guidelines Section 15088.5, Subdivision (f)(2) permits, the City requests that reviewers limit scope of their comments to that material which is within text of the revised portions included in the RP-DEIR. Pursuant to this, the City also requested that reviewers not make any new comments on old matters not included in this RP-DEIR.

---

**Lead Agency Contact**

**Name** Claire Bowin  
**Agency** City of Los Angeles, Planning  
**Phone** 213 987 1213 **Fax** (213) 617-8233  
**email** plewicki@cra.lacity.org  
**Address** 200 N. Spring St, Room 667  
**City** Los Angeles **State** CA **Zip** 90012

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**Project Location**

**County** Los Angeles  
**City** Los Angeles, City of  
**Region**  
**Lat / Long**  
**Cross Streets** Multiple: 660 acre area approximately 2 miles north of downtown Los Angeles  
**Parcel No.** Multiple  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways** Multiple  
**Airports** No  
**Railways** Multiple  
**Waterways** Los Angeles River, Arroyo Seco  
**Schools** Multiple  
**Land Use** Multiple

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**Project Issues** Air Quality; Noise; Traffic/Circulation; Other Issues

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission; San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy

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**Date Received** 06/01/2012 **Start of Review** 06/01/2012 **End of Review** 07/16/2012

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**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7

DIVISION OF ENVIRONMENTAL PLANNING

100 MAIN STREET, SUITE 100

LOS ANGELES, CA 90012-3606

FAX (213) 897-2593

TTY (213) 897-4937

RP-2

*Flex your power!  
Be energy efficient!*

July 10, 2012

Mr. David Somers  
City of Los Angeles, Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, California 90012

RE: Recirculated Portions of DEIR for Cornfield Specific Arroyo Specific Plan  
EIR Case No.: ENV-2009-0599-EIR

Dear Mr. Somers:

We appreciate this opportunity to provide our vital input as it relates to cultural resources on behalf of Caltrans regarding the above-referenced project.

Because the recirculated portions of the above-referenced DEIR do not include a cultural resources section, we have no further comments at this time.

If the project changes, we welcome the opportunity to conduct further reviews. Please feel free to contact me at 213-897-3818, if you have any questions or comments.

A handwritten signature in black ink that reads "Gary Iverson".

Gary Iverson  
Senior Environmental Planner  
Heritage Resources Coordinator



David Somers &lt;david.somers@lacity.org&gt;

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## Cornfield Arroyo Seco Specific Plan Comments

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Pompa, Syndi@DOC &lt;Syndi.Pompa@conservation.ca.gov&gt;

Fri, Jun 1, 2012 at 11:49 AM

To: david.somers@lacity.org

Hi Mr. Somers,

I did some research, and found that the Division responded with comments in 2009. We don't have any further comments.

I've attached the document for your reference.

Thanks for the opportunity to comment on your proposed project.

Syndi Pompa

Associate Oil & Gas Engineer

DOGGR/Facilities

5816 Corporate Ave., Ste. 200

Cypress, CA 90630

[714-816-6847](tel:7148166847) (office)

[714-816-7822](tel:7148167822) (direct)



**3-24-09 NOP Revised 040609 City of Los Angeles Cornfield Arroyo Seco Specific Plan  
2009031002.doc**

79K



# DEPARTMENT OF CONSERVATION

## DIVISION OF OIL, GAS AND GEOTHERMAL RESOURCES

5816 Corporate Avenue • Suite 200 • CYPRESS, CALIFORNIA, 90630-4731

PHONE 714 / 816-6847 • FAX 714 / 816-6853 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

April 6, 2009

Ms. Claire Bowin  
City of Los Angeles, Planning  
200 N. Spring Street, Room 721  
Los Angeles, CA 900012

Subject: Notice of Preparation for Cornfield Arroyo Seco Specific Plan (CASP)-  
CPC-2009-598-CA-SP – SCH# 2009031002

Dear Ms. Bowin:

The Department of Conservation's Division of Oil, Gas, and Geothermal Resources (Division) has reviewed the above referenced Notice of Preparation for Cornfield Arroyo Seco Specific Plan. We offer the following comments for your consideration.

The Division is mandated by Section 3106 of the Public Resources Code (PRC) to supervise the drilling, operation, maintenance, and plugging and abandonment of wells for the purpose of preventing: (1) damage to life, health, property, and natural resources; (2) damage to underground and surface waters suitable for irrigation or domestic use; (3) loss of oil, gas, or reservoir energy; and (4) damage to oil and gas deposits by infiltrating water and other causes. Furthermore, the PRC vests in the State Oil and Gas Supervisor (Supervisor) the authority to regulate the manner of drilling, operation, maintenance, and abandonment of oil and gas wells so as to conserve, protect, and prevent waste of these resources, while at the same time encouraging operators to apply viable methods for the purpose of increasing the ultimate recovery of oil and gas.

The scope and content of information that is germane to the Division's responsibility are contained in Section 3000 et seq. of the Public Resources Code (PRC), and administrative regulations under Title 14, Division 2, Chapter 4, of the California Code of Regulations.

The proposed project is located within the administrative boundaries of the Los Angeles City oil field and Los Angeles County. There are four plugged and abandoned wells within or in proximity to the project boundaries. The wells are identified on Division maps 116, W1-5 and in Division records. The Division recommends that all wells within or in close proximity to project boundaries be accurately plotted on future project maps.

**Ms. Claire Bowin, City of Los Angeles Planning**

March 24, 2009

Page 2

Building over or in the proximity of idle or plugged and abandoned wells should be avoided if at all possible. If this is not possible, it may be necessary to plug or re-plug wells to current Division specifications. Also, the State Oil and Gas Supervisor is authorized to order the reabandonment of previously plugged and abandoned wells when construction over or in the proximity of wells could result in a hazard (Section 3208.1 of the Public Resources Code). If abandonment or reabandonment is necessary, the cost of operations is the responsibility of the owner of the property upon which the structure will be located. Finally, if construction over an abandoned well is unavoidable an adequate gas venting system should be placed over the well.

Furthermore, if any plugged and abandoned or unrecorded wells are damaged or uncovered during excavation or grading, remedial plugging operations may be required. If such damage or discovery occurs, the Division's district office must be contacted to obtain information on the requirements for and approval to perform remedial operations.

To ensure proper review of building projects, the Division has published an informational packet entitled, "Construction Project Site Review and Well Abandonment Procedure" that outlines the information a project developer must submit to the Division for review. Developers should contact the Division Cypress district office for a copy of the site-review packet. The local planning department should verify that final building plans have undergone Division review prior to the start of construction.

Thank you for the opportunity to comment on the Notice of Preparation. If you have questions on our comments, or require technical assistance or information, please call me at the Cypress district office: 5816 Corporate Avenue, Suite 200, Cypress, CA 90630-4731; phone (714) 816-6847.

Sincerely,

Paul Frost  
Associate Oil & Gas Engineer  
Division of Oil, Gas and Geothermal Resources  
District 1 - Cypress

cc: State Clearinghouse  
P.O. Box 3044  
Sacramento, California 95812-3044

Adele Lagomarsino – Division Headquarters  
Sacramento



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

E-Mailed: July 13, 2012  
[david.somers@lacity.org](mailto:david.somers@lacity.org)

July 13, 2012

Mr. David Somers  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

## **Review of the Recirculated Draft Environmental Impact Report (Draft EIR) for the Cornfield Arroyo Seco Specific Plan Project**

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. AQMD staff appreciates the cooperation of lead agency staff in addressing our previous comments. The following comment is intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Final EIR) as appropriate.

On November 18, 2012 the AQMD staff submitted a comment letter regarding the Draft EIR for the proposed project. At that time, AQMD staff expressed concern about the potential health risk impacts to future residents (i.e., sensitive receptors) that will occupy the development from toxic air contaminants (TAC) sources that surround the project site. Specifically, the proposed project is surrounded by the 5 Freeway, 110 Freeway, industrial facilities, rail lines, and a major rail yard. The Draft EIR included mitigation requiring a 300 foot buffer between sensitive land uses and freeways and determined that the project would have insignificant health risk impacts. However, given that a quantitative health risk analysis was not completed to demonstrate the effectiveness of this measure the AQMD staff recommended that the lead agency provide additional mitigation (consistent with the CARB Handbook<sup>1</sup>) to ensure insignificant health related impacts from local sources of TACs. Further, the AQMD staff recommended that in the event these measures were found infeasible, that the lead agency provide a health risk assessment that quantifies the project's impacts and demonstrates the potential effectiveness of any mitigation measures that would minimize any significant health risk impacts. Also, the AQMD recommend that the lead agency provide additional mitigation measures to minimize the project's significant construction related emissions.

AQMD staff appreciates that in response to the above mentioned recommendations the lead agency incorporated additional mitigation measures into the Recirculated Draft EIR

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<sup>1</sup> California Air Resources Board. April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at: <http://www.arb.ca.gov/ch/landuse.htm>

that will minimize the project's impacts and that could potentially reduce public exposure to air pollutants for residents of this project. AQMD staff recommends that the lead agency provide a minor clarification to Mitigation Measure Air Quality 2 (MM AQ-2) of the Recirculated Draft EIR that explicitly defines an "acceptable level for cancer and non-cancer risks." Specifically, the lead agency should state in MM AQ-2 that an "acceptable level" for cancer risk is not to exceed one in one hundred thousand or a non-cancer hazard index of 1.0 consistent with AQMD recommended thresholds.

RP4-1

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan  
Program Supervisor, CEQA Inter-Governmental Review  
Planning, Rule Development & Area Sources

Attachment

IM:DG

LAC120531-01  
Control Number



**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

RP-5

File: SC.CE.

DATE: June 25, 2012

TO: Claire Bowin, City Planner  
Department of City Planning

FROM: Ali Poosti, Acting Division Manager  
Wastewater Engineering Services Division  
Bureau of SanitationSUBJECT: **Cornfield Arroyo Seco Specific Plan – Recirculated Draft EIR**

This memo is in response to your May 31, 2012 letter requesting wastewater service information for the proposed specific plan project. The Bureau of Sanitation, Wastewater Engineering Services Division (WESD), has conducted a preliminary evaluation of the existing sewer structural condition and capacity within the vicinity of your proposed project location.

The City of Los Angeles sewer system consists of primary sewers (16-inches and larger in diameter) and secondary sewers (less than 16-inches in diameter). The secondary sewers service the property laterals and feed into the primary sewer lines. The primary sewers in turn discharge to the trunk, interceptor, and outfall pipes. The wastewater is ultimately conveyed to the Hyperion Treatment Plant which has sufficient capacity for current and future development.

At this stage your project description lacks sufficient detail for us to conduct a thorough capacity analysis. However, we have enclosed as much information as possible in the form of our latest Primary Sewer Basin Plans, some sewer gauging data for the secondary sewers and a list of current and/or future wastewater Capital Improvement Projects (CIPs) that covers your project area.

**PRIMARY SEWERS**

Based on the project description, the Cornfield Arroyo Seco Specific Plan is located within or intersects three (3) primary sewer basins as follows: Lincoln Heights, Highland Park-Eagle Rock, and Silver Lake-Central Business District. In the attachment CD, a copy of the basin reports has been provided for your reference. The reports include current conditions, sewer flow capacity projections to the year 2050, and available gauging information. The master plans discuss the projected hydraulic capacity condition and needs of the basin in detail. The hydraulic capacity assessment is based upon modeling which makes use of flow gauging together with projected estimates of future wastewater generation. The condition assessment is based on closed circuit television (CCTV) inspection data.

CCTV inspection ultimately results in a rank or grade that reflects the structural condition and determines the course of action to follow. The structural condition ranks are described in Table 1.

**Table 1: Structural Condition Ranks**

Ranking	Description	Action
A	Pipe is in very good condition.	No action required.
B	Pipe is in good condition.	No action required.

<b>Ranking</b>	<b>Description</b>	<b>Action</b>
C	Pipe is in fair condition.	Lower priority for rehabilitation project. Conduct another CCTV inspection in five years.
D	Pipe is in poor condition.	Schedule for rehabilitation.
E	Pipe requires emergency repair or replacement.	Issue emergency contract for repair/replacement.

Based on the structural conditions, most of the primary sewer lines in the Cornfield Arroyo Seco Specific Plan area are in fair to very good condition. Our hydraulic capacity modeling analysis indicates no additional hydraulic relief projects are needed at this time.

RP5-1

## SECONDARY SEWERS

### Capacity

Based on existing gauging information, the secondary sewers within the proposed project location have no current conveyance capacity constraints. The current approximate flow level (d/D) in the secondary sewer basins are shown in Figure 1 and 2 and Table 2.

RP5-2

<b>MH #</b>	<b>Pipe Location</b>	<b>Current Gauging d/D (%)</b>	<b>Gauged Date</b>
495-09-008	San Fernando Rd	22	2010
495-09-004	Avenue 21	0	2010
495-06-164	Humboldt St R/W	0	2010
495-09-067	Avenue 18	8	2010
494-16-086	Broadway N St	38	2009

### Structural Condition

Our latest CCTV inspection results indicate most of the secondary sewers in the project area are in fair to very good condition. Figure 1 shows the current conditions of the sewers within the project study area. Secondary Sewer Plan Reports are currently pending and will be completed in the near future. Based on the preliminary results, the report recommends three (3) future sewer point repair projects and one (1) sewer replacement project on the existing sewers within the Cornfield Arroyo Seco Specific Plan and is shown in Figure 2 and listed in Table 3. Please note that these results may change upon finalizing the planning report.

RP5-3

<b>PIPE ID</b>	<b>Location</b>	<b>Recommendation</b>
4950609649506123A	Avenue 26	Replace
4950609849506090A	Avenue 33 RW	Point Repair
4950612849506142A	Avenue 26	Point Repair
4951001849506154A	Avenue 25	Point Repair

## SUMMARY

A more detailed review of your project, or individual elements of your project, will be required as your project progresses and sufficient detail is developed. At that time you will need to submit a Sewer Capacity Availability Request (SCAR) and will need to provide detailed project information showing the exact building location, type, use, and occupancy along with the projected wastewater flow rates and the proposed sewer connection. If the public sewer has insufficient capacity for any proposed building project then the developer will be required to build public sewers to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. RP5-4

If you have any questions, please call Kwasi Berko of my staff at (323) 342-1562.

**Attachments:**

Figure 1 – Cornfield Arroyo Seco Specific Plan Secondary Sewer Condition Assessment Ranks Map  
Figure 2 – Cornfield Arroyo Seco Specific Plan Secondary Sewer Condition Pipe Repair Status Map  
CD – Primary Basin Master Plans

cc: Kosta Kaporis, BOS  
Daniel Hackney, BOS  
Rowena Lau, BOS

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July 16, 2012

David Somers  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

**CORNFIELD ARROYO SECO SPECIFIC PLAN RP-DEIR (C.F. 07-1342, ENV-2009-599-EIR, STATE CLEARINGHOUSE NO. 2009031002, CITY CLERK VAULT FILE NO. EIR-12-015-PL)**

Dear Mr. Somers:

On behalf of the City's Los Angeles River Project Office, the entity responsible for coordinating the development and implementation of the Los Angeles River Revitalization Master Plan (LARRMP), which was adopted by the City Council in 2007, I am writing to express my support for the Cornfield Arroyo Seco Specific Plan (CASP) and its revised Draft Environmental Impact Report, including the recirculated portions. The CASP was authorized as a critical implementation piece of the LARRMP (C.F. 07-1342).

The LARRMP focuses on the first 32 miles of the Los Angeles River, which flow through the City; it recommends a network of parks, trails, and open space and recommends more than 240 potential projects and 20 design typologies, including promenades, gateways, portals, bike paths, bridges, habitat areas, and green streets. Implementing this vision across our vast urban landscape is not possible without careful integration of the expressed and evolving land use priorities of many diverse communities, including the ten community plan areas that intersect the main river corridor.

River-adjacent communities are participating in all kinds of revitalization efforts that are consistent with the goals of the LARRMP; however, the CASP is the first of its kind in the region and the nation. The CASP celebrates the confluence of the river and its most significant tributary, the Arroyo Seco—the area where the city was founded. The CASP brings awareness to this and other valued cultural heritage landmarks in a way that reconnects historically-divided neighborhoods and prioritizes natural resource stewardship. Specifically, the CASP includes three LARRMP opportunity areas and more than fifteen of its potential projects (p. 10-31). I commend Claire Bowin and the Department of City Planning for leading the CASP effort, which goes a long way toward making the vision of the LARRMP real.

Sincerely,

Carol Armstrong, Ph.D.  
Director, Los Angeles River Project Office

Cc:  
Lupe Vela, Policy Director, City Council Ad Hoc Committee on the LA River  
Jill Sourial, Office of Councilman Ed Reyes, District One  
Mary Rodriguez, Office of Councilman Tom LaBonge, District Four  
Guy Lipa, Office of Councilman Eric Garcetti, District Thirteen  
Claire Bowin, Department of City Planning





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July 16, 2012

Claire Bowin, City Planner  
Los Angeles Department of City Planning  
200 North Spring Street, Room 667  
Los Angeles, CA 90012

Re: Recirculated Portions of the Draft Environmental Impact Report for the  
Cornfields-Arroyo Seco Specific Plan, SCH No. 2009031002

Dear Ms. Bowin:

On behalf of the Southeast Asian Community Alliance (“SEACA”), Public Counsel submits these comments on the Recirculated Portions of the Draft Environmental Impact Report (“RP-DEIR”) for the Cornfield-Arroyo Seco Specific Plan (“the CASP”, “the Specific Plan,” or “the Project”). The comments contained in this letter are intended to supplement – not replace – the comment letter on the original Draft Environmental Impact Report for the CASP submitted by SEACA, Public Counsel, Chatten-Brown & Carstens, and the Natural Resources Defense Council on November 23, 2011 (“the November 23 letter”). SEACA was founded in 2002, with the stated mission to build power among Southeast Asian youth and their communities in Los Angeles for a more just and equitable society through intergenerational, multiethnic dialogue, leadership development, and community organizing. SEACA is located in Los Angeles’ Chinatown district, which borders the CASP area. Many of SEACA’s members live within the CASP area, and SEACA’s members and their families would be affected by the environmental impacts of the Project.

Public Counsel is the nation's largest not-for-profit law firm of its kind with a 40-year track record of fighting for the rights of families, seniors, children and youth, people of color, persecuted immigrants, military veterans and nonprofit organizations and small businesses. Founded in 1970, Public Counsel addresses civil rights issues affecting thousands of people through impact litigation and policy advocacy and delivers \$88 million of free legal assistance each year to individuals.

The Project would enable future development of retail, residential, commercial, civic, and industrial uses on more than 600 acres in Lincoln Heights and Chinatown. It would provide for a population increase of more than 27,000 people, approximately 7,000 new residential dwelling units, 211,000 square feet of commercial, 4.7 million square feet of light industrial, new

institutional uses, and 52 new acres of parks and open space. The CASP would leave in place two existing residential zoning districts, and would adopt four new zoning designations for different parts of the CASP area.

These new zoning areas would provide for extensive mixed-use development, including commercial, industrial, residential, open space, and community uses. While we applaud the City's efforts to bring manufacturing and industrial jobs into the CASP area, we caution that some aspects of the Plan, if implemented, would have significant impacts that have not been adequately analyzed. Specifically, we are concerned that, despite the additional information contained in the RP-DEIR, the RP-DEIR still fails to adequately disclose, analyze, and mitigate many of the CASP's significant adverse environmental impacts.

RP7-1

As previously explained in our November 23 letter, many of the CASP's significant environmental impacts could be reduced with the implementation of the Community-Oriented Development Overlay Zone Alternative, described below in Section IV. The Alternative provides incentives for developers to increase affordable housing in CASP, while meeting each of the City's stated objectives. The City, yet again, fails to address the Alternative in the RP-DEIR.

### SUMMARY

The Legislature intended through the California Environmental Quality Act ("CEQA") to "[e]nsure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions." (Pub. Res. Code §21101). CEQA serves two basic, interrelated functions: ensuring environmental protection and encouraging governmental transparency. (*Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal. 3d 553, 564).

CEQA requires full disclosure of a project's significant environmental effects so that decision-makers and the public are informed of these consequences before the project is approved, to ensure that government officials are held accountable for these consequences. (*Laurel Heights Improvement Ass'n of San Francisco v. Regents of the University of California* (1988) 47 Cal.3d 376, 392 ("*Laurel Heights*"). The environmental impact report process is the "heart of CEQA" and is the chief mechanism to effectuate its statutory purposes. (*In Re Bay-Delta Programmatic EIR Coordinated Proceedings* (2008) 43 Cal. 4th 1143, 1162). An Environmental Impact Report ("EIR") is an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Laurel Heights, supra*, 47 Cal. 3d at 392 (quoting *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 822).

RP7-2

The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (14 C.C.R. §15003(d). Title 14, the CEQA implementing regulations, hereafter referred to as the "Guidelines"). In this way, the EIR "protects not only the environment but also informed self-government." (*Citizens of Goleta Valley, supra*, 52 Cal.3d at 564).

As stated in the CEQA statute:



[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.

(Pub. Res. Code § 21061). The EIR must not be obscure or incomplete. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 443). An EIR that is confusing or self-contradictory is inadequate. (*San Joaquin Raptor Center v. County of Merced* (2007) 149 Cal. App. 4th 645, 656 fn. 4). Courts have also emphasized that an EIR cannot be merely conclusory. (*See Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569 [“As we have frequently observed, it is only the EIR that can effectively disclose to the public the ‘analytic route the ... agency traveled from evidence to action.’...In general ‘the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.’”](citations omitted)).

RP7-2  
(con't)

As stated in the November 23 letter, the CASP Draft Environmental Impact Report's ("DEIR") conclusions and analysis with respect to land use, hazards, visual resources, cultural resources, biological resources, public services, utilities, population and growth-inducing impacts, and cumulative impacts are faulty. Furthermore, by failing to respond to comments made on these areas in the RP-DEIR, the environmental analysis for the Project remains infected by a vague project description, and many of its mitigation measures are inadequate, unenforceable, or improperly deferred until after the close of the CEQA process. Of particular concern is the City's failure to respond to the Community-Oriented Development Overlay Zone Alternative that would mitigate many of the Project's environmental impacts. CEQA Guidelines governing EIR recirculation specifically state that “[s]ignificant new information’ requiring recirculation include, for example, a disclosure showing that...[a] feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.” (Guidelines, §15088.5(a)(3)). For these reasons, we urge the City to again revisit its analysis of the land use, hazards, visual resources, cultural resources, biological resources, public services, utilities, population and growth-inducing impacts, and cumulative impacts section; and adequately address the new comments presented in this letter in its Final Environmental Impact Report (“FEIR”) and to correct the serious shortfalls described both below and in our November 23 letter. Furthermore, we urge the City to review and adopt a Community-Oriented Development Overlay Zone Alternative, in the CASP as described below in Section III. The Alternative provides incentives for developers to increase affordable housing in CASP, while meeting each of the City's stated objectives.

RP7-3

## ANALYSIS

### **I. Tiering is Misused**

As an initial matter, the CASP DEIR is a program-level document. (DEIR, p. 1-3). The DEIR intends, however, that for six classes of projects that meet certain criteria, no further environmental review will be conducted; rather, this DEIR will serve as the project-level analysis for these undertakings. (DEIR, p. 1-3). Projects subject to this Administrative Review include

RP7-4

projects with less than 50 dwelling units or guest rooms, commercial projects of less than 50,000 gross square feet of commercial floor area, demolition of existing buildings that are not historical resources, and exterior remodelings. The DEIR provides no justification or analysis of the size and scope of the projects selected for exemption from further environmental review. Presumably, a mixed-use project including up to 49 residential units and 49,999 square feet of commercial floor space could avoid further environmental analysis.

This broad use of tiering is a misapplication of CEQA and potentially allows dozens of mid-scale projects to sneak through the approval process without any meaningful evaluation of their potentially significant environmental impacts. As the CEQA Guidelines explain: “[t]iering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental impacts of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.” (*Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4th at 431, citing Guidelines §15152(b)). Tiering may be appropriate, for example, for a large multi-phase project where traffic impacts and other common environmental impacts are evaluated in a program-level EIR, and impacts specific to individual buildings’ designs would be properly analyzed in later tier documents. (*Id.*, citing *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 198).

RP7-4  
(con't)

However, tiering does not allow an agency to defer its identification of significant environmental impacts that the larger plan, policy or program will cause. (*Stanislaus Natural Heritage Project, supra* 48 Cal.App.4th at 198). Thus, here, the City cannot rely on CEQA’s tiering provisions to avoid identifying, evaluating, and mitigating significant environmental impacts that are likely to occur with the implementation of the CASP. For example, specific air quality impacts due to exposure of sensitive receptors can only be analyzed at a project-specific scale. Similarly, given the brownfields nature of the CASP area, potential impacts due to exposure to hazards must be identified and disclosed in a more detailed way so that meaningful and effective mitigation measures can be imposed.

The City cannot use tiering to avoid reaching significance conclusions regarding land use, air quality, greenhouse gas emissions, and myriad cumulative impact areas such as light and noise. This is particularly true where the cumulative impacts analysis, discussed below, fails to account for the cumulative impacts of multiple projects within the CASP area being constructed and operated simultaneously.

## **II. The Lead Agency Violates CEQA by Failing to Respond to Comments made on the DEIR**

The CEQA Guidelines state: “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response.” (Guidelines, §15088(a)). Here, the lead agency fails to provide a written response to comments made in our November 23 letter, related to: land use, population and housing, hazards, visual resources, cultural resources, biological resources, public services, and utilities. (*See Id.*). As such, we incorporate herein by reference all comments made in the SEACA DEIR Comment.

RP7-5

Specifically, we re-introduce (below) the following critical comment areas for analysis in the City’s FEIR: land use and population and housing.

## A. Land Use

The CEQA Guidelines provide that the “EIR shall discuss any inconsistencies between a proposed project and applicable general plans and regional plans.” (Guidelines, §15125(d); *see also* Cal. Gov’t Code §65454 [“No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.”]). Because various land use controls must be consistent with the general plan, a general plan is the “constitution for future development...located at the top of the hierarchy of local government law regulating land use...” (*DeVita v. County of Napa* (1995) 9 Cal. 4th 763, 773 (internal citations omitted)). The CASP is inconsistent with numerous objectives and policies in the City’s General Plan, and the DEIR fails to thoroughly analyze this issue of consistency or provide adequate mitigation.

### i. The DEIR Fails to Analyze the Consistency Between the CASP and the City’s Land Use Element

The majority of the CASP area includes portions of the City’s Central City North and Northeast Los Angeles Community Plans, and a smaller portion of the CASP area includes the Silverlake-Echo Park Community Plan area. (DEIR, p. 3-1). These Community Plans serve as the Land Use Element for the City’s General Plan. The DEIR fails to analyze the CASP’s consistency with the goals and policies of these existing Community Plans, including:

- Central City North Community Plan Policy 1-4.2 – “Ensure that new housing opportunities minimize displacement of existing residents.”<sup>1</sup>
- Central City North Community Plan Policy 2-1.3 – “Insure the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.”<sup>2</sup>
- Central City North Community Plan Objective 4-1 – “To conserve, maintain and better utilize existing recreation and park facilities which promote the recreational needs of the community.”<sup>3</sup> (For further discussion, see Section II.K below).
- Central City North Community Plan Objective 5-2 – “To ensure the accessibility, security and safety of parks by their users, particularly families with children and senior citizens.”<sup>4</sup> (For further discussion, see Section II.K below).
- Northeast Los Angeles Community Plan Policy 1-6.3 – “Ensure that redevelopment activity minimizes displacement of residents.”<sup>5</sup>
- Northeast Los Angeles Community Plan Objective 3-1 – “To resolve conflicts between industrial uses and other adjacent uses.”<sup>6</sup>

<sup>1</sup> Central City North Community Plan, <http://cityplanning.lacity.org/complan/pdf/ccncptxt.pdf> at p. III-4.

<sup>2</sup> *Id.* at III-5.

<sup>3</sup> *Id.* at III-11.

<sup>4</sup> *Id.* at III-12.

<sup>5</sup> Northeast Los Angeles Community Plan, <http://cityplanning.lacity.org/complan/pdf/nlacptxt.pdf> at p. III-9.

In particular, both the Central City North and the Northeast Los Angeles Community Plans contain policies to minimize displacement of existing residents. The DEIR fails to include any analysis of potential displacement of existing residents in the proposed Project area, as discussed in Section B, below, and thus the DEIR does not adequately discuss the Specific Plan's compatibility or consistency with the City's land use element.

RP7-7

The Central City North Community Plan also contains policies regarding the recreational needs of the community and access to parks. The DEIR fails to address these policies. In fact, although the DEIR's significance threshold is whether the CASP would "[c]onflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project," (DEIR, p. 3-25), the DEIR never addresses any Community Plan. The City is required to perform this analysis and cannot rely upon an incomplete DEIR

RP7-8

## ii. The CASP Results in Conflicting Adjacent Land Uses

The CASP creates a new Hybrid Industrial land use designation, which would permit a mix of industrial, commercial, and residential land uses. (DEIR, p. 3-17). This new land use designation would replace existing commercial and industrial land use categories. The vast majority of the CASP area would fall under the Hybrid Industrial land use designation. (See DEIR, Figure 3-10, Proposed Generalized Land Use). By combining previously distinct land uses into one broad land use category, the proposed Specific Plan creates the potential for conflicting adjacent land uses within the Project area. The creation of three zoning districts within the new Hybrid Industrial land use designation provides an illusion of a more detailed and sophisticated delineation of uses when in reality each district allows for industrial, commercial, and residential land uses without analyzing the impacts of shifting the underlying industrial zoning to include residential and/or commercial. (DEIR, p. 3-19).

RP7-9

The failure to assess the impacts of removing meaningful zoning designations is especially glaring because existing uses in the area are predominantly industrial, absent three distinct pockets of residential. (DEIR, p. 3-7). The noise, safety, visual, and hazardous impacts of industrial uses will inevitably conflict with newly permitted residential and commercial uses in the Project area, as well as with non-industrial surrounding land uses in Lincoln Heights, Chinatown, and Solano Canyon.

The DEIR acknowledges that conventional zoning separates commercial, industrial, and residential uses (DEIR, p. 3-19), and concedes that the CASP would allow light-industrial, commercial, and residential uses to be developed in close proximity. (DEIR, p. 3-27). However, it presupposes a less-than-significant finding by assuming that "regulatory standards" in the Specific Plan will eliminate all potential conflicts. (*Id.*) This conclusion is entirely without foundation and its conclusory nature violates CEQA. (See *Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

Given that the DEIR also permits a broad misuse of tiering, providing environmental exemption for mid-range commercial projects up to 49,999 square feet and residential projects up to 49 units (DEIR, p. 1-3), the DEIR also fails to account for the cumulative impacts of wide-scale commercial and residential uses, or even a wide-ranging combination of mixed residential,

RP7-10

<sup>6</sup> *Id.* at III-13.

commercial, and industrial uses on formerly industrial land.

**iii. The DEIR Fails to Analyze the Consistency Between the Specific Plan and the City's Housing Element & General Plan Housing Goals, Objectives and Policies**

The DEIR fails to analyze the Specific Plan's consistency with the Housing Element of the City's General Plan. In fact, the DEIR Land Use section fails to even mention the City's 2006-2014 Housing Element, adopted January 14, 2009.<sup>7</sup> The DEIR claims, in another section (Chapter 13 Population, Housing and Employment) never cross-referenced in the Land Use Chapter, that the CASP responds to various General Plan housing objectives and policies. (DEIR pp. 13-16, 13-17). However, there is no discussion or analysis anywhere in the DEIR to illustrate how the CASP responds to specific objectives and policies in the Housing Element.

RP7-11

In fact, the majority of the General Plan housing policies referenced in the DEIR involve incentives for affordable housing. (DEIR pp. 13-16 to 13-18). However, the Specific Plan fails to include a single affordable housing incentive, policy, or program. Thus, the DEIR failed to identify a significant environmental impact—the inconsistency of the CASP with the General Plan; and, moreover, the City cannot adopt the CASP because the CASP fails to comply with the General Plan.

By failing to include any affordable housing incentives, the Specific Plan is inconsistent with not only the City's General Plan policies but also the following Housing Element goals, policies, and programs which require planning for a range of affordable residential units in accordance with the City's Regional Housing Needs Allocation ("RHNA"). The RHNA requires the City to provide 27,238 Very Low Income units, 17,495 Low Income units, and 19,304 Moderate Income units between 2006-2014. (DEIR, p. 13-12, Table 13-10). Specifically, the Housing Element states:

RP7-12

- "It is the overall housing goal of the City of Los Angeles to create for all residents a city of livable and sustainable neighborhoods with a range of housing types, sizes and costs in proximity to jobs, amenities and services. In keeping with decades of federal Housing Acts and the Universal Declaration of Human Rights that declared housing as a human right, the City will work towards assuring that housing is provided to all residents."<sup>8</sup>
- Policy 1.1.2 "Promote affordable rental housing for all income groups that need assistance"<sup>9</sup>
- Policy 1.1.3 "Facilitate new construction of a variety of housing types that address current and projected needs of the city's households"<sup>10</sup>

<sup>7</sup> [http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HE\\_Final.pdf](http://cityplanning.lacity.org/HousingInitiatives/HousingElement/Final/HE_Final.pdf).

<sup>8</sup> City of Los Angeles 2006-2014 Housing Element, p. 6-1.

<sup>9</sup> *Id.* at 6-8.

<sup>10</sup> *Id.* at 6-10.

- Policy 1.1.4 “Expand location options for residential development, particularly in designated Centers, Transit Oriented Districts and along Mixed-Use Boulevards”<sup>11</sup>
- Policy 1.2.2 “Encourage and incentivize the preservation of affordable housing to ensure that demolitions and conversions do not result in the net loss of the City’s stock of decent, safe, healthy, sanitary, or affordable housing”<sup>12</sup>
- Objective 1.4 “Promote an equitable distribution of affordable housing opportunities throughout the City”<sup>13</sup>
- Policy 1.4.1 “Provide incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers”<sup>14</sup>
- Policy 1.4.2 “Promote the development of new affordable housing units citywide and within each Community Plan area”<sup>15</sup>
- Policy 2.1.2 “Establish development standards that enhance health outcomes”<sup>16</sup>
- Policy 2.4.4 “Promote residential development that meets the needs of current residents as well as new residents”<sup>17</sup>
- Policy 4.1.6 “Eliminate zoning and other regulatory barriers to the placement and operation of housing facilities for the homeless and special needs populations in appropriate locations throughout the City”<sup>18</sup>

RP7-12  
(con't)

In addition to failing to analyze the Specific Plan’s consistency with the Housing Element’s policies and objectives, the DEIR fails to analyze the Specific Plan’s consistency with the Housing Element’s Inventory of Sites, which identifies land suitable for residential development and with the capacity to accommodate its RHNA at every affordability level. Of particular concern are the 13 sites identified in the Central City North Community Plan area that also fall within the Project Area.<sup>19</sup>

The Housing Element relies on these inventoried sites to meet its RHNA obligations under State law. The Specific Plan’s proposed elimination of Industrial and Commercial land use designations and its creation of a new Hybrid Industrial land use designation and three new zoning districts changes the underlying zoning on these sites, potentially making these sites no longer appropriate for inclusion in the City’s inventory or to count towards the City’s RHNA obligations. Without a complete analysis of this change in zoning and its impact on the sites

RP7-13

<sup>18</sup> *Id.* at 6-13.

<sup>12</sup> *Id.* at 6-21.

<sup>13</sup> *Id.* at 6-45.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 6-48.

<sup>16</sup> *Id.* at 6-56.

<sup>17</sup> *Id.* at 6-78.

<sup>18</sup> *Id.* at 6-94.

<sup>19</sup> See <http://planning.lacity.org/HousingInitiatives/HousingElement/Final/AppendixH/HEAppHCCN.pdf>



listed in the City's Housing Element inventory, there is no certainty the inventory remains sufficient and appropriate to meet the City's regional housing needs. The City may not approve the Specific Plan without analyzing and resolving any inconsistencies with its General Plan, including inconsistencies with the Housing Element and its policies and objectives. (Gov't Code §65454). The DEIR must be revised to identify and mitigate for this significant impact; as discussed below, our proposed Community-Oriented Development Overlay Zone Alternative must be considered as a feasible means of reducing this impact.

RP7-13  
(con't)

**iv. CASP's New Zoning for William Mead Impermissibly Conflicts with the Housing Element of City's General Plan**

The Project area includes one of the City's remaining public housing projects, William Mead. William Mead houses 442 Los Angeles households with lower-incomes and is a community cultural resource, eligible for the National Register of Historic Places. (DEIR, p. 3-7). Currently, William Mead is designated solely for residential land use. (*Id.*) However, the CASP changes the land use designation on the relevant parcels to Hybrid Industrial, a mixed use designation. (*Compare* Figure 3-6, Existing Generalized Land Use, to Figure 3-10, Proposed Generalized Land Use). The CASP also proposes to place dense mixed-use residential, commercial, and industrial corridors in the area directly bordering William Mead which will intentionally lead to a development and design scheme incompatible with this area, isolating current residents.

RP7-14

The DEIR fails to disclose that by changing the land use designation, it not only fails to preserve this valuable public housing site, but actually creates a set of zoning incentives for new development to replace William Mead. This new land use and zoning designation for the William Mead parcels conflicts with the City's Housing Element, in particular Policy 1.2.2 on preservation (*see above*).

**B. Population, Housing and Employment, and Growth-Inducing Impacts**

**i. The DEIR Fails to Adequately Analyze Project Impacts on Housing, Businesses, and the Displacement of Current Residents**

Under certain circumstances, an EIR must consider the economic and social effects of a project. Namely, "if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts." (*Bakersfield Citizens for Local Control v. City of Bakersfield* (1994) 124 Cal. App. 4<sup>th</sup> 1184, 1205, citing *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019 (*Friends of Davis*); *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445-446 (*Mt. Shasta*)).

RP7-15

For example, a project that may cause school overcrowding had the potential to cause a significant impact because a new school would have had to be built elsewhere. (*El Dorado Union High School Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123, 131). As described below, there is evidence that the Specific Plan will inevitably lead to the displacement of existing

businesses and residences. Therefore, this displacement will likely cause significant impacts as the City of Los Angeles and the surrounding region absorb the needs of the displaced by building affordable housing and business resources elsewhere.

RP7-15  
(con't)

In another example of economic effects leading to physical impacts, an agency was required to consider whether a planned shopping center might take business away from the downtown shopping area and thereby cause business closures and eventual physical deterioration of the downtown area. (*Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 169-170). Similarly, where there is evidence that construction of two Wal-Mart Supercenters “could cause a ripple of store closures and consequent long-term vacancies that would eventually result in general deterioration and decay within and outside the market area of the two shopping centers,” the EIR must address this impact. (*Bakersfield Citizens, supra*, 124 Cal.App.4<sup>th</sup> at 1208).

The DEIR concedes in Section 17.2.12 that existing businesses will be displaced, stating “[s]ome existing businesses may choose to move out of the Project Area to seek areas that do not restrict specific uses such as trucking and warehouse uses.” (DEIR, p. 17-7). However, the DEIR gives no consideration to the potential adverse impacts to the communities where these businesses would relocate, instead assuming, without any study or analysis, that “[t]his induced and cumulative effect would be beneficial to the areas receiving the relocates.” (*Id.*). This conclusion is unsupported by any facts or analysis, in violation of CEQA. (*Ass’n of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390 [“The EIR must contain facts and analysis, not just the bare conclusions of the agency.”]).

RP7-16

The DEIR fails to identify and discuss the physical effects of businesses being displaced from the CASP area and relocating elsewhere, and does not study impacts such as noise, traffic, and air quality on surrounding areas in the City and other receiving communities. Since the Project area is predominantly industrial, including many hazardous uses, the DEIR should also identify the hazards that will accompany any relocation into the rest of the City. Although an agency is not required to engage in mere speculation (Guidelines §15145), the DEIR’s failure to even recognize these potential impacts is a violation of CEQA.

As discussed earlier, the Project area has an extremely low median income. According to the 2000 census, the Average Median Income for the Lincoln Heights area, which constitutes a significant portion of the Plan, was \$25,300 for a family of four.<sup>20</sup> The CASP expects to accommodate close to 7,000 new housing units (DEIR, Table 2.2, Program Assumptions), but fails to contain a single affordable housing policy or affordable housing incentive to ensure that any of the 7,000 units produced are affordable for existing residents. Thus it will likely lead to a disproportionate production of market rate units.

RP7-17

The Specific Plan area is transit-rich, characterized by several large public infrastructure projects. Current and future residents will have access to three Metro Gold Line stations: the Lincoln Heights/Cypress Park Metro Gold Line station in the Project area, and the Chinatown and Heritage Square Stations immediately adjacent to the Project area. The transit-intensive character of the Specific Plan area places current residents at greater risk of displacement because proximity to transit has been demonstrated to have a premium value increase on nearby

<sup>20</sup> U.S. Census Bureau, American Fact Finder, 2000 Census. Please see [Exhibit B in November 23 letter](#).

properties, such as those near the stations mentioned above, compared to similar properties throughout the city that are not located near transit.<sup>21</sup> This increase in value is especially true for commercial and residential properties.<sup>22</sup> “Through what is known as the *compensation principle*, reduced transportation costs allow households to spend more on housing and, in turn, bid up the rents or prices of homes located in areas with low commuting costs.”<sup>23</sup>

Rise in property values is a key determinant in demographic changes and displacement. This is especially true for areas with a higher initial proportion of rental properties, as neighborhoods with a large number of renters are more susceptible to displacement.<sup>24</sup> “Renter occupancy and high rent burdens are likely the most strongly associated with displacement, since renters may not have the choice to stay in their unit as rents increase.”<sup>25</sup> The proportion of renters (82.5% renter occupied units) is greater in the Project Area than in the City of Los Angeles as a whole, indicating a higher potential for demographic change and displacement. (DEIR, p. 13-8).

The DEIR has failed to analyze the potential that Project area residents could be displaced due to rising property values and increased housing costs in the CASP area, which could then have indirect environmental impacts such as increased Vehicle Miles Traveled (“VMT”) and traffic congestion, with attendant air quality and greenhouse gas impacts, and construction of infrastructure and public services elsewhere.

The CASP also may undermine existing City ordinances that protect affordable housing. Specifically, the DEIR fails to mention, let alone analyze, the impact and consistency of the CASP with the City’s Rent Stabilization Ordinance (No. 152,120). The DEIR fails to mention, let alone analyze, the impact and consistency with the City’s Density Bonus Ordinance. The DEIR also fails to mention or analyze the proposed Specific Plan’s impacts on the City’s homeless shelter ordinance (No. 161,427). Since 1986, the City has permitted the establishment of shelters for homeless people in a number of zones, including C2 and CM, as a matter of right, as required by California Government Code Section 65583(a)(4).<sup>26</sup> There are several parcels within the Project Area that are currently zoned C2 but will be rezoned as a result of the land use and zoning changes proposed in this Specific Plan.

In addition, neighborhood revitalization can attract not only higher- income residents, but also car-owning residents. “People of color, low-income households and renters are all more likely to use transit than the average American.”<sup>27</sup> Currently, 40 percent of the Project area population uses transit or “other” means of transportation to get to work, rather than driving. (DEIR, p. S-3). However, one study shows higher income households that are attracted to

<sup>21</sup> See Wardrip, Keith (2011) Public Transit’s Impact on Housing Costs: A Review of the Literature, *Center for Housing Policy*.

<sup>22</sup> Fogarty, N. et al. (2008) Capturing the Value of Transit. *Center for Transit-Oriented Development*.

<sup>23</sup> See Kilpatrick, J.A., Throupe, R.L., Carruthers, J.I. & Krause, A. (2007). The impact of transit corridors on residential property values. *Journal of Real Estate Research*, 29 (3), 303-320.

<sup>24</sup> Pollack, S., Bluestone, B., Billingham, C. (2010) *Maintaining Diversity in America’s Transit- Rich Neighborhoods: Tools for Equitable Neighborhood Change*. Dukakis Center for Urban and Regional Policy (“Dukakis/Pollack”).

<sup>25</sup> Chapple, K. (2009). *Mapping susceptibility to gentrification: The early warning toolkit*. Berkeley, CA: University of California Berkeley Center for Community Innovation.

<sup>26</sup> City of Los Angeles 2006-2014 Housing Element, p. 1-21.

<sup>27</sup> Dukakis/Pollack, *supra*.

RP7-17  
(con't)

RP7-18

RP7-19

Transit Oriented Development “bring and use more vehicles and may therefore undermine efforts to shift commuting trips to the newly-built transit.”<sup>28</sup> The zoning changes designated by the Specific Plan, in conjunction with the build-out of the Metro Gold line, are significantly likely to increase housing cost burdens on the existing residents and lead to displacement of the population most likely to use transit, resulting in traffic, air quality and greenhouse gas emissions impacts, discussed further in this letter.

RP7-19  
(con't)

Displacement may not occur immediately, as residents are likely to face rapidly increasing rents until they can no longer afford to remain in the area.<sup>29</sup> Minagar & Associates, a professional traffic engineering, transportation planning and Intelligent Transportation Systems firm, conducted a thorough peer review of the Transportation chapter of the DEIR, and concluded that between 6,000 to 7,000 residents in the Project Area would be displaced should CASP be implemented. (Minagar Report<sup>30</sup>, p. 36). The potential displacement of at least 6,000 low income residents will have significant impacts throughout the City and the region, as displaced residents of the Project area will be forced to seek housing elsewhere. This will lead to indirect environmental impacts of the Project, as area residents may no longer have access to transit and may be required to drive to work, as discussed below, and as public services and infrastructure in the receiving communities must be expanded to serve new residents. The DEIR has failed to analyze the impacts of these zoning changes and the increased population expected to be attracted to the area on the potential for existing residents to be displaced. The CEQA Guidelines require this analysis. (See Guidelines, Appendix G, Question XIII(b) [“Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.”]). Without analysis of this risk, the City fails to provide appropriate mitigation measures. However, as discussed further below, an alternative, like our suggested Community-Oriented Development Overlay Zone Alternative, which seeks to preserve and promote affordable housing development, would substantially lessen or avoid these adverse displacement impacts.

RP7-20

## ii. The DEIR Contains Inconsistent Demographic Data

The DEIR states that “[t]hree categories of demographic data are included in the analysis” – study area data, Project Area data, and citywide data. (DEIR, p. 13-1). Study area data includes data on the relevant four Census Tracts. Project Area data is a sub-set of the study area data in that it only includes data on that portion of the four Census Tracts that lies within the Project Area boundaries. Clearly, the Project Area data is the relevant data, but the DEIR fluctuates between using data based on the Project Area and data based on the study area. However, the DEIR fails to provide all of the relevant data and, in several cases, omits the relevant information needed to describe the Project area. This fluctuating and inconsistent description of existing conditions in the Project area is inadequate under CEQA. (See *San Joaquin Raptor/Rescue Ctr.*, *supra*, 149 Cal. App. 4<sup>th</sup> at 645 [“The decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis.”]).

RP7-21

<sup>28</sup> Dukakis/Pollack, *supra*.

<sup>29</sup> Chapple, K. (2009), *supra*.

<sup>30</sup> See Exhibit A in November 23 letter.

The data presented on the Project Area's average household income is actually study area data, as is the data presented on household size and poverty rates. (DEIR, pp. 13-6, 13-7). The DEIR must be revised to include accurate data regarding the Project Area demographics in order to meaningfully analyze the impacts of the proposed Specific Plan on the Project Area's population, housing, and employment.

RP7-22

The DEIR fails to clearly state the baseline population. In Table 13-3, Proposed Alternative Population and Program Assumptions, the DEIR cites the population of the area as 4,802 persons in 2003. (DEIR, p. 13-4). The data source for this table lists Arup North America, June 2009. (*Id.*). The DEIR does not clarify whether this information is a projection, an actual point-in-time measurement, or merely the capacity for the area. The DEIR also includes a 2000 population of 4,671 and a 2007 population of 5,304 in Table 13-6 Project Area Demographics. The data source for this table is the Los Angeles City Planning Demographics Research Unit. (DEIR, p. 13-5). It is unclear which figure the DEIR is using as its population baseline, and therefore, it is impossible for the DEIR to adequately analyze the population impacts of the Specific Plan.

RP7-23

It is impossible to validate the number contained in this section as the DEIR omits the methodology used to derive the above numbers. (DEIR, p. 3-2). This data set is difficult to cross-reference and appears to be either invalid or misleading.<sup>31</sup>

RP7-24

### iii. The DEIR Fails to Adequately Analyze Impacts on Population

The DEIR is incorrect that population and housing do not need to be addressed. (*See* DEIR 13-19). Appendix G to the CEQA Guidelines expressly includes the category of "Population/Housing" in the factors for which potential impacts should be assessed and includes questions about population and housing impacts. These questions ask whether the project:

- Would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)
- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

RP7-25

The Project answers "yes" to all three of these questions: it proposes new homes and businesses in the CASP area, and it rezones the existing William Mead Homes development, which is currently home to 442 families, to mixed-use, not exclusively residential. This zoning change opens the door to convert these residences to another use, which would result in a loss of existing housing and the displacement of substantial numbers of people. Thus it is improper for the DEIR

<sup>31</sup> The American Fact Finder's data for average household income is based upon 1999 dollars and not 2000 dollars. The DEIR fails to reference the source of its calculations. The 2000 census states the citywide average/median household income is \$36,687 in 1999 dollars, as opposed to the DEIR's use of \$58,724. Source: US Census Bureau, American Fact Finder, Exhibit C in November 23 letter.



to ignore population and housing concerns; it must analyze these concerns in a recirculated DEIR.

RP7-25  
(con't)

The DEIR states that the proposed Specific Plan “would induce substantial population growth in the Project Area, either directly or indirectly, by allowing new homes and businesses and the extension of roads or other infrastructure,” yet concludes that “[t]his potential impact is considered to be less than significant.” (DEIR, p. 13-19). The DEIR is deficient because it fails to sufficiently cite, analyze, or even state, the assumptions it uses in determining population-related figures. The DEIR appears to utilize different data sources to generate population information, and it does not state the methodologies it uses to derive its population data.

RP7-26

In addition to the conflicting baseline data, described above, there is no actual Project Area population projection for the Proposed Alternative. Instead, the DEIR includes citywide population projections and study area population projections, 4,277,732 and 15,765 in 2025, respectively. (DEIR, pp. 13-2, 13-5, Table 13-2, Table 13-5). The DEIR notes the total population that can be accommodated in the future under the proposed alternative (31,855 in 2035), but it appears this figure is not an actual projection of the expected population for the Project area in that year but is instead a measurement of population *capacity* for the area. (DEIR, p. 13-4, Table 13-3). Because the DEIR neglects to analyze the population growth under its proposed alternative and omits the relevant data, it is defective.

RP7-27

The DEIR states that “[i]mplementation of the Proposed Alternative would add substantially to the population of the Project area and the additional population would contribute to the expected growth of the City of LA... represent[ing] an increase of less than one half a percent in *citywide* population growth between 2009 and 2025.” (emphasis added). (DEIR, p. 13-19). However, the DEIR provides no numerical analysis of this substantial increase in *Project area* population. By inappropriately analyzing the impacts of this Specific Plan on the overall population of the City of Los Angeles, the DEIR improperly dilutes the actual impact of the Proposed Alternative. Courts have rejected the use of a “ratio” theory, where a project’s impacts are considered small because the project’s contributions to an overall problem are miniscule. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 721).

RP7-28

The increase in population that can be accommodated in the Project area under the proposed Specific Plan (31,855) is over six times the 2007 Project area population. The DEIR relies on the assumption that “[i]mplementation of the Proposed Alternative will assist in accommodating the projected increase in population in the Project Area, providing for a population range of up to 31,855 residents.” (DEIR, p. 13-17). However, the DEIR fails to clearly state what the projected increase in population in the Project area actually is.

Without clear and accurate data, there can be no meaningful analysis of the population impacts of the CASP. The RP-DEIR failed to include this relevant Project area data and therefore, it is imperative that the FEIR reflect these revisions.

RP7-29

#### **iv. The DEIR Fails to Adequately Analyze Impacts on Overcrowding**

The DEIR fails to adequately analyze the proposed Project’s impacts on affordable

RP7-30



housing, overcrowding, and existing residents of the Specific Plan area. The DEIR acknowledges the lack of affordable rental housing in the City of Los Angeles, as well as its existing low vacancy rates. In fact, the DEIR states that there is a “clear need for new housing to accommodate an evolving range of household types and size, and provide a greater variety in housing prices for all income levels.” (DEIR, p. 13-7). The DEIR also acknowledges that according to its Housing Element, the City of Los Angeles has a recognized affordable housing need of 27,238 units of very low-income housing and 17,495 units of low-income housing for the period of 2006-2014. (DEIR, p. 13-12). As of the City’s most recent Annual Progress Report on the Implementation of the Housing Element, from 2006 to December 31, 2010, the City has granted permits for only 11% (3,033 units) of its very low-income housing allocation and only 7% (1,309 units) of its low-income housing allocation.<sup>32</sup>

RP7-30  
(con't)

As noted above, there are serious defects in the relevant household income data presented in the DEIR; however, according to the DEIR’s figures, the average household income in the Study Area (\$35,873) is significantly lower compared to the City as a whole (\$55,041), and there is also a high percentage of renters (82.5%) in the Project Area. Therefore, the failure to include any analysis of how the proposed Specific Plan addresses the Project Area’s need for affordable housing is notable. (DEIR, pp. 13-7, 13-8).

RP7-31

The DEIR also fails to provide any current data on overcrowded housing conditions in the Project Area and the impact of the proposed Specific Plan on such conditions. Given the projected population increase and the current demographics, the lack of proposed affordable housing policies in the Specific Plan will only lead to continued and aggravated overcrowding. Overcrowding is regarded by CEQA to be a significant environmental effect and should be analyzed. “[I]f a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.” (Guidelines §15064(c)). The DEIR should be revised so that it sufficiently addresses current overcrowding, the Project’s impact on overcrowding, and mitigation of overcrowding.

RP7-32

**v. The DEIR Fails to Adequately Analyze the Jobs-Housing Balance**

The DEIR concludes that the jobs generated by the proposed Specific Plan are adequate to support the projected growth of new households and population. “The implementation of the Proposed Alternative would support 10,546 jobs, depending on the level and character of future project development. Employment growth anticipated with the implementation of the Proposed Alternative would support the growth of new households and population growth by providing the additional population with local employment opportunities.” (DEIR, p. 13-20). However, the DEIR fails to adequately analyze the impacts of the proposed Specific Plan on the Project Area’s jobs-housing balance.

RP7-33

First, the data and information in the DEIR that is presented to justify this conclusion is insufficient. The Proposed Alternative would increase the Project Area population presented by the U.S. Census data by almost 6 times (31,885 residents, as compared to 4,802 existing residents), but the DEIR does not define the type of jobs the CASP will create. Rather, the

RP7-34

<sup>32</sup> City of Los Angeles Annual Progress Report on the Implementation of the Housing Element (2010), Attachment 1, p. 4.

DEIR's analysis is limited to a statement that the Proposed Alternative will add 3,755 jobs to the area. It does not specify whether these jobs will be manufacturing, commercial, retail or some kind of secondary or tertiary category of jobs, nor if they will be temporary construction jobs. There is no analysis of green jobs either, despite this project's identification as a LEED ND project that will set an example for many future projects.

RP7-34  
(cont)

Second, the DEIR fails to describe or analyze where the expected new Project Area population will work. The City emphasizes the proposed Project's job creating aspects and links job creation with expected housing development. There is nothing to indicate that the new residents of the Project Area are likely to be employed in the new hybrid industrial areas of the CASP. Rather, without demonstrating a fit between the jobs to be produced and the housing opportunities in the CASP, there is a strong likelihood that the proposed Project will result in a housing- jobs imbalance, in turn leading to increased auto transit, which will have significant impacts on traffic, air quality, and greenhouse gas emissions.

RP7-35

According to the DEIR, the impacts of the Proposed Alternative on employment may be significant if the Project will "[d]isplace substantial numbers of businesses and jobs, necessitating the construction of replacement facilities elsewhere, in excess on that contemplated in the General Plan; or displace businesses and jobs, increasing the distances traveled between businesses and the markets they serve." (DEIR, p. 13-15).

The DEIR admits that "[i]mplementation of the Proposed Alternative might induce some existing industrial / commercial businesses located in the Project Area to find new locations for their business operations. Existing buildings in which they are now located could be demolished for construction of new structures, or would have portions substantially modified to allow for future adaptive reuse." (DEIR, p. 13-21). However, the DEIR fails to address its own significance threshold – that is, whether new facilities must be constructed elsewhere, and whether the displacement of workers will require longer commutes. For example, the Project Area is currently well-served by transit, meaning that many workers may reach their jobs in the Project area using transit. The DEIR should have analyzed whether the potential new locations for CASP-displaced businesses will require employees to commute by automobiles.

RP7-36

**vi. The DEIR Fails to Mitigate the Project's Impacts on Jobs-Housing Balance**

The DEIR fails to analyze how targeting a portion of the jobs created by the proposed Project to local residents would mitigate the Project's significant and unmitigated environmental impacts on population and housing, air quality, greenhouse gas emissions, and traffic. This mitigation is feasible and would mitigate significant unmitigated impacts. The DEIR should be revised to include an analysis of the proposed Project's impact on the City's housing-jobs balance.

RP7-37

The DEIR should consider feasible mitigation measures, such as local hiring requirements for construction jobs and permanent jobs, such as retail, commercial, and industrial jobs. Mitigation measures which could have been undertaken by the former-CRA should also be further investigated, since prior to the dissolution of the CRA this area was being considered as a new Redevelopment Project Area. The commenters believe that the DEIR should include the

RP7-38

following mitigation:

- A local hiring requirement for construction jobs in the CASP area that provides a minimum percentage of jobs that must be filled by local residents and by “disadvantaged residents” whose households earn less than 50 percent of the median area income. Among other factors, the definition of disadvantaged residents should include limited English proficiency, immigrants, as well as those individuals who were formerly incarcerated.
- A local hiring requirement for permanent jobs that requires any development receiving City assistance to provide at least 30 percent of all work hours to local residents and 15 percent of all work hours to disadvantaged local residents, as defined above.

RP7-38  
(con't)

These measures are feasible under CEQA. The City should recognize that “[w]ith some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.” (*See* Guidelines § 15130(c)). The delivery of community benefits and appropriate mitigation of jobs-housing imbalance in the Project area is consistent with the understanding that “a public agency may use discretionary powers provided by such other law for the purpose of mitigation or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law.” (Pub. Res. Code § 21004).

Likewise, state law outside of CEQA permits the inclusion of community benefits, such as local hiring requirements, in specific plans or community plans. (*See* Gov’t Code § 65452 [a “specific plan may address other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan]). A local hiring requirement would help mitigate the Project’s significant unmitigated impacts, and the DEIR should be re-circulated in a modified DEIR.

### **III. The RP-DEIR’s Impact Analysis is Inadequate**

The following sections identify specific deficiencies and legal shortcomings of the DEIR and RP-DEIR. The DEIR and RP-DEIR should be revised to analyze and disclose the numerous environmental impacts discussed below.

RP7-39

#### **A. Air Quality**

“The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . .” (Pub. Res. Code § 21061). The DEIR and RP-DEIR fail to adequately analyze and mitigate the Project’s air quality. These deficiencies require revisions to the RP-EIR to provide a complete and accurate analysis of the proposed Project’s significant environmental impacts and feasible mitigation for those impacts, as required by law. (*See* CEQA Guidelines § 15002(a)).

RP7-40

**i. The RP-DEIR Fails to Include Adequate and Feasible Mitigation Measures to Minimize Significant Air Quality Impacts from Project**

Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. (*Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41). Under CEQA, feasible mitigation measures must be adopted that will avoid or substantially lessen significant environmental effects. (Pub. Res. Code § 21002). The RP-DEIR clearly denotes that there are significant air quality impacts related to this development blueprint, including, but not limited to, localized air quality impacts, regional air quality impacts, construction air quality impacts, and health risk impacts. Accordingly, the City's FEIR, unlike the current document, must include all feasible mitigation measures and not attempt to defer such mitigation into the future.

RP7-41

**a. The RP-DEIR Fails to include an Advisory Role for SCAQMD**

Given the long duration of this plan, the City must include construction mitigation that allows for, and requires, technological advancements. Though the RP-DEIR provides some additional information about proposed mitigation measures, adequate detail still fails to be included that would assure the public that such mitigation measures will reduce impacts below a level of significant. Therefore, there remains a need for the South Coast Air Quality Management District ("SCAQMD") to play an advisory role in mitigating construction impacts. Given this deficiency, we suggest the FEIR commit to utilizing SCAQMD in an advisory role for this purpose. Moreover, to provide better guidance to future developers, it is important that the FEIR further clarify construction mitigation measures. Specifically, the mitigation should allow SCAQMD to provide input via comments on the specific construction projects. At a minimum, all future projects must be required to comply with the mitigation recommendations in SCAQMD's CEQA Handbook or its Mitigation Measures and Control Efficiencies recommendations, located at [http://www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.html](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html) and incorporated by reference. This clarity will help future project proponents as they seek to mitigate construction emissions.

RP7-42

**b. The RP-DEIR Must Further Mitigate Health Risk**

At the outset, we are very pleased to see the City acknowledging the significant health threats posed by highways. The underlying goals of Mitigation Measure Air Quality 2 provide important protection for residential and other sensitive land uses in the near-highway environment. (*See* RP-DEIR, p. 2.A-18). However, while we appreciate the RP-DEIR's revised health analysis and mitigation measures in the air quality section, we again recommend a safe distance threshold of 1,500 feet between major highways (existing and future) and any new housing or sensitive site<sup>33</sup> development. (*See Id.*). Further, the mitigation measures must be strengthened to include a direct prohibition against development of sensitive uses within 300 feet of the major highways. The rationale for these safety recommendations are based on the sources

RP7-43

<sup>33</sup> Sensitive individuals refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses).

cited in the November 23 letter and herein incorporated by reference.

## **B. Greenhouse Gas Emissions and Energy**

The RP-DEIR still fails to properly analyze and mitigate the Proposed Alternative's greenhouse gas ("GHG") emissions. Specifically, it fails to analyze the Project impacts on GHG emissions related to the lack of affordable housing incentives in the CASP and a post-Project population that would necessarily include higher-income, car-owning residents. This particular deficiency, in connection with the City's failure to address and revise sections on land use and housing and population, results in an incomplete and inaccurate analysis of the Proposed Alternative's significant environmental impacts. The FEIR must correct and supply this analysis along with feasible mitigation measures for those impacts, as required by law. (See Guidelines §15002(a)).

RP7-44

### **i. The RP-DEIR Does Not Correct the Inappropriate Baseline Data Used for Estimating Existing GHG Emissions in the DEIR**

Because the RP-DEIR does not address the inappropriate baseline, the City must address the baseline issues identified below in its FEIR for the Project Area. We include the relevant comments from our November 23 letter (below):

RP7-45

According to the DEIR itself, the baseline data to which the Proposed Alternative should be compared is that based on "conditions existing in the Project Area at the time the Initial Study/Environmental Checklist prepared for the EIR process was released for public review," which is November 1, 2010. (DEIR, Project Description, page 2-1). With regard to GHG emissions, however, the DEIR reports figures that are inconsistent and confusing.

Table 16-2 labels the emissions data as "Most Recent Baseline Data Available," but this assertion is inaccurate. For example, the 2009 U.S. GHG total emissions figure of 6,633.2 MMTCO<sub>2</sub>e has been available,<sup>34</sup> and is significantly lower than the figure of 7,150 MMTCO<sub>2</sub>e reported in the DEIR. The DEIR is inconsistent with regard to the 7,150 figure. On page 16-6 of the DEIR, it presents this figure as 2007 data, but then appears to extrapolate a 2005 per capita emissions rate. (See DEIR, p. 16-6, "In 2007, the US total GHG emissions were 7,150 MMTCO<sub>2</sub>e (EPA, 2009)," as compared to Table 16-2, identifying 23.7 TCO<sub>2</sub>e per capita in 2005).

RP7-46

Regarding the California GHG emissions, the DEIR presents a figure of 518 MMTCO<sub>2</sub>e for 2006, citing "ARB, 2009." According to CARB, however, in 2006 California saw total gross emissions of 475.31 MMTCO<sub>2</sub>e, and in 2008, 477.74 MMTCO<sub>2</sub>e.<sup>35</sup> These figures are, again, significantly lower than the figure of 518 MMTCO<sub>2</sub>e reported in the DEIR. As in the discussion regarding U.S. emissions, the DEIR provides a per capita statewide emissions figure for a different year, 2005. Then in Figure 16-3 and Table 16-2, this data is labeled as that from 2004.

<sup>34</sup> U.S. Environmental Protection Agency (EPA), *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 to 2009* (Apr. 15, 2011), p. ES-6.

<sup>35</sup> California Environmental Protection Agency: Air Resources Board (ARB), *California Greenhouse Gas Inventory for 2000-2008* (May 12, 2010), p. 2.



Figures for the City of Los Angeles are likewise inaccurate. The DEIR reports 2004 emissions of 51.6 MMTCO<sub>2</sub>e on page 16-8 and in Table 16-2, as the most recent data available. At the same time, it mentions the more recent 2007 figure of 50.3 MMTCO<sub>2</sub>e on page 16-15.

RP7-46  
(con't)

Thus, the overestimated and conflicting figures reported in the DEIR cannot serve as appropriate baseline data for estimating the significance of the Proposed Alternative's impact. The DEIR should instead employ data for baseline conditions existing on or reasonably near the date of November 1, 2010, when the Initial Study was prepared. (Guidelines §15125(a)).

In addition, the DEIR makes no effort to describe emissions for the Project area itself. Thus, the national, state and regional estimates are not in any way connected to the Project area. At a minimum, an estimate of existing Project area emissions based on land uses should be calculated. Adequate modeling programs were available at the time the Initial Study was prepared.<sup>36</sup> Also, as discussed in our November 23 letter, the DEIR entirely omits any projection of the Proposed Alternative's GHG emissions, a key element of the analysis. Without quantification of the Project area's existing emissions levels and projected emissions under the Proposed Alternative, the DEIR violates CEQA's disclosure purposes.

RP7-47

#### ii. **The Cumulative GHG Impacts Analysis Remains Inadequate in the RP-DEIR**

The DEIR and RP-DEIR fail to analyze the Project area's GHG impacts in combination with other project's GHG impacts, as required by courts. (*Whitman v. Bd. of Supervisors Ventura County, supra*, 88 Cal. App. 3d 397, 411; *Kings County Farm Bureau, supra*, 221 Cal. App. 3d at 729-30). The DEIR states that "[all feasible mitigation measures] have been taken into consideration in the quantitative assessment of GHG emissions discussed in Chapter 16" (DEIR, p. 17-8, emphasis added), even though a quantitative assessment is entirely missing in Chapter 16. Although the RP-DEIR provides some quantitative, as well as qualitative, discussion of GHG emissions, it is not done in the context of cumulative GHG impacts, thus failing to address this deficiency. (See RP-DEIR, 2.B).

RP7-48

Further, the DEIR states that "[d]ue to projected population growth in Los Angeles and the state of California, there will be an increase in GHGs whether they occur in the Project Area or elsewhere in the state." (DEIR, p. 17-8). This attempts to trivialize the Proposed Alternative's incremental impacts by comparing them to significant impacts on a greater scale. The egregious use of such "ratio theory" is strictly forbidden by courts. (*Kings County, supra*, 221 Cal. App. 3d at 721). In fact, the greater an overall environmental problem, the more dangerous and significant a project's incremental impacts are. A project's contributory impact should be considered in light of whether any additional impact would be significant given the severity of the environmental problem. (*Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 118). The problem of global warming has become unquestionably severe today, even as discussed in Chapter 16 of the DEIR. Again, the RP-DEIR provides some discussion of global warming, but does nothing to remedy the flaws in the DEIR

RP7-49

<sup>36</sup> See, e.g., OPR Technical Advisory, "OPR, CEQA AND CLIMATE CHANGE: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review," June 2009, Page 5, available at <http://opr.ca.gov/docs/june08-ceqa.pdf>, last visited 11/19/2011.



or its analysis relevant to cumulative impacts. (See RP-DEIR, 2.B). Thus, the FEIR must correct this deficiency.

### C. Transportation

As described in the following sections, the Transportation section and Appendix III of the RP-DEIR still contain technical and legal errors that must be corrected.

#### i. The DEIR Ignores the Adverse Traffic Impacts of Replacing Existing Residents with Higher Income Residents Who Are More Likely to Drive

The DEIR portrays the Proposed Alternative as one that will encourage transit, walking, and cycling, and assumes that 14 percent of the future population will be non-auto based. (DEIR, page 4-20). However, the revised transportation analysis in the RP-DEIR still fails to disclose that the neighborhood's current population has an existing 40 percent alternate mode (combined transit and "other") share of non-private vehicle commuters, as determined by the 2000 census. (See DEIR, p. S-3, "While 42 percent of residents drove alone to reach work, 15 percent traveled by vanpool/carpool, 15 percent took public transit, 25 percent took other means, and another 3 percent worked at home."). That is extremely high for the region. In Los Angeles County as a whole in 2000, only 6.6 percent of people commuted by transit and 4.5 percent by "other" means.<sup>37</sup> Within the City, 10.2 percent commuted by transit and 5.2 percent by "other means".<sup>38</sup> Existing generators of transit, bicycle and pedestrian commutes include the Cypress Park Metro Station, the Home Depot at Figueroa and 26<sup>th</sup> Ave., which include a day laborer center often reached by cycling, the Goodwill facility at Ave. 20 and St. Vincent de Paul at Humboldt and Ave. 21. Seniors living at existing housing in the Project Area are also likely transit users.

Recent studies have shown that low-income residents, generally, are heavy users of transit, when it is available. According to a recent study, "[l]ow-income households, people of color and renters are critical populations for transit systems seeking to maintain their core ridership and increase their total ridership. These are the people who most need high-quality, affordable transit—and the ones most likely to use such transit when it is provided."<sup>39</sup> On-board survey data between 2000 and 2005 has found that typical transit riders have lower incomes, greater racial and ethnic diversity and lower rates of car ownership than the general population.<sup>40</sup> Historical data, studies and household travel surveys compiled nationally indicate that households with annual income between \$30,000 and \$50,000 generated approximately 27 percent fewer vehicle trips than households with annual income between \$50,000 and \$80,000.<sup>41</sup> The existing, high levels of transit use by workers in the CASP are a positive side-effect of the low-income population's location near transit resources. According to a recent study, on average only about one-quarter of jobs in low- and middle-skill industries are accessible via transit within 90 minutes for the typical metropolitan commuter, compared to one-third of jobs in high-skill

RP7-50

<sup>37</sup> U.S. Census Bureau, American Fact Finder, 2000 Census, Exhibit D of November 23 letter.

<sup>38</sup> U.S. Census Bureau, American Fact Finder, 2000 Census, Exhibit E of November 23 letter.

<sup>39</sup> Dukakis/Pollack, *supra*.

<sup>40</sup> Minagar Report, p. 30.

<sup>41</sup> Dukakis/Pollack, *supra*.

industries.<sup>42</sup>

Notably, neither the DEIR nor the RP-DEIR describes the existing, heavy transit usage at all. Instead, in less than a page, the DEIR lists the Los Angeles County Metropolitan Transportation Authority (Metro) lines, LADOT Downtown Area Short Hop (DASH) lines, and Santa Clarita Transit lines that serve the CASP area, and notes that there are existing sidewalks and crosswalks but no Class II bicycle lanes in the Project area. (DEIR, p. 4-10). The RP-DEIR makes no further mention of existing public transit usage in the Project area.

RP7-50  
(con't)

Not only do the DEIR and RP-DEIR ignore existing rates of non-vehicular transportation, it also fails to analyze the adverse impact that could result to the transportation network from displacing low-income transit users with higher-income residents who are more likely to own and use single-occupant vehicles. Given the correlation between low-income residents and transit the potential influx of higher-income residents who can afford the market-rate housing envisioned by the CASP could reverse the positive rates of transit usage in the Project area without proper mitigation.

RP7-51

The displacement could also have adverse impacts on air quality and transportation as lower-income workers will no longer be able to access transit, if they are forced into outlying suburbs without transit resources. While CASP-area residents currently use transit heavily, on average workers in growing low-income suburban communities can access only about 22 percent of metropolitan jobs in low- and middle-skill industries by transit.<sup>43</sup> And, on average, only about one-quarter of jobs in low- and middle-skill industries are accessible via transit within 90 minutes for the typical metropolitan commuter, compared to one-third of jobs in high-skill industries.<sup>44</sup> Thus, the DEIR should disclose the impacts not only of attracting non-transit users to CASP area, but also of displacing transit-using workers to automobile-based suburbs.

RP7-52

As discussed elsewhere in these comments, as well as in our November 23 letter, CEQA requires analysis of foreseeable environmental impacts that stem from the economic or social impact. Here, the displacement of existing populations that this Project may cause has identifiable impacts on traffic levels, which in turn increase impacts to noise, greenhouse gas emissions and ozone precursor emissions within the Project area. Thus, the displacement of low-income transit users has cognizable and significant environmental impacts that factor significantly into the transportation analysis and should have been discussed in the DEIR and RP-DEIR. At a minimum, the FEIR must explicitly disclose and explain the shift from an existing 42 percent automobile share, shown in the Executive Summary, to an 86 percent automobile share, touted as a benefit of the Proposed Alternative in the Transportation chapter. (DEIR, p. 4-20).

## ii. The Transportation Analysis is Riddled with Technical Errors

Minagar & Associates, Inc., a professional traffic engineering, transportation planning and Intelligent Transportation Systems (“ITS”) firm, conducted a thorough peer review of the

RP7-53

<sup>42</sup> The Brookings Institution, *Missed Opportunity: Transit and Jobs in Metropolitan America* (May 12, 2011), available at [http://www.brookings.edu/reports/2011/0512\\_jobs\\_and\\_transit.aspx](http://www.brookings.edu/reports/2011/0512_jobs_and_transit.aspx) (last visited 11/18/2011).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

Transportation chapter of the DEIR, and Appendix 4A, 4B, 4C and 4D, which together contain the Traffic Data, Technical Calculations, Model Validation Report and Congestion Management Plan (“CMP”) analysis. The report, *Review of Transportation Element for Draft Environmental Impact Report (DEIR) for the Cornfield Arroyo Seco Specific Plan (CASP) & Redevelopment Plan* (“Minagar Report”), which was attached to our November 23 letter as Exhibit A, and its recommendations are fully incorporated into these comments. In all, the Minagar Report noted 83 technical failings of the transportation chapter. (Minagar Report, p. 22-25). Notable technical problems and recommendations from the report are summarized in this section.

RP7-53  
(con't)

Of the 43 study intersections used in the DEIR, the peer review identified inconsistencies in lane geometries at 11 intersections. (Minagar Report, p. 6). The review identified on-the-ground conditions that differ from those reported in the DEIR. For example, the review noted that at Location #22, Daly Street and North Broadway, an existing Metro Fixed Route bus stop means that a northwest approach cannot be considered a usable lane during peak hours, because this lane is essentially used for transit activities during those times. (Minagar Report, p. 9-10). Because the DEIR and RP-DEIR traffic analysis at these 11 intersections does not reflect truly existing conditions, it has failed to provide an adequate baseline. An accurate baseline is essential to CEQA and these revisions must be accounted for in the FEIR.

RP7-54

Similarly, peak hour factors (“PHF”) at 13 unsignalized intersections should be revised to reflect actual peak hour conditions, to account for potentially significant differences in AM and PM peak hours. (Minagar Report, p. 11). The Minagar Report has also identified potential shortfalls in the observational traffic count data. (Minagar Report, pp. 11-13).

RP7-55

The Minagar Report also found that the Transportation Chapter did not adequately analyze: 1) the project’s potential traffic impact on affected CMP facilities, i.e. potential regional impacts of Project traffic on the surrounding freeway system serving the Project area; and 2) potential project impacts to the transit system. (Minagar Report, pp. 18-19). The RP-DEIR fails to address these inadequacies.

RP7-56

With respect to the CMP facilities, neither the DEIR nor the RP-DEIR and their supporting appendices have described the LOS conditions under with-Project conditions for four of the five relevant freeway segments. (Minagar Report, p. 24). This omission means that there is no way for decisionmakers and the public to understand whether the Project “exceeds a Los Angeles County CMP Thresholds of Significance,” the significance threshold set forth in the DEIR (DEIR, p. 4-17).

RP7-57

With respect to transit, the DEIR provides only a vague description of transit-related requirements for future Project-area developments, and the RP-DEIR included no further descriptions relevant to this point. However, the Minagar Report concludes that based on land use decisions in the CASP, more detailed and extensive transit demand forecasts and mitigation could be established. (DEIR, p. 20).

RP7-58

The Maximum Parking Spaces projected with the Site Area Parking Cap (Table 4.5) remains confusing since the RP-DEIR failed to include clarification responsive to comments made in our November 23 letter. (DEIR, p. 4-21). The table and caption appear to read that the

RP7-59

actual number of permitted maximum parking spaces is significantly larger in the CASP than what is standard under ITE Parking Generation 4th Edition, since more than 1,100 additional parking spaces are permitted, Project-area wide, beyond what is standard in guidance documents. Thus, contrary to the stated intentions of the CASP, this Parking Cap would allow an excessive amount of private vehicle parking spaces, which would encourage low-occupancy vehicles to travel to and within the Project Area.

RP7-59  
(con't)

Finally, as noted in the Minagar Report, the computer travel demand model used for the transportation analysis is not available. (Minagar Report, p. 1). It is unclear whether the analysis relied on dynamic traffic modeling software (like Synchro or VISSIM) for the analysis.

RP7-60

### iii. The VMT Analysis Reaches Unsupported Conclusions

For its original VMT analysis in Section 4.2.2.3 of the DEIR, the City has telescoped out to a regional scale to illustrate that although the Project will create a 7 percent increase in VMT in the Project area, on a regional scale, the Project will lead to a 0.26 percent reduction in VMT. (DEIR, pp. 4-50 to 4-51). The RP-DEIR provides additional data but fails to adequately interpret the data and the resulting project area impacts. (See RP-DEIR, App. III p. 62-63). This seems to be an attempt to minimize the significant impacts disclosed in Table 4-8 of the DEIR, which show that the Proposed Alternative would create a 6.8 percent higher VMT than the No Project scenario. For the reasons above, we reiterate our original recommendations from the Minagar Report that the FEIR include technical reports showing: 1) How in/out project-related trips were estimated, including geographic and network factors, socioeconomic modeling parameters, modal splits and trip generation estimates and assumptions employed in the transportation demand model (TDM); and 2) A detailed summary of results and speed and VMT distributions for Los Angeles County, including those results reported in Tables 4-8 and 4-9 of the DEIR.

RP7-61

### iv. The RP-DEIR Fails to Analyze Whether the Project Will Result in or Contribute to Traffic or Transportation Hazards

The RP-DEIR fails to address any of the comments/recommendations from our November 23 letter. Thus, we include, in its entirety, the comments from our November 23 letter below:

The DEIR and RP-DEIR fail to analyze any traffic-related safety implications from increased vehicular, transit, pedestrian, and bicycle traffic, in addition to increased pass-through traffic, in the Project area arising out of the six-fold population increase from the Project: 4,802 (2003) to 31,855 (2035 Project Scenario). (DEIR, p. 13-4). The Project will also generate significant and unavoidable levels of congestion in at least nine separate intersections, as well as a significant rise in Project-related vehicles mile travelled, adding to traffic and transportation hazards. (See DEIR, pp. 4-24 and 4-51). The DEIR and RP-DEIR fail to take into account how safety will be managed, thereby failing to discuss the "health and safety problems caused by the physical changes . . ." as required under CEQA. (See Guidelines §15126.6 (a).)

RP7-62

#### a. Increased Vehicle Traffic Poses Significant Impact on Bicyclists/Pedestrians, Especially Near Schools

The DEIR/RP-DEIR's failure in assessing traffic safety is especially troublesome since several of the study area intersections that will experience significant and unavoidable impacts due to the Project are near schools and other facilities frequented by children on foot or bicycle, and the increased vehicle traffic would create unsafe walking and biking routes for students walking or biking from local neighborhoods. These are:

**Table 1: Study Area Intersections with Significant and Unavoidable Impacts and Nearby Schools and Similar Uses**

Intersection (See DEIR, Table 4-6, p. 4-24)	Nearby School(s) and Other Facilities
Grand Ave. and East Cesar E. Chavez	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Grand Plaza
North Broadway and East Cesar E. Chavez	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Cathay Manor, Chinatown Senior Citizens Service Center
Hill St. and Alpine Ave.	Castelar Elementary; Alpine Recreation Center; Betsy Road High School; Los Angeles Public Library Chinatown Branch; Evans Community Adult School

Other intersections that will experience congestion under with-Project conditions that are also located near schools or similar facilities are:

RP7-63

**Table 2: Study Area Intersections and Projected Congestion Conditions**

Intersection (See DEIR, Table 4-6, p. 4-24)	Nearby School(s) and Other Facilities	LOS Under With-Project Conditions
West Avenue 26 and Humboldt St.	College Ready Middle Academy # 5	F
West Avenue 26 and Pasadena Ave.	College Ready Middle Academy # 5	E
Wilhardt St. and North Spring St.	Milagro Charter School	E
Wilhardt St. and North Main St.	Milagro Charter School	F
North Avenue 18 and North Spring St.	Sacred Heart High School; Albion St. Elementary School; Milagro Charter School	D
Albion St. and North Main St.	Milagro Charter School	D



Intersection (See DEIR, Table 4-6, p. 4-24)	Nearby School(s) and Other Facilities	LOS Under With-Project Conditions
South Avenue 21 and North Main St.	Sacred Heart High School; Milagro Charter School	F
North Main St. and Daly St.	Milagro Charter School	F
East Cesar E. Chavez Ave. and North Mission Rd.	Bridge Street Elementary School ; White Memorial School; White Memorial School; Pecan Recreation Park	F
Hope St. and Temple Ave.	Ramon Cortinez High School; Los Angeles Public Library Chinatown Branch; Downtown Magnets High School; Roybal Learning Center	F

According to the National Highway Traffic Safety Administration (NHTSA), in 2007, there were 4,654 pedestrian and 698 bicyclist fatalities in the United States, with combined injuries of more than 100,000.<sup>45</sup> Studies have shown that neighborhoods with high traffic volumes and population densities have an increased risk of pedestrian/automobile collisions.<sup>46</sup> For example, a San Francisco study using automobile volumes as an independent variable found that automobile traffic volumes have a statistically significant effect on the number of reported vehicle-pedestrian injury collisions.<sup>47</sup> Further, a comprehensive database created by SafeTrec at UC Berkley demonstrates that pedestrian and bicycle crashes in Los Angeles low-income areas are disproportionately higher than in more affluent areas.<sup>48</sup> The low-income areas with high injury/fatality rates in this database include the project area and surrounding low-income neighborhoods. While the Project area currently is sparsely populated, the six-fold increase in population will convert it into a high population density area making it prone to many of concerns discussed above, in addition to currently existing poor conditions.

With respect to child safety specifically, numerous studies have shown that school aged children who walk or bike are most vulnerable to traffic accidents, especially en route to and from school.<sup>49</sup> As with the general vulnerability of persons living in lower-income neighborhoods, the percentage of children attending lower-income schools engaged in such

<sup>45</sup> National Highway Traffic Safety Administration (NHTSA), "Traffic Safety Facts 2007 Data: Pedestrians," 2008, [http://www.nhtsa.dot.gov/portal/nhtsa\\_static\\_file\\_downloader.jsp?file=/staticfiles/DOT/NHTSA/NCSA/Content/TSF/2007/810994.pdf](http://www.nhtsa.dot.gov/portal/nhtsa_static_file_downloader.jsp?file=/staticfiles/DOT/NHTSA/NCSA/Content/TSF/2007/810994.pdf)

<sup>46</sup> LaScala et al., "Demographic and environmental correlates of pedestrian injury collisions: a spatial analysis", *Accident Analysis & Prevention*, Volume 32, Issue 5, September 2000, pp. 651-658.

<sup>47</sup> San Francisco County Transportation Authority, *Automobile Trips Generated: CEQA Impact Measure & Mitigation Program*, Final Report (2008)

<sup>49</sup> National Highway Traffic Safety Administration (NHTSA), "Traffic Safety Facts 2007 Data: Pedestrians" (see endnote 9, citation 1); and NHTSA, "Traffic Safety Facts 2007 Data: Bicyclists and Other Cyclists" (see endnote 9, citation 2) ("rates of pedestrian and bicyclist fatalities and injuries per capita are highest for those under the age of 15.")

RP7-63  
(con't)



accidents is also proportionally higher than those attending higher-income schools.<sup>50</sup> Reasons for this include the fact that children attending lower-income schools tend to walk or bike to school more due to lower availability of other modes of transportation and because the quality of roadways is often poor in low income and minority communities.<sup>51</sup>

RP7-63  
(con't)

With an increased population, an increase in school-aged pedestrian and bicycle traffic, significant congestion at several key intersections, and an additional 600,000 Project-Related Miles Travelled (*see* DEIR, Table 4-8) caused by the Project, the DEIR/RP-DEIR must analyze the impact of the Project-related traffic increases. The DEIR/RP-DEIR must determine whether these increases pose a safety hazard to pedestrians and it must provide mitigation for the likely increase in hazards.

With respect to pedestrian and bicyclist safety around schools, we propose the following mitigation proposals: preparation of a "Pedestrian Routes to School Map", installation of appropriate traffic controls, school warning and speed limit signs, school crosswalks, and pavement markings. More general mitigation tools to alleviate pedestrian and bicycle safety concerns should further include: dedicated bus-only lanes, bicycle lanes, sidewalk widening, traffic safety improvements such as lengthening crossing times and removal of double left turn lanes.

RP7-64

**b. Increased Traffic Will Result in Inadequate Emergency Access**

The DEIR simply concludes that the Project will not have a significant impact on emergency access since "Emergency Service Providers would continue to have the same access and egress as currently exists." (*See* DEIR at 4-50). The analysis fails to account for the significant roadway congestion at major intersections resulting from the Project, the significant increase in Project-related VMT, and significant increases in non-vehicle modes of transportation which will add to overall street congestion, clearly impacting emergency service providers.

RP7-65

**v. The RP-DEIR Transportation Analysis Does Not Discuss Construction-Related Traffic**

A glaring omission of both the DEIR and RP-DEIR is the failure to address or mitigate for construction-related traffic impacts of the Project. Thus, we re-introduce (below) the following critical comment area for analysis in the City's FEIR.

The DEIR notes construction activities "would be widespread and ongoing for a prolonged period until buildout." (DEIR, p. 11-22). Basic control measures are described to control emissions of air pollutant by construction equipment, as those emissions would exceed the South Coast Air Quality Control District's thresholds of significance. (*See* Table 11-6: Total Emissions of Criteria Pollutants (Proposed Alternative)). The DEIR also notes that construction-generated noise is also potentially significant. (DEIR, p. 12-16).

RP7-66

<sup>50</sup> J. Pucher and J. L. Renne, *Socioeconomics of Urban Travel: Evidence from the 2001 NHTSA*; and Besser and Dannenberg, "Walking to Transit" (*see* endnote 11)

<sup>51</sup> *Id.*

Thus, it is surprising that both the DEIR and RP-DEIR completely ignore the impacts of construction-generated traffic, such as construction workers commuting to the area, movement of construction equipment, and construction-related trips such as transport of construction or demolition debris. As with other impacts, this impact could be severe due to the cumulative impact of dozens of Project-area construction projects being undertaken simultaneously. At a minimum, the City should have identified this potential impact, and provided for meaningful mitigation, such as a requirement that individual projects create construction traffic management plans and that construction workers be provided with incentives to take transit to work sites, in the RP-DEIR. The FEIR must include this construction traffic analysis.

RP7-66  
(con't)

**vi. The Transportation Analysis Uses LOS Metrics that Are Inconsistent with the City's Transportation Policies**

The RP-DEIR still devotes the bulk of its analysis, and all of its quantitative analysis, to a Level of Service (LOS) standard. Bicycle/pedestrian and transit impacts are given less than two pages of narrative analysis. (DEIR, p. 4-49 to 4-50; RP-DEIR, App. III). Using LOS as the assessment tool biases the analysis in favor of maintaining traffic flow for autos, at the expense of other modes. Given that the existing population in the CASP area relies heavily on transit, walking, or other non-vehicle trips, as noted in the DEIR's Executive Summary, (DEIR, p. S-3), LOS provides an incomplete and misleading view of the Project's actual impacts. In the FEIR, we encourage the City to apply a newer tool, Multi-Model Level of Service (MMLOS), which would allow the FEIR to adequately analyze impacts to transit riders, pedestrians and bicyclists who would be impacted, as well as to motor vehicles.

Applying MMLOS carries important implications for mitigation measures. Typically, LOS mitigation measures seek to maintain traffic flow by street widening, intersection flaring, signal enhancements, and other measures that often degrade conditions for other transportation modes. Using LOS analysis, the RP-DEIR lists nine intersections that would be significantly impacted under 2035 cumulative conditions. (RP-DEIR, App. III p. 36). However, for each of these intersections, it determined that the needed street and intersection widening that would be needed is infeasible due to lack of right-of-way. (*Id.* at 36-39). We do not favor the types of improvements needed to offset the impacts, given their adverse impacts to pedestrians, bicyclists and transit, so we support this conclusion of infeasibility. However MMLOS analysis would generate mitigation measures such as improvements to transit, sidewalks, intersection crossings, bikeways and additional enhancements to other travel modes. These mitigation measures would be feasible and effective.

RP7-67

The General Plan Transportation Element prioritizes multi-modal transportation. Although there are many more examples, the following General Plan objectives and policies demonstrate that it is City policy to protect and enhance non-vehicular travel<sup>52</sup>:

- Objective 2: "Mitigate the impacts of traffic growth, reduce congestion, and improve air quality by implementing a comprehensive program of multimodal strategies that encompass physical and operational improvements as well as demand management."

<sup>52</sup> See City of Los Angeles General Plan, Transportation Element, at <http://cityplanning.lacity.org/cwd/gnlpln/TransEl/TE/T4Objctv.htm>, last visited 11/22/11.

- Policy 2.8: Continue to integrate transit and environmental planning to enhance environmental preservation.
- Objective 4: Preserve the existing character of lower density residential areas and maintain pedestrian-oriented environments where appropriate.

The City of Los Angeles Bicycle Plan, an element of the General Plan, has a stated goal of creating “[a] transportation system which is accessible, safe, and convenient for bicycle travel, with an accompanying increase in bicycle mode split both in daily trips overall and home-to-work trips. The target level of bicycling shall be 5% of all daily trips and 5% of home-to-work trips by year 2015.”<sup>53</sup>

RP7-67  
(con't)

These goals and policies already adopted by the City cannot be realized if its sole focus is on relieving traffic congestion. The LOS measurement can cause policy makers to lose sight of this greater vision. We urge the City to analyze the impacts to the transportation system by using MMLOS in the FEIR.

With regard to mitigation, the RP-DEIR focuses Mitigation Measures Transportation 1 on encouraging people to use transit, walk, bicycle or carpool. (DEIR, pp. 4-46 to 4-48; RP-DEIR, p. 2.D-2). We support measures to unbundle parking, and to require bicycle parking and a transit information center as these will yield permanent benefits. However, some of the other Transportation Demand Management (“TDM”) strategies depend on programmatic solutions like ridesharing services, transit pass subsidies, guaranteed ride home programs, flexible work hours and a commuter club. Because there is no actual enforcement mechanism in the mitigation measure, there is no guarantee that any of these programs will be implemented or monitored. As discussed further below, mitigation measures must be feasible and “fully enforceable through permit conditions, agreements, or other measures.” (Pub. Res. Code §21081.6(b); *see also* Guidelines §15126.4(a)(2)). The vagueness and open-endedness of this mitigation measure undermines its good intentions.

Instead, commercial developers should be required to make up-front commitments in the form of physical improvements and impact fees that fund such improvements or other related ongoing programs. We suggest the following as mitigation measures that should also be directly included in the CASP:

RP7-68

- A transportation impact fee that funds
  - Improved transit service
  - Ridesharing programs
- Bus stop improvements in the CASP area that include benches, shelters, maps, schedules and refuse receptacles
- Bus lanes on key bus routes
- Implementation of the City’s Bicycle Plan for the area
- Implementation of the bicycle and pedestrian improvements to the Chinatown and

<sup>53</sup> City of Los Angeles Bicycle Plan, 1996, available at <http://cityplanning.lacity.org/cwd/gnlpln/TransElt/BikePlan/B2Goals.htm>, last visited 11/22/11. Note that an updated Bicycle Plan was adopted in 2011, but it post-dates the Initial Study.

Lincoln Heights Gold Line stations described for the “Six Key Connections” in the Livable Places study, *Making the Connections: Improving Bike and Walk Routes to the Gold Line*.<sup>54</sup>

- Connecting the Los Angeles River bike path with a bike path along the Arroyo Seco
- Affordable housing within walking distance of new worksites

RP7-68  
(con't)

Further, cycling to and within the CASP area would be further encouraged if bicycle parking amenities were also provided at a significant proportion of public parking spaces created as part of the Proposed Alternative. As proposed, residential and commercial parking standards focus on residents and employees, but customers and visitors to the area would be encouraged to bicycle if, e.g., 10 percent of *all* public parking spaces must be set aside for bicycle parking. Bicycle parking should be secure and protected from the elements to create an extra incentive for cyclists.

RP7-69

#### D. Noise and Vibration

Excessive noise has serious environmental and community health impacts that are often under-appreciated or ignored. Studies of noise exposure show that noise can lead to annoyance, loss of sleep, stress-related heart health issues, and hearing loss.<sup>55</sup> The U.S. Environmental Protection Agency has warned that:

Exposure to such high noise levels is a health risk in that noise may contribute to the development and aggravation of stress related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches...Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances.<sup>56</sup>

Children, many of whom live or attend school in or near the Project area, are particularly sensitive to excessive noise, and their academic performance or cognitive development may suffer when exposed to excessive noise.<sup>57</sup> The World Health Organization has recommended that daycare centers and schools not be located near major noise sources, and further recommends that background sound levels in classrooms not exceed 35 decibels (dB) during teaching sessions

RP7-70

<sup>54</sup> Livable Places, *Making the Connections: Improving Bike and Walk Routes to the Gold Line*, Chapter 6 (2008).

<sup>55</sup> See, e.g., Babisch, et al., Traffic Noise and Risk of Myocardial Infarction, *Epidemiology*, Vol.16, No.1, Jan. 2005, pp. 33-40; FHA, Highway Traffic Noise in the United States, April 2000, p. 1; Griefahn et al., Disturbed Sleep Patterns and Limitation of Noise, *Noise and Health*, Vol. 6, No. 22, Jan. – Mar. 2004, pp. 27-33; Skanberg, Adverse Health Effects in Relation to Urban Residential Soundscapes, *Journal of Sound and Vibration* (2002) 250(1), pp. 151-155; Clark and Stansfield, The Effect of Transportation Noise on Health and Cognitive Development: A Review of Recent Evidence, *International Journal of Comparative Psychology*, 2007, 20, 145-158.

<sup>56</sup> EPA Noise Effects Handbook, 1981, available at <http://www.nonoise.org/library/handbook/handbook.htm>, last visited 11/10/2011.

<sup>57</sup> Kawada, The Effect of Noise on Children, *J. Nippon Medical School*, 2004: 71(1), pp. 5-10; World Health Organization, Guidelines for Community Noise, 1999; World Health Organization, Burden of Disease from Environmental Noise 2011, available at [http://www.euro.who.int/data/assets/pdf\\_file/0008/136466/e94888.pdf](http://www.euro.who.int/data/assets/pdf_file/0008/136466/e94888.pdf), last visited 11/16/2011.

and that outdoor playgrounds not exceed 55 dB.<sup>58</sup>

These guidelines are meant to prevent the “critical effects of noise” in schools, which “are speech interference, disturbance of information extraction (e.g. comprehension and reading acquisition), message communication and annoyance.” According to the Southern California Association of Governments, complaints about noise vary according to the decibel level; outdoor noise levels of 55-60 dB obstruct speech within a typical home, and widespread complaints and threats of legal action occur in the 60-70 dB range.<sup>59</sup>

RP7-70  
(con't)

Neither the DEIR nor the RP-DEIR noise analyses provide adequate baseline information regarding noise levels in existing residential areas. (*Compare* DEIR Figure 12-2 to DEIR Figure 3-6; *See* RP-DEIR, 2.C-1 – 2.C-5). However, the data provided in the DEIR show that existing conditions in the Project area generally exceed 68 dB, already higher than what is typically acceptable in a residential community, and far exceeding what is “normally acceptable” for residential areas under the Noise Element of the City’s General Plan. (DEIR, pp. 12-6, 12-11).

RP7-71

Though the RP-DEIR makes an effort to predict and quantify potential noise impacts related to construction under the Proposed Alternative, no comparisons are made between existing noise levels and noise levels with the Proposed Alternative. Without this comparison, it is impossible to determine whether the Project triggers the City’s significance thresholds. This fails to meet an EIR’s basic purpose of providing decisionmakers and the public with detailed information about the effect the project is likely to have on the environment. (Pub. Res. Code § 21061).

RP7-72

The DEIR also appears to rely on maximum interior noise levels set forth in the CASP as a backstop. However those levels—set forth in Sections 8.4.4, 8.4.5 and 8.4.6 of the CASP as ranging from 45 dBL to 65 dBL—are much lower than existing exterior noise levels, and there is no indication in the CASP or the DEIR how or whether these reduced noise levels could be achieved. The RP-DEIR also fails to address this issue.

RP7-73

We are pleased that the RP-DEIR has revised Mitigation Measure Noise and Vibration 2 to limit the use of jackhammers, drills, and impact wrenches no later than 6 p.m, yet still urge reconsideration of noise impacts associated with such uses as early as 7 a.m. However, the RP-DEIR completely fails to analyze the cumulative impacts of noise and vibration in the Project Area. The notable silence on this issue, in both the DEIR and RP-DEIR, is particularly problematic because the administrative review process built into the CASP will allow new development in the Project Area without consideration or mitigation of the combined impact of myriad projects on community noise levels.

RP7-74

RP7-75

Even assuming all construction projects adhere to Mitigation Measure Noise and Vibration 2, the combined impacts of multiple construction projects being undertaken at once could reasonably be seen to have a cumulatively significant impact on the environment, yet this has not been explored in the DEIR or RP-DEIR. The RP-DEIR’s proposed mitigation measure for construction noise should have included noise monitoring at sensitive receptors to allow for

RP7-76

<sup>58</sup> World Health Organization, *Guidelines for Community Noise*, 1999, pp. xii-xiii.

<sup>59</sup> Southern California Association of Governments. Draft 2008 RTP EIR, January 2008 (accessed November 9, 2011, at [http://www.scag.ca.gov/RTPpeir2008/pdfs/draft/2008Draft\\_RTPpeir\\_complete.pdf](http://www.scag.ca.gov/RTPpeir2008/pdfs/draft/2008Draft_RTPpeir_complete.pdf)).



compliance monitoring and further time of day restrictions to ensure that the noisiest construction activities do not occur in the early morning hours. In addition, the mitigation measures should require that neighboring sensitive uses be provided with City telephone numbers to report noise violations, along with the construction schedule, and that the information be posted in Spanish and Chinese.

RP7-76  
(con't)

All of the abovementioned noise impact and mitigation deficiencies must be addressed in the FEIR.

## **E. Cumulative Impacts**

### **i. The DEIR's Cumulative Impacts Analysis Falls Short of the Basic Requirements of CEQA**

“One of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact.” (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal. App. 4th 1019, 1025). Thus, cumulative impacts should be analyzed in order to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal. App. 3d 604, 625). Only by doing so can we avoid gauging “[t]he full environmental impact of a proposed . . . action in a vacuum.” (Whitman, *supra*, 88 Cal. App. 3d at 408).

“Cumulative impacts” are defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines §15355). “[I]ndividual effects may be changes resulting from a single project or a number of separate projects.” (*Id.* § 15355(a)). “The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Id.* §15355(b)).

RP7-77

Two issues must be considered in a cumulative impacts analysis. First, it must be determined whether the proposed project, *combined with* effects from other projects, would result in a “cumulatively significant” impact. (*Id.* §15355). Second, the analysis should determine whether the proposed project’s *incremental* effect is “cumulatively considerable.” (*Id.*, §15.130(a)). Thus, an analysis must determine both whether the cumulative impact is significant, as well as whether an individual effect is “cumulatively considerable.”

Even if a proposed project's individual effects are limited, its incremental effects may still be considered “cumulatively considerable.” (Guidelines §§15064(h)(1), 15065(a)(3), 15355(b)). This means that a determination of less-than-significant impacts at the project level does not in itself excuse an EIR from evaluating cumulative impacts, nor does it serve to demonstrate the project’s incremental contribution to a significant cumulative to be less than “cumulatively considerable.”



The DEIR fails to directly state whether significant cumulative impacts will occur to transportation and to noise and vibration, impacts that are significant and unavoidable on a Project-specific scale, muddling this analysis. (DEIR, p. S-18, S-28, S-29, 17-4 to 17-6). For impacts determined to be less than significant at the Project level, the DEIR provides conclusory statements indicating that because no impacts occur at the Project level, none are expected in the cumulative condition. (See, e.g., DEIR, p. 17-5 [“As demonstrated in Chapter 5, no potentially significant visual resources impacts have been identified as a result of implementation of the Proposed Alternative and none are expected in the cumulative condition.”]; see also DEIR p. 17-6 [concluding no significant impacts could occur, based on assumption that all regional projects will comply with hazardous materials laws]). Such bare conclusions violate CEQA. (*Citizens of Goleta Valley, supra*, 52 Cal.3d at 568-569).

RP7-78

RP7-79

**ii. The Cumulative Impacts Analysis Is Vague and Devoid of Quantification in Violation of CEQA**

Courts have rejected analyses of cumulative impacts devoid of quantification, data, or specificity. (See *Whitman, supra*, 88 Cal. App. 3d at 411; *Kings County Farm Bureau, supra*, 221 Cal. App. 3d at 729-30). In addition, an adequate analysis should not assume the mitigation of impacts by other projects unless they have been adopted in a binding manner. (See *Kings County Farm Bureau, supra*, 221 Cal. App. 3d at 729). This means that an EIR should provide reasonable quantification, data, and specificity in its cumulative impacts analysis, and that other projects should be considered as to their pre-mitigation effects. However, as discussed in the sections above related to noise, greenhouse gas and energy, hazardous materials and visual resources, the DEIR provides no quantification or data to describe the impacts of the Project. The potential impacts of cumulative projects are similarly vague and non-descript, thus the DEIR utterly fails in this aspect. This is particularly troublesome given that the DEIR purports to be the sole environmental review document for CASP development subject to administrative review. Given that multiple projects within the CASP could be undergoing construction and operation simultaneously, themselves cumulatively impacting the CASP area, the abbreviated cumulative impacts analysis is wholly inadequate.

RP7-80

The DEIR employs the “ratio theory”, within its greenhouse gas impacts and transportation impacts analyses, as discussed above, despite the fact that courts have soundly rejected it. (*Kings County Farm Bureau, supra*, 221 Cal.App.3d at 721). This theory reasons that “the greater the overall problem, the less significance a project has in a cumulative impact analysis.” (*Id.*). Courts agree that a project’s impacts may not be trivialized by comparing them to significant impacts on a greater scale. Under CEQA, the proposed project’s impacts must first be combined with other projects’ impacts, after which it may be shown that the environmental problem is so severe, even a seemingly minor incremental change is cumulatively considerable. Therefore, it is improper for the DEIR to rely on the “ratio theory.”

RP7-81

As discussed with regards to traffic, noise and visual resources, the DEIR has sought to subsume the Project’s impacts as less than significant because of already-degraded conditions. The cumulative impacts analysis carries forward this flawed reasoning, and fails to address the cumulative changes that will be wrought on the community by the CASP and surrounding projects.

RP7-82

The misapplication of the traffic and transportation baseline—the comparison of projected 2035 conditions with the Project to a 2035 No Project scenario rather than a comparison to existing conditions—is repeated here in the cumulative impacts analysis. (DEIR, p. 17-4 to 17-5 [“[T]he Proposed Alternative would generate approximately 2,506,000 vehicle miles travelled (VMT) per day, an increase of approximately 159,000 VMT when compared to the cumulative (2035) No Project Alternative.”]). As discussed above, this analysis does not explain how 2035 with-Project conditions relate to existing conditions, in clear violation of CEQA. (*Sunnyvale, supra*, 190 Cal. App. 4th at 1380-1383).

RP7-83

The Population, Housing and Employment section of the cumulative analysis also fails to meet the basic requirements of the City of Los Angeles CEQA Thresholds Guide.<sup>60</sup> That guidance, at p. J.1-4 to J.1-5, explains that an EIR should:

Determine the increase in housing units, occupancy and population associated with the related projects in the same manner as described above under Project Impacts. Compare the combined effect of the growth from the project and the related projects to the amount, timing and location of growth forecast for the project site and surrounding area in the adopted. If the area is currently underdeveloped or the project introduces new major infrastructure, also note whether the project or related projects would introduce infrastructure or accelerate development.

RP7-84

Although Table 17-1 lists the square footage and number of parking spaces associated with the cumulative projects, it makes no estimates regarding population. (DEIR, p. 17-3). The text discussion of Population, Housing and Employment cumulative impacts does not even mention cumulative projects, discussing only the growth-inducing impacts of the CASP itself. (*See* DEIR, p. 17-6 to 17-7).

### iii. The Cumulative Project List Is Underinclusive

In evaluating cumulative impacts, an EIR may use a list approach, a projections approach, or a hybrid of both. “The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence . . . and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.” (Guidelines §15130(b)). Under the elements of Guidelines section 15130(a)(1) and (b), the evaluation should be focused upon actions from other projects that are closely related in terms of impact on the resource—not closely related project types.

RP7-85

When using a list approach, an EIR must provide a “list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.” (Guidelines § 5130(b)(1)(A)). Because evaluation of cumulative impacts should relate in terms of impact on each resource, the EIR should provide lists of (other) projects that differ with each differently affected resource. The DEIR has made no effort to do this. After listing the cumulative projects in Table 17-1, the DEIR never refers back to these projects and never describes or analyzes the potential impacts that they could cumulatively create with the CASP.

<sup>60</sup> Available at <http://www.ci.la.ca.us/ead/programs/Thresholds/J-Population%20and%20Housing.pdf>

Reasonable means must be employed to “discover, disclose, and discuss related projects.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal. App. 3d 61, 74). The list in Table 17-1 of the DEIR is underinclusive. Other projects that should be listed, include:

- Projects under construction
- Projects that are approved but not yet constructed
- Projects undergoing environmental review
- Projects for which applications have been received
- Projects included in an adopted capital improvements program, or in an adopted general, regional, transportation or other plan
- Projects anticipated as future phases of previously approved projects
- Any future project where the applicant or public agency has devoted significant time and financial resources to prepare for any regulatory review.

RP7-86

(*San Franciscans for Reasonable Growth, supra*, 51 Cal. App. 3d at 74; *Gray v. County of Madera, supra*, 167 Cal. App. 4th at 1127-1128). At a minimum, the DEIR should also include the Cleantech Corridor, High Speed Rail, Spring St. Bridge widening, USC University Park Specific Plan and surrounding development, and the Los Angeles County/USC Medical Center, which is about one-half mile from the southern end of the CASP area.

The analysis must provide the following:

- A definition of the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used;
- A summary of expected environmental effects to be produced by [related] projects with specific reference to additional information and where that information is available; and
- A reasonable analysis of cumulative impacts of the relevant projects.

Because the potential to affect resources depends on the resource in question, an independent determination of geographic scope should be made for each resource, and possibly even subsets of resources, under review. (*See, e.g., Ebbetts Pass Forest Watch v. California Dept. of Forestry & Fire Protection* (2008) 43 Cal. 4th 936, at 945-952). The DEIR fails to do this. The introductory language references the sub-regional scale of most resources, it is not clear whether greenhouse gas emissions are the only resource analyzed on a broader scale. (DEIR, p. 17-2). The DEIR promises that the “‘sphere of influence,’ or area, considered in the cumulative assessment is specific to each resource area assessed, and is noted in that specific resource assessment.” (DEIR, p. 17-4). Yet nothing in the ensuing sections appears to discuss the geographical scope of the analysis, instead the text merely re-states the prior chapters’ Project-level conclusions.

RP7-87

For all impact areas where the Project’s impacts have been found less-than-significant, the DEIR concludes that no cumulatively significant impacts could result from the implementation of regional projects. Although the DEIR lists 12 cumulative projects in Table 17-1, the later analysis makes no reference back to these projects, nor does it ever give any context to describe to the public and decisionmakers how significant the impacts of this amount of

RP7-88

growth will be for the area.

**iv. The Cumulative Impact Analysis Is Crucial Given Existing Conditions and Environmental Justice Issues in the Project Area**

Considerations of environmental justice necessitate a more-thorough analysis of the Project's cumulative impacts to this minority and low-income population. Environmental justice acknowledges that minority and low-income communities are more likely to live in close proximity to hazardous pollution sites, have less involvement with public decision-making, and be subject to weaker enforcement of environmental laws.<sup>61</sup> In California in particular, studies show consistent evidence indicating patterns of both disproportionate exposure to air pollution and associated health risks among minority and lower-income communities.<sup>62</sup>

With regard to the Project area, research suggests that it has many attributes of an environmental justice community, based on sensitive land uses like parks, schools, and churches being sited close to sources of toxic hazards and air pollution.<sup>63</sup> The EJSM method analyzes publicly available indicators of air quality risk, hazardous land uses and indicators of social vulnerability, including racial makeup, percentage of population living below the poverty line, home ownership rates, education levels and the percentage of children under the age of 4 living in households with limited English proficiency.<sup>64</sup> The model then maps residential and sensitive land uses – schools, hospitals, day care centers, parks—against the risk indicators, to reach buffer-based hazard proximity scoring.<sup>65</sup> As noted above, the CASP area and its vicinity have very high Cumulative Impact scores under this analysis. According to SCAQMD research, a portion of the CASP area has a lifetime estimated cancer risk of 1,754 per one million residents.<sup>66</sup> This risk is extremely high, it is even higher than the estimated risk for the City of Vernon – 1,538 per one million (*Id.*) – an area that is rife with polluting industrial uses. The remainder of the CASP area has a lifetime cancer risk 1,404 per one million residents. (*Id.*)

RP7-89

The DEIR itself identifies various social risk attributes of the Project area. Thirty-seven percent of households in the Project area are linguistically isolated, meaning that no-one over the age of 14 speaks English well. (DEIR, p. 13-6). Almost 47 percent of the Project area population has less than a high school education. (DEIR, p. 13-6). Average household incomes, according to the data presented in the DEIR, at \$35,873 in the Project area, are almost \$20,000 lower than the Citywide average of \$55,041. (DEIR, p. 13-7). More than 34 percent of the Project-area population lives below the poverty rate, including 44.8 percent of all the children less than 12

<sup>61</sup>Building Healthy Communities from the Ground Up: Environment Justice in California. Communities for a Better Environment, 2003.

<sup>62</sup> Sadd et al., Playing It Safe: Assessing Cumulative Impact and Social Vulnerability through an Environmental Justice Screening Method in the South Coast Air Basin, California, *Int. J. Environ. Res. Public Health* 2011, 8, 1441-1459, 1442

<sup>63</sup> See Sin, Michael, Environmental Justice in Lincoln Heights: An Evaluation of the Cornfield Arroyo Seco Specific Plan (2011), Occidental College, *Urban and Environmental Policy Senior Comprehensive Project*

<sup>64</sup> *Id.* at 1445.

<sup>65</sup> *Id.* at 1446.

<sup>66</sup> SCAQMD, Multiple Air Toxics Exposure Study III Model Estimated Carcinogenic Risk, available at <http://www2.aqmd.gov/webappl/matesiii/>, last visited 11/22/2011.

years old and 45.4 percent of all youth 12 to 17 years old. (DEIR, p. 13-7<sup>67</sup>). Close to 69 percent of residents in the study area and 65 percent in the Project Area identified themselves as Latino, while 26 percent and 29 percent identified themselves as Asian in the study area and Project Area respectively, significantly higher than numbers Citywide (Citywide, Latinos constitute 47 percent of the population and Asians 10 percent). (DEIR, p. 13-5). Area households also have a higher proportion of children than the City as a whole. (DEIR, p. 13-6).

RP7-89  
(con't)

Given these statistics, it is incumbent on the City to closely evaluate the cumulative impacts of the CASP, to ensure that residents of the Project area and nearby neighborhoods do not bear a disproportionate share of the significant environmental impacts of the CASP. The DEIR has fallen far short of this duty.

The DEIR must take into account the existing sources of pollution and inconsistent land uses within the Project area, and not simply the accumulation of future projects. A detailed, on-the-ground study of the Project area, including interviews with Project area residents, found myriad existing uses that the community perceives as toxic – such as existence of various auto body shops, truck yards, distribution centers, small manufacturers, and fueling stations, among others – near residences.<sup>68</sup> Taken cumulatively, these uses can create significant impacts on human health and the environment – especially air pollution – yet the DEIR neglects to analyze these existing sources, looking only to future projects. The revised DEIR should reframe its analysis to consider the additive impact of future industrial uses that the CASP envisions for the area, and evaluate how these uses could combine with existing conditions to create cumulative environmental justice impacts to this vulnerable, existing population.

RP7-90

#### **IV. The DEIR Should Consider the Community-Oriented Development Overlay Zone Alternative, Which Would Meet Project Purposes and Reduce Environmental Impacts**

The City has a duty under CEQA to evaluate a reasonable range of alternatives to the CASP, especially in light of its significant acknowledged and unacknowledged adverse impacts. “One of [an EIR’s] major functions . . . is to ensure that *all reasonable alternatives* to proposed projects are thoroughly assessed by the responsible official.” (*Laurel Heights, supra*, 47 Cal.3d at 400, quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197 (emphasis in original)). Further, “Under CEQA, the public agency bears the burden of *affirmatively demonstrating* that . . . the agency’s approval of the proposed project *followed meaningful consideration of alternatives* and mitigation measures.” (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134 (emphasis added)).

RP7-91

The principal function of alternatives analysis under CEQA is to evaluate alternatives that would avoid some or all of the environmental impacts associated with the proposed project. (Pub. Res. Code §21002; Guidelines §§15002(a)(3), 15021(a)(2), 15126.6(a); *Mt. Shasta, supra*, 198 Cal. App. 3d at 443-45). A feasible alternative or mitigation measure that avoids or

<sup>67</sup> In the Executive Summary, the DEIR gives differing numbers regarding income and education levels. It states that 36 percent of the Project-area population lives below the poverty line, provides different numbers for area and Citywide household incomes (\$35,678 and \$58,724, respectively, based upon 2000 dollars), and states that 50 percent of the Project-area population has received less than a high school education. (DEIR, p. 1-5).

<sup>68</sup> *Sin, supra*.



substantially lessens a project's significant impacts must be adopted by the lead agency unless the lead agency can demonstrate that the mitigation is "truly infeasible." (*City of Marina, supra*, 39 Cal. 4th at 368; see also Pub. Res. Code § 21002 ("public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects")). "If an alternative is identified as at least potentially feasible, an in-depth discussion is required." (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal. App. 4th 1437, 1457).

The alternatives analysis is key because an agency must deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. (Pub. Resources Code § 21002; *Sierra Club v. Gilroy City Council, supra*, 222 Cal.App.3d at 41.)

We have developed a reasonable and feasible alternative, entitled the Community-Oriented Development Overlay Zone Alternative ("COD"), that we originally raised in our November 23, 2011 DEIR comment letter as warranting consideration in a revised and recirculated DEIR. The RP-DEIR failed to include any discussion or analysis of the COD or any other feasible alternatives. As illustrated in the attached proposal, this alternative would revise the CASP so that it would specifically address the need for affordable housing in the CASP. This alternative would help ensure that current residents have opportunities to stay in the community as it grows, by increasing affordable housing opportunities. Increased density around transit (bus/rail) would be connected to and prioritize affordable housing, and the revised CASP would reflect the expressed public desire for increased affordable housing production and preservation.

RP7-91  
(con't)

The COD sets a housing goal of 50 percent market-rate and 50 percent affordable to a mix of extremely low, very low, and low income residents. The COD would also establish minimum bedroom requirements, ensuring that families could obtain needed housing. The COD will create a framework to provide adequate affordable housing in pace with the Project Area-wide development.

Through the COD, the City will create 3-5 development phases, each of which sets a target number of units for residential development, further divided into market-rate and affordable units. In order to move from one phase to the next, the unit targets in each type of residential development must be met. If the CASP area fails to achieve its affordable housing target for any phase, then the allotted market-rate development for the subsequent phase cannot proceed until the affordable housing target has been met.

Because there are no set timelines by which the targets must be met, all development can take place within any phase until it reaches its target for that use. This method of planned development by phase-in where both market-rate and affordable residential uses all have certainty about what is allowed, along with incentives to come into the area, will help the City create the right balance of housing and mitigate against displacement of the current community. The COD zone will not require any individual developer to set aside affordable housing, but instead sets overall targets for the CASP area.

In order to meet the development goals, the COD utilizes a set of Super Density Bonus Incentives to encourage mixed-income housing. The Proposed Alternative raises the base FAR



of the area from 1.5:1 to 3:1, and in some places allows a maximum of 6:1. The COD, however, contemplates a meaningful exchange of density for affordable housing units. The base FAR would be start at 1.5:1, and allow developers to receive an increased FAR in exchange for providing units affordable to Extremely Low, Very Low, and Low Income households. The Super Density Bonus Incentives would allow developers to achieve an FAR anywhere between 2:1 to 6:1 – the latter reflecting a bonus in density well above the City’s Density Bonus Ordinance which allows for a maximum 35% increase in density. This higher increase in density provides adequate financial incentives to developers that would offset the increased costs associated with providing affordable units of housing.<sup>69</sup>

Further, because the current Specific Plan parking proposal undercuts the existing density bonus parking incentive by lowering the residential maximum to 1 space per unit, the COD utilizes an incentive plan that provides the privilege of parking in exchange for affordable housing. An entire project can generate 1 to 1.25 parking spaces for every residential unit in the development if they provide some affordable housing. Without affordable housing, a development is not entitled to any parking. This parking proposal encourages the use of non-automobile travel which reduces traffic and air pollution, and it does not undermine the City density bonus ordinance.

Under SB 375 and AB 32, a City must connect its transportation and transit policies to its land use patterns. Reduced GHG emissions can be achieved by reducing VMT, especially in transit rich areas such as the Project Area. Increased public transportation use, as well as increased bicycle and pedestrian activity, is essential to meeting the City’s goals for GHG reductions. As stated earlier, affordable housing near transit not only increases transit use by placing core transit riders in proximity to transit, but also prevents a decrease in transit ridership.<sup>70</sup> By connecting parking policy to affordable housing, the City will be able to incentivize affordable housing projects and combat an overabundance of parking in the adjacent downtown area. The COD parking incentive also balances community interests in parking and transportation policy by connecting parking to mixed income housing and ensuring transit ridership, along with corresponding reductions in VMT and GHG.

Notably, as discussed above, affordable housing incentives are recommended by CAPCOA 2009. Objective LU-2 is entitled "Promote infill, mixed-use, and higher density development, and provide incentives to support the creation of affordable housing in mixed use zones." (CAPCOA 2009, pp. 74-76.) In LU 2.1.8, CAPCOA recommends "Mix[ing] affordable housing units with market rate units as opposed to building segregated affordable housing developments." (CAPCOA 2009, p. 76).

The COD alternative would substantially lessen the significant and unavoidable impacts of the Proposed Alternative, and would also reduce impacts the DEIR has thus far failed to identify. Specifically, by retaining lower-income residents, who heavily use transit and other non-vehicular modes of travel, the significant and unavoidable transportation impacts could be drastically reduced. As discussed above, the existing CASP-area population has only a 42 percent automobile share. (DEIR, p. S-3). By mitigating against displacement and providing

<sup>69</sup> Skiles, K. (2003) *Density Bonuses and Affordable Housing in California: Examining the Economic Impact on Three Cases*. Massachusetts Institute of Technology.

<sup>70</sup> Dukakis/Pollack, *supra*.

increased incentives for new affordable development, the COD would sharply reduce the 86 percent automobile share estimated in the transportation analysis.

The potential vehicular emissions would also be reduced under the COD because it would prohibit developers from purchasing land solely to provide parking to residents. This aspect would further incentivize transit and non-vehicular travel.

By reducing the area's automobile traffic, the COD would also reduce the Proposed Alternative's emissions of significant and unavoidable ozone precursors and greenhouse gases. The alternative would also have the benefit of reducing significant impacts to land use, as discussed above, relating to inconsistencies with existing plans and policies.

The COD is also consistent with the Project's purposes, identified in DEIR Section 2.2.1.2. Most importantly, the COD will meet the purpose of "provid[ing] a range of housing types and price levels that offer many choices, including home ownership for people of diverse ages, ethnicities, household sizes, and incomes," (DEIR, p. 2-14), to a greater extent than would the Proposed Alternative, because the COD would prevent the adverse displacement and gentrification. By retaining and enhancing housing affordable to low-income workers who are likely to use transit, the COD would also "lessen dependence on automobiles, and thereby reduce vehicle emissions, while enhancing the personal health of residents, employees, and visitors." (*Id.*). The affordable housing protections would not lessen the Project's ability to meet its other purposes.

Given that the COD could feasibly reduce many of the Proposed Alternative's significant and unavoidable environmental impacts, it is incumbent on the City to develop another revised DEIR to review and consider this alternative.

## **V. Other Aspects of the DEIR Are Inadequate Under CEQA.**

### **A. The CASP Description is Too Vague to Enable Adequate Analysis of Impacts**

CEQA requires that every EIR contain a project description that gives a "general description of the project's technical, economic, and environmental characteristics." (Guidelines § 15124(c)). It must also "include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Ass'n of Irrigated Residents, supra*, 107 Cal.App.4th at 1390). A "curtailed, enigmatic or unstable project description draws a red herring across the path of public support." (*County of Inyo v. City of Los Angeles* (1981) 71 Cal.App.3d 185, 197-98). "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*Id.*) It is only through an accurate view of the project that the "public and interested parties [can] balance the proposed project's benefits against its environmental costs, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." (*San Joaquin Raptor Center, supra*, 149 Cal. App. 4th at 655). The project description must include: 1) a detailed map of the project area and the precise location and boundaries of the proposed project; 2) a statement of the project's objectives; 3) a discussion of the project's technical, economic, and environmental characteristics; and 4) a statement

RP7-91  
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RP7-92

describing the intended uses of the EIR. (Guidelines § 15124(a)-(d)).

As stated in our November 23 letter, the information provided in the DEIR's Project Description is inadequate. The RP-DEIR, unfortunately, fails to address most of the inadequacy concerns outlined in our November 23 letter. As a result, the relevant points from our November 23 letter follow:

The Project Description obscures the actual growth and development envisioned by the Project. It does so by listing Project Assumptions in Table 2-2, where it can be deduced that the CASP provides for an increase of 27,053 residents, 7,510 dwelling units, 9 million residential square feet, 211,252 retail square feet, 1.5 million commercial square feet, 4.6 million industrial square feet, 72,200 institutional square feet and 52 acres of parks beyond what existed in 2003. (DEIR, p. 2-13).

RP7-93

Although this Project Description lays out these rough acreage and square footage numbers, it does not provide any detail about how these various uses will be distributed across the Project area. Moreover, the CASP provides so much flexibility that it is unclear what will ultimately be built in many of the CASP's planning areas. Light industrial uses can apparently be sited in Urban Innovation, Urban Center and Urban Village zoning districts. (DEIR, p. 2-15). Greenways may include buildings that "provide a variety of educational and community benefits," (*Id.*), an ambiguous and endlessly expandable phrase. "Cognitive production," a term that is not defined in the DEIR nor in the CASP itself, may occur in Urban Innovation and Urban Village settings. (*Id.*).

RP7-94

RP7-95

The descriptions of each of the new Urban zoning districts lacks sufficient specificity to establish any real distinction between these districts, with each referencing both residential and non-residential land uses. (DEIR, p. 3-19). Based on these land use categories, there is no certainty as to the type of development or ultimate land use that can be expected in each of these areas.

The DEIR fails to provide detailed information related to the applicable development standards associated with these land use categories and zoning districts, and the RP-DEIR contains no information on development standards, land use categories or zoning districts in the CASP. The Specific Plan changes the base Floor Area Ratio (FAR) from 1.5:1 to 3:1 for most of the Project Area, and for several of the new zoning designations increases the maximum FAR anywhere from 4:1 to 6:1. (DEIR, Table 1-1, P. 1-3).

RP7-96

Other than Table 1-1 in Chapter 1 of the DEIR, the FAR is not discussed or cross-referenced in the Land Use Chapter of the DEIR, and as mentioned above, the Land Use section was not included in the recirculated portions of the RP-DEIR. The DEIR fails to provide any information about the proposed changes in FAR or other density measures (e.g., dwelling units per acre) governing development in the Project Area.

The scope of the Project is not clearly reflected throughout the DEIR and its technical studies. The Water Supply Assessment ("WSA"), prepared and approved by the Los Angeles Department of Water and Power ("LADWP") for the Project, assumes water demand for a project of 6,960 residential dwelling units. (DEIR, Appendix 7B-WSA, p. 3). Consequently, the

RP7-97

WSA appears to indicate a water demand of only 2.75 mgd, less than half of the DEIR's estimate of 6.3 mgd. (*Compare Appendix 7B - WSA, p. 7 to DEIR, p. 15-9*). Also discussed above, the Transportation chapter relies on intersection geometries that misrepresent actual conditions on the ground. (*See Minagar Report, p. 6-11*).

RP7-97  
(con't)

In addition, the Public Services chapter of the DEIR states that “[g]iven decreased student population rates that could result from the new mixed use development allowed by the Proposed Alternative there could even be reduced demand for school services in the Project Area as a result of implementing the Proposed Alternative.” (DEIR, p. 14-21). This appears to ignore the fact that the two existing residential zoning districts in the Project area, RD 2-1 and RD 1.5-1, will remain unchanged. (DEIR, p. 2-15). If these residential areas remain unchanged, any students generated by new development will be additive to existing conditions. None of these comments were addressed in the RP-DEIR.

RP7-98

In addition, confusing and indecipherable maps and color-coding plague the DEIR and are not corrected in the RP-DEIR. These maps are utterly unreadable to members of the public that do not have access to computers or color printing. The actual components of the Project cannot be clearly deciphered. Table 3 describes examples of improper renderings in the DEIR.

**Table 3 - Statements, Maps or Figures that are unclear or illegible in CASP EIR (all sections, figures, and tables cited refer to the DEIR unless otherwise noted)**

DEIR Chapter	Chapter Title	Description of Unclear or Illegible Information
2	Project Description	<i>Section 2.2.1.2 Purpose and Objectives:</i> Reference of “aim to reconnect historic neighborhoods” does not explicitly name which neighborhoods.
		<i>Figure 2-3 Street Designations:</i> Circulation hierarchy is illegible black and white.
3	Land Use	<i>Figure 3-1 Project Area and Census Tracts:</i> Overlapping road and census boundary lines are illegible in black and white.
		<i>Figure 3-7 Los Angeles City Council Districts:</i> Differentiation between council districts is indistinguishable in black and white.
		<i>Figure 3-8 Community Plan Areas:</i> Use of very similar hues make the community plan areas difficult to distinguish in both black and white and in color.
		<i>Tables 3-1 and 3-2 Current and Proposed Land Uses:</i> The addition of numbers is incorrect in both tables. The values for total acreage in Table 3-1 add up to 661 and for Table 3-2 add up to 659- but both claim a total of 660.
		<i>Table 3-1 Current Land Uses:</i> A total acreage of 213 is given for Central City North, but the values add up to 233. 233 matches the total in figure 3-2.
		<i>Figure 3-13 Active Frontages Diagram:</i> It is difficult to decipher between Active Streets, Retail Streets and

RP7-99

		Active Industrial Streets in black and white.
		<p><i>Section 3.3.1 Land use assumptions:</i> The convoluted explanation of the Specific Plan's authority as a planning document for the Project Area is difficult to understand, claiming both to supersede but not conflict with existing land use plans, policies and regulation. The assumption that streetscape design elements will serve to enhance the connection between communities is not clearly articulated but presented as fact. This assumption is not comprehensible.</p>
4	Transportation	<p><i>Figure 4-2, 4-5, 4-6 Existing Roadway and Roadway Network Assumptions:</i> The use of purple and green in these figures is difficult to distinguish in black and white and thus difficult to compare the present condition with the proposed alternative.</p> <p><i>Figure 4-6 Roadway Network Assumptions:</i> The use of a 4-Lane Roadway with Reduced Auto Capacity is used in this map but not referenced elsewhere in the section. The reader is unable to assess the significance of this information compared with the other 4-Lane Roadway designated throughout the Project Area.</p> <p><i>Table 4-8 Project- Related Vehicle Miles Traveled:</i> Given the projected increases in population, the negligible increase in VMT compared to the No Project Alternative shown in this table is difficult to comprehend given the explanations in this section.</p>
6	Earth Resources	<p><i>Figure 6.1 Regional Geologic Map:</i> Most of the Project Area is shown as comprised of QF (Alluvial- fan deposits) but the eastern portion of the project area is labeled Qof, which is not labeled in the legend. It is difficult to determine if this could be a significant or sensitive soil designation.</p> <p><i>Section 6.1.1.2 Site Geology:</i> This section explains the soil types present but does not offer further explanation as to the significance of these designations such as whether they are typical for the Los Angeles area or suitable for dense development.</p>
7	Hydrology	<p><i>Figure 7-1 Los Angeles River Watershed:</i> This figure illustrates major and minor water reaches but doesn't explain the significance of what a water reach means (in the figure or section text). Nor does it place the Plan area on the map for context. Additionally, the the nearly illegible pixilation makes it difficult to establish the context of the Project Area.</p> <p><i>Figures 7.2 and 7.3 Arroyo Seco Drainage Area and Historic Springs:</i> These two maps, without street names, make it difficult to establish the Project Area in relation to the map so the significance of the drainage and springs cannot be readily understood. A highlighted boundary would have been helpful.</p>
8	Biological Resources	<p><i>Section 8.3.2.1 Impact to Biological Resources 1:</i> The 300 ft boundary as an established safe distance for construction activity from an active nest appears to be arbitrary. It is not explained as being a standard adequate distance or the distance recommended by wildlife experts.</p>

RP7-99  
(con't)



9	Cultural Resources	<i>Section 9.1.5.8 Historic Resources of the Project Area:</i> The assignment of property status and significance in the windshield survey is not clear- specifically meanings of 6DQ, 6Z or 6L. There is reference to section 106 in CEQA but it is difficult to locate this section of CEQA online.
10	Hazardous Materials	<i>Table 10-2, 10-3 and 10-4 Sources of Hazardous Materials, Sites of Record for Generation and Storage:</i> These tables fail to provide a context or framework to interpret the data and their relative safety or hazard. A map of these addresses would help to identify key areas of concentrated hazardous materials. Representing this data in a table obscures the prominence of these 458 sites over the relatively small project area.
11	Air Quality	<i>Section 11.1.2 Regulatory Setting; See RP-DEIR 2.B-1 – 2.B-2:</i> Reference to the 1988 California Clean Air Act plans to improve air quality in “non-attainment” areas, with the exception of the State particulate matter standard, is difficult to interpret because there is no explanation for what this exception is.
14	Public Services	<i>Section 14.1.2 Fire Protection:</i> The reference to a “total complement” of 3,309 firefighters based on 1,103 total firefighters is not explained and serves to inflate perceived fire protection.
16	Energy & Greenhouse Gas	<i>Section 16.1.2.2 Greenhouse Gases:</i> Five gas emissions are described in varying degrees of comparability to carbon dioxide but the effects of carbon dioxide are not explicitly stated. This omission makes it difficult to determine the significance of all six gases and the related impacts to the project area.

RP7-99  
(con't)

In another example of EIR inconsistencies, the text of Chapter 14, Public Services, states there are only two schools in the Project Area—Albion Street Elementary School (K-5), located at 322 Avenue 18, and Ann Street Elementary School (K- 5), located at 126 East Bloom Street. (DEIR, p. 14-4). However, Figure 12-1 depicts five schools within the Project area. Such inconsistencies and obscurities hinder the informed public participation that is central to CEQA, and are inadequate. (See *Vineyard Area Citizens for Responsible Growth, supra*, 40 Cal.4th at 443; *San Joaquin Raptor Center, supra*, 149 Cal. App. 4th at 656 fn. 4). The FEIR should address all of the inconsistencies and inadequacies articulated above.

RP7-100

**B. Mitigation for the CASP’s Impacts is Less Effective Than Is Feasible, and Is Vague, Unenforceable, and Deferred.**

CEQA requires that a project not be approved when there are significant adverse impacts if there are feasible alternatives or mitigation measures that can reduce those impacts. (Publ. Resources Code § 21002; 21002.1(b); Guidelines § 15091(a); 15092(b).) Mitigation measures must be feasible to implement and enforceable. (Guidelines § 15097; *Lincoln Place Tenants Ass’n v. City of Los Angeles* (2007) 155 Cal. App. 4th 425, 445). Specifically, the Guidelines require any mitigation measure to be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (Guidelines § 15126.4(a)(2); see also Pub. Res. Code § 21081.6(b)). An EIR should also address any significant impacts that could result from the

RP7-101



implementation of the mitigation measures. (*Gray v. County of Madera, supra*, 167 Cal.App.4th at 1118 [requiring analysis of impacts of providing replacement water]).

**i. The RP-DEIR Impermissibly Defers Mitigation Measure Air Quality 12**

Other mitigation measures are impermissibly deferred and this too violates CEQA. (*See Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94). Guidelines section 15126.4(a)(1)(B) specifically states, “formulation of mitigation measures should not be deferred until some future time.” CEQA requires all mitigation measures for a project to be formulated during the environmental review process so their efficacy can be analyzed in the EIR. (*San Joaquin Raptor Center, supra*, 149 Cal.App.4th 645 at 669-670.) Courts have prohibited the deferral of mitigation measures because “[t]here cannot be meaningful scrutiny [of an environmental review document] when the mitigation measures are not set forth at the time of project approval.” (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 884.)

Deferral of the development of mitigation is only allowable where “specific performance criteria” are required at the “time of project approval,” and alternative methods for meeting those standards are set forth. (*Sacramento Old City Ass’n, supra*, 229 Cal.App.3d at 1029). An agency cannot simply require a project applicant to obtain a future report and then comply with any recommendations that may be made in the report.” (*Defend the Bay v. City of Irvine* (2004) 119 Cal. App. 4th 1261, 1275; *Gentry v. City of Murietta* (1995) 36 Cal.App.4th 1359).

The RP-DEIR adds Mitigation Measure Air Quality 12 “to reduce localized construction related air quality impacts.” (RP-DEIR, 1.B-2). However, it requires a project applicant to obtain a future report and comply with the recommendations of the report, at the City’s discretion, in violation case law. (RP-DEIR, 2.A-27). (*See Defend the Bay*, 199 Cal. App. 4th 1261; *see also Endangered Habitat League, supra*, 131 Cal. App. 4<sup>th</sup> at 794 [mitigation is insufficient where it commissions a report and directs the applicant follow its recommendations]). Thus, the mitigation does not commit the City to a specific level of mitigation, nor does it set forth a menu of options to achieve compliance, falling short of the standard set forth in *Sacramento Old City Ass’n*. The FEIR must ensure all mitigation measures for the Project are both adequately formulated to enable the public to sufficiently analyze their efficacy and not impermissibly deferred.

**CONCLUSION**

The members of SEACA, in addition to our environmental, community, and economic justice allies, desire a place that is healthy and safe to live, work, and go to school. Commenters seek inclusion of our comments, found in this and our November 23 letter, in the FEIR for the Project.

Under CEQA, “[t]he EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.” (*NRDC v. City of Los Angeles, supra*, 103 Cal.App.4th at

271). The RP-DEIR must be revised to include additional analysis – and to include analysis of impacts where analysis is absent – as well as to include enforceable mitigation measures. Specifically, the FEIR should address the comments made in our November 23 letter with respect to land use, hazards, visual resources, cultural resources, biological resources, public services, utilities, population and growth-inducing impacts, and cumulative impacts – as the RP-DEIR completely fails to respond to these areas. Furthermore, by failing to respond to comments made on these areas in the RP-DEIR, the environmental analysis for the Project remains infected by a vague project description, and many of its mitigation measures are inadequate, unenforceable, or improperly deferred until after the close of the CEQA process.

RP7-103  
(con't)

Of particular concern is the City's failure to respond to the Community-Oriented Development Overlay Zone Alternative that would mitigate many of the Project's environmental impacts. We urge the City to review and adopt the Community-Oriented Development Overlay Zone Alternative, in the CASP to address the many environmental impacts the Project, as currently planned, would cause.

RP7-104

Thank you for your consideration of these comments. We look forward to reviewing the revisions to these recirculated portions of the draft environmental impact report in the FEIR.

Sincerely,



Sissy Trinh, Executive Director  
Southeast Asian Community Alliance



Remy De La Peza, Staff Attorney  
Public Counsel Law Center

Cc: LA City Councilmember Ed Reyes, CD 1

**SEACA-Public Counsel Proposed Community-Oriented Development Overlay Zone for the Cornfield Arroyo Specific Plan (CASP) Area**

**FAR Bonus Options**

Basic standards:

- Establish a “by-right” FAR of 1.5
- Establish a “by-right” FAR of the maximum allowable density for projects that include *more* than 15 units of residential AND where the residential component is 100% affordable with a project wide income target of 50% AMI or lower
- Establish a minimum FAR of 1.0 for new projects
- Establish a Parking Maximum at zero
- Establish a Bicycle Parking Minimum (and other TDM practices)
- Establish a minimum open space requirement for all projects
- All parking shall be unbundled and may be available for public use (owner’s discretion). Shared parking is encouraged.
- Establish a height limit for each street corridor
- Establish an average height limit by sub-district
- Establish a minimum bedroom size and maximum bedroom size for affordable units under the Affordable Housing Bonus
- City should dedicate some portion of its publicly-owned land for development of affordable housing to assist in reaching the CASP plan target of affordable units.

**Housing Construction Management Policy**

- CASP projects 6,952 new housing units
- Set a market-rate affordable housing ratio of 50% affordable/50% market as the City’s construction target in CASP
- The City will allow construction to proceed in all income categories as long as it has met its housing balance at each level
- Set the first level of development at 2,318 units (one-third of all development) to stimulate growth
- Account for Regional Housing Needs Assessment (RHNA), 21-22% Extremely Low, 21-22% Very Low, 27% Low, 30% Moderate

**Levels of Construction**

Phase	Total Units	Market	Affordable	Extremely Low	Very Low Income	Low Income	Moderate
4	1544	772	772	169	162	209	232
3	1545	773	772	169	162	209	232
2	1545	772	773	170	162	209	232
1	2318	1159	1159	255	244	312	348

Bonus options:

### Eligibility

Projects that include *more* than 15 units of residential may utilize either the **Affordable Housing Bonus FAR Option** or the **FAR Purchase Option** to achieve up to 3.0 FAR.

Projects that include *more* than 15 units of residential and have achieved 3.0 FAR may utilize the **Bonus FAR Option** and/or **Transfer of FAR Option** to achieve from 3.0 up to the maximum allowable density for the area.

Projects that include *less* than 15 units of residential OR do not include any residential may utilize any of the options, **Affordable Housing Bonus Option, FAR Purchase Option, Bonus FAR Option** and/or **Transfer of FAR Option** to achieve from 1.5 FAR up to the maximum allowable densities set in the Plan area.

### Definitions:

**Privately Funded Affordable Housing.** Residential development or substantial rehabilitation project – including mixed-use projects containing residential development-- that includes units restricted to households earning Extremely Low, Very Low, or Low Incomes and has NOT received any grant, loan, or other financial subsidy from any Federal, State or local agency requiring any of its units to be affordable to and occupied by low, very low, or extremely low-income households.

**Publicly Funded Affordable Housing.** Residential Development or substantial rehabilitation project – including mixed-use projects -- that receives a grant, loan, or other financial subsidy from any Federal, State or local agency requiring at least 20% of its units to be affordable to and occupied by low, very low, or extremely low-income households.

## **1. Affordable Housing Bonus FAR Option**

**Eligibility:** Projects that include more than 15 units of residential may utilize the **Affordable Housing Bonus FAR Option** to increase density up to 3 FAR.

The Affordable Housing Bonus FAR Option must cross-reference the City of Los Angeles Density Bonus Ordinance as set forth in California Government Code Sections 65915-65918 and the City of Los Angeles Density Bonus Ordinance No. 179681.

### Publicly Funded Projects

- 80/20 Deals in the Urban Village receive an automatic bump to 2.025 FAR (35% Bonus) and an increase in parking to .5 spaces/unit
- 80/20 Deals in the Urban Center or Urban Innovation (residential capped at 15% of project) receive an automatic bump to 1.8 (proportional 35% Bonus) and an increase in parking to .5 spaces/unit
- 100% Affordable projects in the Urban Village receive an automatic bump to 3 FAR (100% Bonus) and an increase in parking to 1 space/unit.
- 100% Affordable projects (of the 15%) in the Urban Center or Urban Innovation Districts receive an automatic bump to 2.175 FAR and an increase in parking to 1 space/unit
- Additional parking counts as one incentive if utilized

### Privately Funded Projects

Projects may obtain an increase in overall square footage in exchange for providing a certain amount of affordable units. See details below:

- 1 square foot of a Low-Income Unit earns 2 square feet of a Market Rate Unit
- 1 square foot of a Very-Low Income Unit earns 4 square feet of a Market Rate Unit
- 1 square foot of an Extremely-Low Income unit earns 6 square feet of a Market Rate Unit

The affordable unit square footage plus the bonus market rate square footage is added to determine the total amount of bonus square footage permitted.

Projects may earn bonus square footage up to a total 2.025, 3, or 4 FAR (where permitted)

- Projects that achieve a 2.025 FAR (Base FAR + Affordable Bonus) may increase parking to .5 spaces/unit.
- Projects that achieve a 3.0 FAR (Base FAR + Affordable Bonus) may increase parking to 1 space/unit.
- Projects that achieve a 4.0 FAR (Base FAR + Affordable Bonus) may increase parking to 1.25 spaces/unit.
- Additional parking counts as one incentive if utilized.
- **Within 10 years, parking incentive program should be the subject of a research study and program should be re-evaluated and re-designed for effectiveness**

Affordable Housing Bonus projects shall qualify for one to three incentives as set forth in the table below:

Number of Incentives	Percentage of Units Restricted for Extremely Low Income Households	Percentage of Units Restricted for Very Low Income Households	Percentage of Units Restricted for Low Income Households
One	2% or	5% or	10%
Two	5% or	10% or	20%
Three	7% or	15% or	30%

- At minimum, in addition to parking and square foot increases, incentives include a cross-reference to the incentives provided in the City of Los Angeles Density Bonus Ordinance No. 179681: (1) Yard/Setback (2) Lot Coverage (3) Lot Width (4) Floor Area Ratio (5) Height (6) Open Space (7) Density Calculation
- Establish a requirement that 20% of the affordable units must be three bedroom and a minimum of 35% must be two bedroom unless the project is participating in a Federal, State or local program and cannot comply with both regulations.
- Establish minimum unit sizes: 400 sq for zero bedroom, 575 sf for 1 bedroom, 775 sf for 2 bed, 950 sf for 3 bedrooms, unless the project is participating in a Federal, State or local program and cannot comply with both regulations.
- Establish maximum unit sizes for affordable only: 500 sf for zero bedroom, 650 sf for 1 bedroom, 900 sf for 2 bedrooms, 1100 sf for 3 bedrooms, unless the project is participating in a Federal, State, or local program and cannot comply with both regulations.

## 2. Bonus FAR Option

### Eligibility

Projects that include more than 15 units of residential and have achieved 3.0 FAR may utilize the **Bonus FAR Option** to achieve from 3.0 to the maximum allowable density.

Projects that include *less* than 15 units of residential may utilize the Bonus FAR Option to increase density from 1.5 FAR up to the maximum allowable density in the CASP.

### Description

A project may increase their FAR up to a 4.0 FAR, where permitted, or the maximum established for that area if less than 4, by including any of the incentives listed below. Incentives may be combined.

A project may add 3 square feet of Floor Area for every square foot of publicly accessible open space which is in addition to the 15% open space requirement.

A project may add 6 square feet of Floor Area for each square foot of area provided for a community facility (including access and loading/unloading), which may include but is not limited to: child care and other educational services, public library, fire station, active recreation, medical services, or other small scale community serving retail, transportation amenities, or non-profit whose services directly benefit the community.

A project may add up to .10 parking space *per* 1000 square feet for each 10,000 Bonus square feet obtained through the Bonus FAR Program (i.e. 1 extra parking space for every 10,000 Bonus square feet)

A project that is eligible (per this Bonus FAR Program) to build parking but elects not to may obtain an additional 10 square feet of Floor Area for every parking space for-gone.

Open Space and Public benefits may be provided on the same site or on a site within the Plan area. However, Open Space that is provided off-site within the Plan area must contain active recreation facilities.

### **3. Transfer of FAR (TFAR) Option**

**Eligibility**

Only sites owned by the City of Los Angeles or where the residential component is 100% affordable with a project wide income target of 50% AMI or lower are eligible to be Donor Sites. Projects that are 100% affordable with a project wide income target of 50% AMI or lower shall receive an automatic base FAR of the maximum allowable density.

Any project within the Specific Plan, with the exception of properties within the River Buffer Area, are eligible to be a Receiver Site.

**Description**

Any existing eligible Donor Site which has a total FAR that is less than its Base FAR may transfer its Unused FAR to any eligible Receiver Site that is located within the Specific Plan.

An Affordable Housing Public Benefit Payment (Payment) shall be provided when a Project receives density from a site owned by the City of Los Angeles, with funds to be placed with the Los Angeles Housing Trust Fund managed by the LAHD. For sites owned by the City of Los Angeles, the Los Angeles Housing Trust Fund shall receive 50 percent of the fee generated from the transfer.

*\*Funds generated from the Purchase FAR Program shall ONLY be spent for affordable housing within a 2 mile radius from the boundaries of the CASP*

*\*Funds generated may only be used by bona-fide non-profit developers, e.g. Santa Monica Housing Trust Fund limits use of funds to bona-fide non-profit developers*

The value of the TFAR shall be based on land value pursuant to the formula set forth below:

(a)	Sale Price of Recently Acquired Receiver Site*	\$2,500,000	\$2,500,000
(b)	Divided by Lot Area of Receiver Site	50,000	\$50/SF
(c)	Divided by Floor Area Ratio	1.5	\$33.33/SF

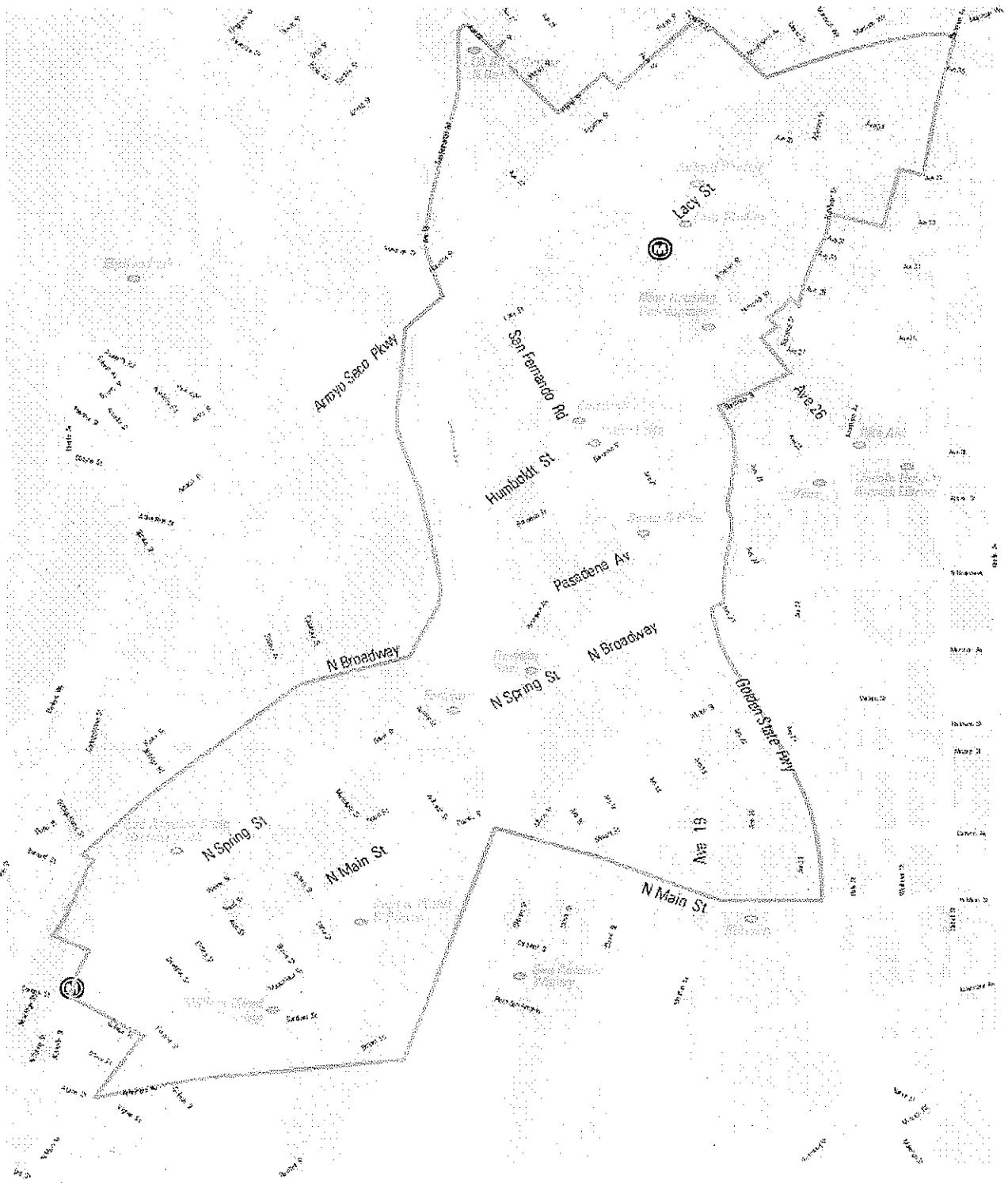
\*Sale Price should be determined by:

- (a) If the property was purchased within 12 months of the date of the FAR purchase, then the actual purchase price shall be used; or
- (b) If property purchased more than 12 months prior to date of FAR purchase, the median sale value in the area for similarly zoned properties of properties sold within the last previous 12 months

Similarly, eligible Donor Sites owned by private parties may also chose to transfer their FAR to an eligible Receiver Site based on the formula above.

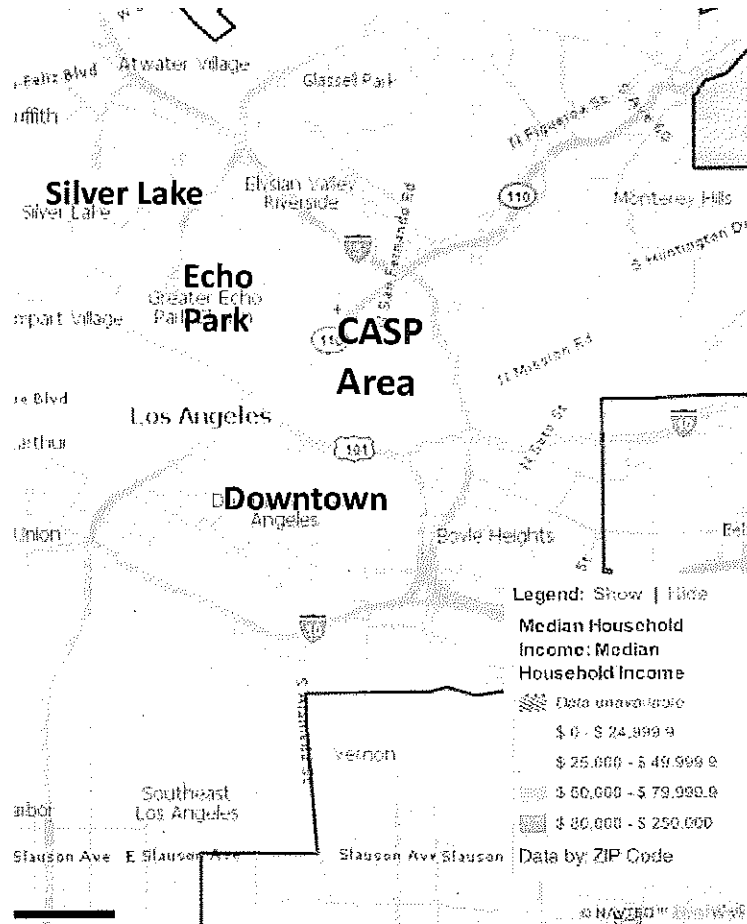
\* City will set aside and dedicate City-owned land adequate and suitable for affordable housing to be accessed by bona fide non-profit developers.



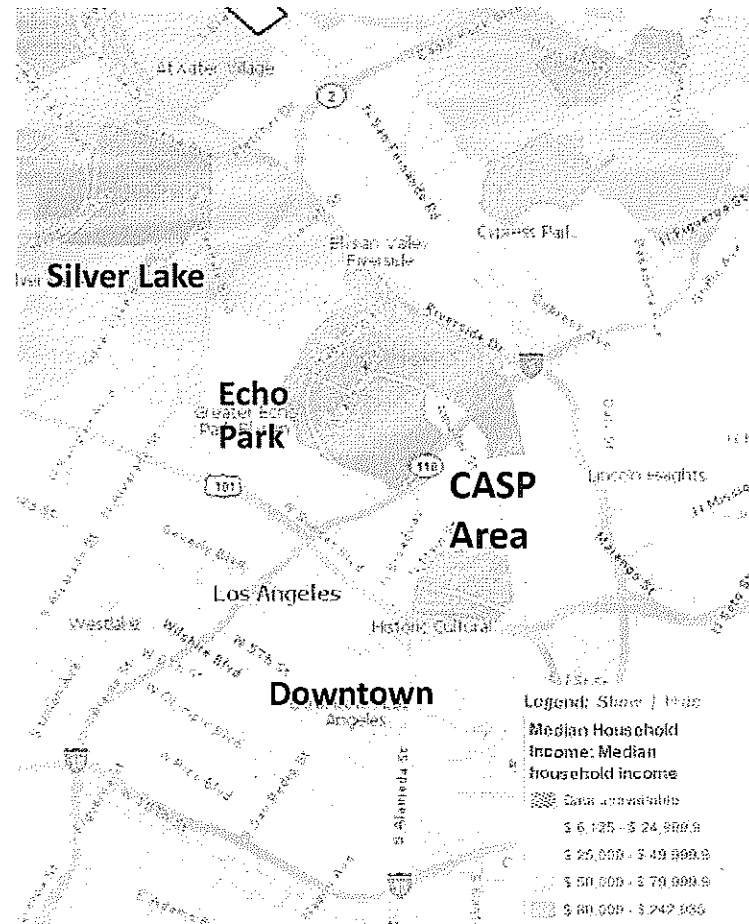


**Cornfield/Arroyo Seco  
Specific Plan Area**

# Spreading Gentrification



2000



2010

Source: Census

LAW OFFICES  
**GILCHRIST & RUTTER**  
 PROFESSIONAL CORPORATION

WILSHIRE PALISADES BUILDING  
 1299 OCEAN AVENUE, SUITE 900  
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July 16, 2012

**VIA E-MAIL AND HAND DELIVERY**

City of Los Angeles  
 Department of City Planning  
 200 North Spring Street, Room 667  
 Los Angeles, CA 90012  
 Attn: Mr. David Somers

Re: State Clearinghouse No. 2009031002 (ENV-2009-599-EIR, CPA-2009-SP)  
 Cornfield Arroyo Seco Specific Plan  
 Recirculated Portions of the Draft Environmental Impact Report

Dear Mr. Somers:

We represent EVOQ Properties, Inc. and Meruelo Chinatown, LLC (together, "EVOQ"), which owns the real property located at 129 West College Street, Los Angeles, CA (the "Property"). The Property is located at the southwestern most edge of the boundaries of the Cornfields Arroyo Specific Plan (the "Specific Plan") and is identified on page 5 of the November 2010 Draft of the Specific Plan as site 9.

The City has solicited comments on only the revisions to the previously circulated Draft Environmental Impact Report (the "Draft EIR") included in the Recirculated Portions of the Draft EIR ("RPDEIR"). (The Draft EIR and RPDEIR are collectively referred to as the "EIR.") However, the substantial revisions in the RPDEIR cannot be addressed in isolation, but must be considered in context of the entire Draft EIR, where the revisions affect more than one environmental area and more than one impact. Consequently, pursuant to CEQA,<sup>1</sup> the following comments on the RPDEIR are addressed in the context of the Draft EIR as well, where necessary. Where necessary, these comments include comments on the substantive contents of the Specific Plan, itself, which can lead to environmental impacts or that do not support the assumptions in the Draft EIR and RPDEIR, such as certain of its unrealistic development standards and zoning.

RP8-1

RP8-2

<sup>1</sup> References to "CEQA" are to the California Environmental Quality Act, at California Public Resources Code, Sections 21000 *et seq.* References to the "CEQA Guidelines" are to Title 14 of the California Code of Regulations, Sections 15000 *et seq.*

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 2

The Draft EIR states, as a foundational principle, that its intent is to analyze the impacts of the proposed adoption of Specific Plan ("Project") so that "future projects in the Project Area that are envisioned by the Proposed Alternative [that] meet the requirements of the City's Administrative Clearance Procedure and are consistent with all requirements of the Specific Plan will not require additional environmental review." (See, e.g., Draft EIR at S-1.) In fact, however, the Draft EIR and RPDEIR fail to achieve this goal and are wholly inadequate under CEQA. As discussed below, this failure is due to, inter alia, a faulty project description, incomplete environmental analyses, and flawed assumptions. The Draft EIR and RPDEIR must be revised and recirculated to cure these defects, to identify all of the Project's significant impacts, to mitigate those impacts to the extent feasible, to consider feasible alternatives, and to provide the public and decision makers with a meaningful opportunity to understand the environmental consequences should this Project be approved.

RP8-3

1. The City's dependence on the LEED ND standards prevents good planning in the Specific Plan Area and is contrary to CEQA.

EVOQ supports the Specific Plan's intent to "transform an under served [sic] and neglected vehicular-oriented industrial and public facility area into a cluster of mixed-use pedestrian oriented and aesthetically pleasing neighborhoods." EVOQ further supports the guiding purposes of the Specific Plan articulated on page 1 of the document. However, EVOQ cannot support the Specific Plan's regimented design standards and its unrealistic land use plan, which it believes will result in stagnating growth in the Specific Plan area and, in doing so, belie many of the fundamental assumptions upon which the CEQA analysis relies.

At the time that the Specific Plan was initiated, the City opted to participate in the LEED ND pilot program, as one of only two public programs in the country to do so. In making this election, the City committed itself to following the LEED ND criteria in designing the Specific Plan. LEED ND has since been adopted by the United States Green Building Council ("USGBC"), although the City has not adopted the LEED ND standards to govern development within the City.

RP8-4

The proposed zoning, land uses, and design standards are largely based on adherence to the LEED ND criteria, which has produced a plan that is unrealistic and infeasible. LEED ND does contain some good guidelines for development, but, as often occurs with any "checklist" approach, reliance on that checklist has resulted in an inflexible end product. LEED ND recognizes the importance of a mixed used community, but it is extremely proscriptive as to what the land use mix should be and where specific land uses are appropriate. For example, the proposed land uses around the Chinatown Gold Line

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 3

Station (the "Chinatown Station") favor office or commercial development and allow only very limited residential uses. Office or commercial development in this location is a poor land use choice when the jobs/housing balance in the larger area (i.e. not just within the CASP boundaries) is considered. To be realistic, the land uses for the Specific Plan must be viewed within the context of Chinatown and Downtown as a whole. There is such an overabundance of jobs and commercial land uses in these surrounding areas that there currently is no market for new commercial and office uses to be constructed. Indeed, the office vacancy rate in the surrounding area is over 20 percent. In contrast, the residential vacancy rate in Downtown is less than 6%, showing a dearth of housing in Downtown and indicating that a demand for more housing exists. There are more than 500,000 weekday employees that work Downtown and that population increasingly wants to live near to their workplaces. Since the Property is only one stop from Union Station and several more stops from key Downtown employment areas, it is an ideal residential TOD location and highly desirable for market-rate multifamily development.

RP8-4  
(con't)

If retail and commercial uses only are allowed in this location rather than the residential uses that the current and foreseeable market forces are demanding, these parcels in the Specific Plan will lie undeveloped. Needless to say, if these retail and commercial areas remain undeveloped, then there will not be any jobs or services that form the basis of the EIR's assumption that the Specific Plan would result in reduced vehicle miles travelled ("VMT"). If the VMT projections are not valid, then the conclusions in the EIR that the traffic impacts will be less than significant are not supported by substantial evidence. These parcels will not be developed if only minimal residential uses are permitted, thus the analysis cannot rely upon them to.

RP8-5

A more realistic land use, and one that would be consistent with the CEQA analysis and the Specific Plan's goals of reducing dependence on single-occupancy vehicles, would be one consisting of a higher percentage of residential land uses with ground floor commercial and/or Live/Work units. Such uses would house residents who work in Downtown every day, many of whom are currently commuting hours each day to reach their jobs. The Downtown area has an overabundance of jobs and not enough housing. Given the Specific Plan's location within the greater Downtown area, it is impracticable to simply look at the mix of uses within the relatively small area encompassed by the Specific Plan boundaries to achieve a certain jobs-housing balance or to meet a particular LEED ND standard. Instead, the land uses, including the jobs housing balance, must be considered within the context of the needs of the greater community, which compels the City to allow additional residential development near the Chinatown Station.

RP8-6

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 4

2. The Draft EIR and RPDEIR lack a clear and accurate Project Description.

CEQA requires that an EIR include a clear and accurate project description, and that the nature and objective of a project be fully disclosed and fairly evaluated in the EIR. A clearly written project description is critical to an EIR's evaluation of a project's impacts and its consideration of mitigation measures and a reasonable range of alternatives.

In connection with its the release of the RPDEIR, the City announced that it would release a revised Specific Plan on or about August 6, 2012, concurrent with its release of the *Final* EIR for the Project (see <https://sites.google.com/site/cornfieldsla/index>, viewed June 17, 2012). It appears, however, that whatever changes will be included in the revised Specific Plan will not be analyzed in the document properly circulated for public comment under CEQA. The RPDEIR, which was released for public comment on May 31, 2012, contains *no* details of the revised Specific Plan, and *none* of the changes to the Specific Plan are analyzed in the RPDEIR, much less in the Draft EIR. As such, the public has no way of knowing what changes will be included in the revised Specific Plan and whether those changes will have new potentially significant environmental impacts or will change the level of the impacts already identified in the EIR. Therefore, the public will have *no* opportunity to understand or comment upon the true Project, much less to consider or comment upon its potential environmental impacts, proposed mitigation measures or feasible alternatives.

RP8-7

Therefore, City's decision to revise the Specific Plan after the release of the RPDEIR and concurrently with the Final EIR violates two of CEQA's most fundamental requirements. First, the EIR fails to define the true Project because it does not describe the revised Specific Plan. Second, the EIR does not analyze the impacts of the true Project because it does not analyze the impacts of the proposed adoption of the revised Specific Plan, whatever those may be. The City's failure to release the revised Specific Plan to the public for comment and its failure to describe and analyze it in the EIR or a revised and recirculated EIR violates CEQA and undermines all of the analyses in the EIR. For these reasons, alone, the EIR must be entirely revised to analyze the revised Specific Plan and recirculated for public comment, to give the community a fair and full opportunity to review potential impacts of the true Project.

Moreover, even if a revised Specific Plan were not on the horizon, even the Project Description in the EIR is legally insufficient, as it contains an insufficient amount of information regarding the particular uses that will be allowed under the Specific Plan and to enable the environmental document to analyze the Project's impacts. Moreover, neither the Draft EIR nor the RPDEIR makes any effort to define a range of uses that could locate under the Specific Plan as the basis for the impacts analyses, *even though this EIR is*

RP8-8



City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 5

***intended to be the only environmental analysis for conforming future developments***  
(see, e.g., Draft EIR at S-1).

The **only** information regarding the specific uses that may locate under the Specific Plan included in either the Draft EIR or the RPDEIR appears in Table 2-2, Program Assumptions (Draft EIR at p. 2-13), which lists the population, jobs, dwelling units, retail, commercial, etc. uses within the Specific Plan area, and a general discussion of land use and zoning at 2-14 and 2-15. However, even this information fails to disclose any detail regarding the particular **types** of uses that would be allowed. For example, will light industrial uses be allowed that emit toxic air contaminants, and, if so, will these uses be allowed only in certain areas that afford a sufficient buffer between them and sensitive receptors? Indeed, as discussed in greater detail below, the impact analyses throughout the EIR is generally silent with respect to the assumptions that are made with respect to the anticipated development under the Specific Plan, yet it is on these impacts analyses the significance conclusions are based. Given such a vague Project Description, virtually anything could be built under the Specific Plan, subject only to the City's Administrative Clearance Procedure and without further environmental review.

RP8-9

RP8-10

RP8-11

Because the EIR does not contain a proper Project Description, the EIR does not comply with CEQA's mandates to analyze and mitigate the Project's impacts, or properly apprise the public and decision makers of the Project's potentially significant impacts, or feasible mitigation measures and alternatives. The EIR must be revised to correct these flaws and must be recirculated for public review before the EIR can be considered for certification and the Project considered for approval.

3. The Project must clearly define the Project, including all of the Project Design Features.

The Draft EIR and RPDEIR rely on what are described as "features" of the Project to avoid or minimize its impacts, but these features are not included in the Project Description as project design features (or elsewhere in the Draft EIR or RPDEIR as mitigation measures) and therefore cannot be assumed to be either part of the Project or otherwise to reduce or avoid its impacts. Since these features are not in fact components of the Project, and are not recommended mitigation measures, there is no substantial evidence supporting the EIR's conclusions that these features will be implemented and that their implementation will in fact avoid or minimize the Project's impacts or provide the promised benefits. Examples of such features include, *inter alia*, the following:

RP8-12

- The Cornfields/Arroyo Seco Specific Plan Transportation Analysis (June 2011) prepared by Fehr & Peers (the "Traffic Study") lists particular Transportation

RP8-13

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 6

Demand Management (TDM) strategies that it states were "developed in coordination with LADCP and LADOT and [are] accounted for in the analysis of project impacts" (Traffic Study at p. 43-44). By contrast to the Traffic Study's **reliance** upon the TDM features to reduce the Project's impacts, the Draft EIR and RPDEIR's Project Description only includes a fraction of these TDM strategies as Project design features, specifically the parking standards that will be imposed by the Specific Plan, including mandatory spaces for rideshare, vanpools, scooters, and bicycles. The Project Description makes **no** mention of the other TDM strategies relied upon by the Traffic Study to reduce the Project's impacts, including unbundling of parking, transit pass subsidy programs, ridesharing, parking cash out, guaranteed ride home, flexible work hours, and commuter clubs. In fact, the Draft EIR and RPDEIR merely state that some features **will** be implemented, while others only **may** be implemented. Consequently, not only is there an inconsistency between the Project Description and the Traffic Study with respect to which TDM strategies are in fact components of the Project, but the EIR's traffic analysis relies on measures to reduce impacts that in fact may or may not actually be included in the Project and therefore may or may not actually reduce its impacts. Because there is no assurance that these purported Project components would in fact be part of the Project, there is no substantial evidence that they can be relied upon to potentially reduce traffic impacts and, therefore, no substantial evidence supporting the EIR's significance conclusions with respect to the Project's traffic impacts.

- Similarly, the Project Description does not include the parking cap as a Project design feature. Yet, the Draft EIR and RPDEIR rely on the parking cap to support the transit-oriented nature of the Project. Specifically, the EIR relies on the parking cap as part of the rationale for utilizing a traffic model for analyzing the Project's traffic impacts that **assumes a reduced** average automobile trip length and time (Draft EIR at p. 4-21). However, unless the parking cap is included in the Project Description as a Project design feature, along with details as to how it will be implemented, there is no actual commitment to the implementation of the parking cap and it cannot be relied on for reduction of impacts. Without a commitment to a parking cap, either by a project design feature or a mitigation measure, there is no substantial evidence supporting the assumption that the Project will result in reduced average trip lengths and times, no substantial evidence supporting the use of this traffic model to analyze the Project's traffic impacts and no substantial evidence supporting the EIR's analysis of the Project's traffic impacts and its significance conclusions.

RP8-13  
(con't)

RP8-14

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 7

- The impacts analysis in the Population, Housing and Employment section assumes that the Project will offer a mix of housing types to accommodate workforce housing for low- and moderate-income residents (Draft EIR at p. 13-17). However, the Project Description does not include any commitment to provide low- or moderate-income housing, or any detail at all about the Project's intent to provide low- or moderate income housing, and the City of Los Angeles does not have an inclusionary housing policy or ordinance that could cure that omission. Therefore, there is no assurance that the Project would in fact provide low- and moderate-income housing. Without this assurance, there is no substantial evidence supporting this assumption used to conclude that the Project is consistent with the General Plan and otherwise to reduce the Project's impacts. RP8-15
- The Draft EIR states that the City of Los Angeles will allocate property to accommodate the public services needed by the Project's residents, including police, fire, parks, and schools (Draft EIR at p. 14-21). The Draft EIR relies upon this allocation of land to ensure that there will be sufficient space to house the additional public services that would be needed by the population increase of over 30,000 people that the Specific Plan would generate, and therefore to avoid significant impacts to these public services. Yet, the Project Description does not include or contain any discussion of any allocation of land by the City for City services, much less for services governed by other agencies (i.e. schools). Therefore, again, the EIR does not contain substantial evidence supporting its reliance upon this assumption, and therefore lacks substantial evidence supporting its conclusion that public services impacts will be less than significant. RP8-16

The EIR's failure to include all of the Project design features included in the assumptions that form the bases of its impacts analyses is a prejudicial omission under CEQA. The EIR cannot rely upon these Project design features to avoid or reduce the Project's impacts and, therefore, the EIR's impacts analyses and significance conclusions are fatally flawed. The EIR must be revised to correct these flaws and must be recirculated for public review before the EIR can be considered for certification and the Project considered for approval. RP8-17

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 8

4. The City cannot predetermine the outcome of the Project's environmental analysis.

CEQA mandates that lead agencies consider the environmental consequences of their decisions *before* they make those decisions, in order to avoid the environmental review process becoming nothing more than post hoc rationalizations to support action already taken. (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; *Village of Laguna Beach, Inc. v. Board of Supervisors*, (1982) 134 Cal.App.3d 1022, 1026.) The CEQA Guidelines provide even more explicitly that "*Before granting any approval of a project subject to CEQA, every lead agency ... shall consider a final EIR...*" (CEQA Guidelines, § 15004 subd. (a), italics added.) If post-approval environmental review were allowed, EIRs would likely become nothing more than *post hoc* rationalizations to support action already taken. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.)

By limiting the Specific Plan to the confines of the LEED ND criteria, the City has predetermined what elements can and cannot be part of the Specific Plan regardless of whether a change to the Specific Plan would help to mitigate potentially significant impacts.

Appendix A-02 to the Specific Plan contains a letter from the U.S. Green Building Council stating that the Specific Plan is a LEED certified plan. Specifically, the Specific Plan has completed Pre-review Approval at the certified level, which involved "the review of site plans and written commitments regarding the location of the project and the types of building and infrastructure to be constructed, prior to the project receiving its entitlements or necessary approvals" (Draft EIR Appendix A-02 at p. 3.) This means if the Project is approved in its current state, then it should be able to comply with the next stage of LEED certification. Projects that wish to comply with LEED ND must adhere to a very specific list of criteria that dictate, *inter alia*, land use mix, construction materials, building architecture and siting, landscaping design, density and intensity, parking design, and affordability.

Because the City is determined to achieve LEED ND status, it is following the criteria imposed by an outside body, the USGBC. This severely limits the City's decision making authority and undermines the purpose of the comment process. While the LEED ND standards may have some good guidelines for development, it should not be the guiding principle that dictates how the Specific Plan land use mix and design standards are determined. LEED ND recognizes the importance of a mixed used community, but it is extremely proscriptive. Strict adherence to the LEED ND checklist robs the City of its flexibility to change the Specific Plan in response to the community.

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 9

Representatives from EVOQ have discussed potential changes to the land use designation of the Property, but have been told by City staff that such changes are not acceptable because they would change the LEED ND checklist, even though the proposed changes would in fact reduce the Project's impacts by ensuring a better mix of uses for which there is a current demand. Compliance with the LEED ND checklist should not be the determining factor for the development of the Specific Plan, yet that appears to be the case. Moreover, the extent to which the City appears to be committed to the pre-review Approval at the certified level is contrary to the mandate of CEQA.

RP8-18  
(con't)

5. The Draft EIR and RPDEIR omit material analysis of traffic impacts.

One of the standards of significance for traffic is whether or not the project "will disrupt or interfere with existing or planned transit operations or transit facilities (Draft EIR at p. 4-17). Even so, the traffic analysis lacks any analysis of transit systems or the operation of street. Therefore, the Draft EIR and RPDEIR omit critical analysis and the standard of review would change from the substantial evidence test to a de novo standard.

The EIR fails to analyze the Project's impacts to public transportation systems. The Project touts itself as a transit-oriented development, with easy access to public transportation, mandatory programs that heighten people's awareness of public transportation, reduced parking facilities, and increased transit ridership. The Project will also result in a population increase of over 30,000 people. Yet, despite the sizeable population increase that the Project will create, and the EIR's assumption that many of these people will ride public transit, neither the Draft EIR nor the RPDEIR actually analyzes the Project's potential impacts on public transportation facilities. Specifically, there is no analysis of the capacity of the existing transit system or how the population increase will impact the existing buses and trains. This is a material omission from the environmental document.

RP8-19

The City has abused its discretion because the EIR does not include substantial evidence with respect transit systems. Although the Draft EIR states that impacts to transportation are significant, there is no substantial evidence that would lead to that conclusion. Therefore, the analysis is flawed and contrary to CEQA.

6. The Cumulative Impacts Analysis is Deficient.

The EIR's cumulative impacts analysis is flawed because it fails to include a key related project: the Los Angeles State Historic Park (the "Historic Park") Master Development Plan (the "Master Plan"), despite the fact that the Historic Park's Master Plan is *immediately adjacent to the western edge of the Specific Plan area*. Since the EIR fails

RP8-20

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 10

to include the impacts of the Historic Park Master Plan in its cumulative impacts analysis, its determination of the Project's cumulative impacts is fundamentally flawed. Until the EIR has been revised to analyze the Project's impacts together with other related projects, including, without limitation, the Historic Park Master Plan, the Project's cumulative impacts cannot be properly determined under CEQA.

The EIR states that it uses a combination of the "list" and "projection" approaches to analyzing cumulative impacts, and that it contains a list of related projects (Draft EIR at p. 17-3). That list, however, omits the Historic Park Master Plan, even though the Draft EIR acknowledges that the Historic Park is one of the major recreational opportunities within the area (DEIR at p. 14-6), and *relies* on the acreage within the Historic Park to provide recreational space to mitigate any potential Project impacts (id. at p. 14-21). Specifically, as reported in the Draft Environmental Impact Report for the Historic Park Master Plan (SCH #2008111064) (the "Master Plan DEIR"), the Master Plan expects overall park usage to exceed 180,000 people annually "upon opening" and for park attendance to exceed 300,000 people by 2035 (Master Plan DEIR at p. 2-16, ES-5). The Historic Park Master Plan also includes the development of facilities that would accommodate special events for up to 25,000 people per event (Master Plan DEIR at p. 2-16). These large numbers of people have the potential to create significant noise, air and traffic impacts by themselves, and even more so when viewed cumulatively with the Project.

The Historic Park Master Plan is a reasonably foreseeable project with substantial environmental impacts that must be included in the EIR's cumulative impacts analysis. The EIR must be revised to correct this flaw and must be recirculated for public review before the EIR can be considered for certification and the Project considered for approval.

7. Other Deficiencies in the Draft EIR and RPDEIR.

The EIR contain multiple other deficiencies that violate CEQA, including, for example:

- The Draft EIR states that an increase in water distribution facilities will likely be needed to serve the Project development, but it fails to describe the extent of the facilities that will be required. CEQA requires that the whole of the project be analyzed. Therefore, if the Project will require the development of new water distribution facilities, then their development must be included as part of the Project. Since the EIR acknowledges that the Project creates the need for these new facilities, but the Project does not include them, the Project Description omits a critical component of the Project and, in turn, the EIR has failed to analyze a critical component of the Project and the impacts

RP8-20  
(con't)

RP8-21



City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 11

RP8-21  
(con't)

of that component, including, without limitation, the potential noise, air quality and climate change construction impacts. Since future development will only require administrative permits, there will not be another opportunity for the public to be apprised of the impacts.

- The Public Services section of the EIR does not analyze the increased demand on fire, police and other emergency services created by the Project's increase in population, or reach significance determinations regarding its impacts in these areas. Instead, it simply states that the Project "could increase demands on police protection and fire and emergency medical services in terms of staffing, operational, and maintenance costs" (Draft EIR at p. 14-21). The EIR does not disclose the actual impacts that the Project's population increase will have on the existing facilities in terms of staffing levels, equipment, or response times, despite the fact that the standards of significance require such an analysis. As such, the EIR omits analyses of the Project's impacts that are critical to the health, safety and welfare of the future residents in the Specific Plan area.
- Despite the fact that the EIR fails to analyze the Project's impacts on Public Services, the EIR summarily concludes, without substantial evidence, that the Project will have **no** impacts on Public Services based on the following statement: "the provision of police and firefighting facilities will be integrated into the implementation of the Proposed Alternative based on future estimated demand" (Draft EIR at p. 14-21). The EIR fails to make clear how or when that analysis will be done, what that analysis will be based on, or how and through what process any potential impacts would be mitigated. Moreover, at the same time as it makes this representation of uncertain future implementation, the EIR acknowledges that no new police stations are planned to be constructed in the Project Area (despite the fact that the EIR fails to analyze whether the existing levels of service are deficient or not). Further, the EIR explicitly contradicts its own conclusion with respect to fire services, by admitting that "an increase of up to 30,000 to 40,000 residents to the Project Area could exceed the capacity of the existing fire station personnel to respond to an emergency in the Project Area..." (Draft EIR at p. 14-3). Given the projected increase of over 30,000 residents created by the Project, the EIR's finding of insignificance is not supported by substantial evidence.

RP8-22

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 12

- The Draft EIR states that the Project “will require that future development comply with all of the requirements of the SCAQMD and SCAG related to air quality. This assumption primarily addresses the location of new stationary sources in the Project Area recognizing that the use of mobile sources such as cars will not be restricted to the Project Area.” (Draft EIR at p. 11-18.) Based on this assumption, the EIR makes no attempt to make any assumptions as to the types of light industrial or research and development uses that might locate within the Project Area and the emissions that could be generated by those uses, and instead relies upon the SCAQMD and SCAG to control these emissions. This omission from the EIR is a prejudicial failure to analyze the Project’s impacts. These types of uses can emit TACs and criteria pollutant concentrations that can create significant impacts if not controlled. An EIR cannot simply assume that these uses will obtain a permit and result in a less than significant impact. In particular, for example, the SCAQMD issues permits on a use-by-use basis. Thus, it cannot and does not control the combined emissions created when two or more uses are located adjacent or near one another and nor can it regulate the possibility that together those uses will create unacceptable TAC concentrations.
- The odor analysis in the EIR’s Air Quality section is also defective. The EIR erroneously assumes that because there have been no odor complaints from the Project Area in the past three years, the Project’s odor impacts will be less than significant. The discussion does not take into account that new odor-producing sources could locate in the Project Area, although it does admit (Draft EIR at 11-27) that “[t]he Proposed Alternative may result in new receptors being located closer than the 2-mile screening level distance from potential odor sources.”
- The EIR’s description and analysis of the Alternatives is scant, comprising of only one page for three alternatives. The text provides only a very broad overview of each alternative; as such, the public has no way of knowing what the alternatives actually entail and how they might reduce the Project’s significant impacts, if at all. For example, the description of the “Reduced Project Standards Alternative” states that the land uses would remain the same, but that the “intensities of potential development could be reduced” (Draft EIR at p. 17-16). That description could describe almost any land use scenario so long as it involves fewer units and a lower non-residential intensity than the Project. As such, the reader has no way of knowing how much the density and intensities would be reduced, how much open space

RP8-23

RP8-24

RP8-25

City of Los Angeles  
Department of City Planning  
July 16, 2012  
Page 13

would be permitted, how high the buildings would be, etc. Without more detail as to what each alternative entails, the public cannot meaningfully analyze whether or not the alternative would reduce the Project's significant impacts.

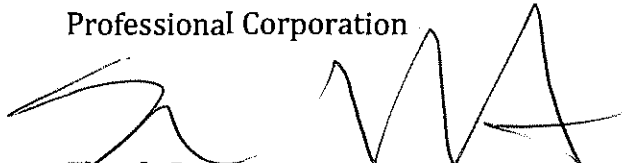
RP8-25  
(con't)

For each of the reasons set forth above, the EIR must be revised to correct these flaws and must be recirculated for public review before the EIR can be considered for certification and the Project considered for approval. EVOQ is committed to working with the City and the community to build a better community, and we look forward to continued dialogue.

RP8-26

Sincerely yours,

GILCHRIST & RUTTER  
Professional Corporation



Elisa L. Paster  
For the Firm

ELP:dj

312848\_6.DOC/5061.008



David Somers &lt;david.somers@lacity.org&gt;

## Comments to Recirculated DEIR ENV 2009-599-EIR CASP Cornfield Arroyo Specific Plan due 7.16.2012 4PM

Joyce Dillard &lt;dillardjoyce@yahoo.com&gt;

Mon, Jul 16, 2012 at 3:49 PM

Reply-To: Joyce Dillard &lt;dillardjoyce@yahoo.com&gt;

To: David Somers &lt;david.somers@lacity.org&gt;, Claire Bowin &lt;claire.bowin@lacity.org&gt;

Your re-circulation fails to identify the pollutants associated with the Air Quality, Greenhouse Gas Emissions and Transportation.

RP9-1

Not discussed is the Fracking of Oil Wells in or around the Specific Plan, its effects on geology and subsidence, air quality and water including but not limited to NPDES permitting and TMDL Total Daily Maximum Loads.

RP9-2

Methane and other gases should be analyzed in its role as greenhouse gas contributor to climate change and sea level rise. Sea level rise increases the potential for flooding. May we refer you to:

*Sea-Level Rise for the Coasts of California, Oregon and Washington: Past, Present and Future* by the Committee on Sea-Level Rise in California, Oregon and Washington

RP9-3

*Rising to the Challenge: Results of the 2011 California Coastal Adaption Needs Assessment* by Juliette A. Finzi Hart et al

The General Plan reflects no plan for mitigation measures of this nature. The Conservation Element of the General Plan was adopted September 26, 2001, CFI 01-1094. The Conservation Element is required by the State of California.

There is no adopted Circulation Element which is a comprehensive infrastructure plan addressing the circulation of people, goods, energy, water, sewage, storm drainage, and communications. The Circulation Element is required by the State of California.

RP9-4

You have neither monitoring stations listed nor plans to analyze actual data collected from the City, County or other agencies to determine source points and no plans for remediation or solution to satisfy Federal regulations.

RP9-5

Missing is data available such as the LA County storms data and pollutant loads.

RP9-6

There is not mention of any jurisdictional responsibilities with CALTRANS MS4 or NPDES permitting.

RP9-7

Underground Storage Tank leakage should be analyzed for the effects of groundwater contamination and air quality.

RP9-8

**Total Daily Maximum Loads TMDLs need to be estimated for the Watershed, Groundwater Basin and effect on the Southern California Bight while identifying the Beneficial Uses of the Groundwater Basin and subbasins.** RP9-9

**Water supply needs to be addressed to the groundwater rights of property owners for future development contingencies. Geology and Soils need distinct identification as contaminants have been found in projects such as Proposition O Albion Dairy. The Mitigated Negative Declaration, in that case, failed to identify the problem.** RP9-10

**You have not addressed Wetlands Mitigation Banking or any stream restoration.** RP9-11

**You have not addressed the Sediment Management needs, how and where to mitigate.** RP9-12

**You have not addressed the Migratory Bird Treat Act or identified key sources and the effects of development of this Specific Plan to the species or any industries affected or any other conservation plans.** RP9-13

**Do you plan to place Affordable Housing on Public Facilities zoned property? There already exists the Rio Vista Apartments in Glassell Park on Los Angeles Unified District property that was never addressed in the General Plan. Those environmental impacts, mitigation and monitoring must be addressed.** RP9-14

**With Air Quality being a community problem around the Metrolink or Midway Yard, how are assessments, mitigations, monitoring and enforcement being made for that use and any future increased use with the enactment of this Specific Plan. Water quality issues have not been addressed.** RP9-15

**The City of Los Angeles INTEGRATED RESOURCES PLAN, certified in December 2007, is now obsolete. There have been changes to that Plan since certification. In particular, the following report:**

**The Donald C. Tillman Water Reclamation Plant In-Plant Storage Project Environmental Assessment, US Army Corps of Engineers, August 9, 2011**

**mentions significant changes to the SEWAGE SYSTEM. (We have bolded or underlined parts of the report.)**

**In Section 1 Introduction 1.1 Overview** RP9-16

**"In 2007, the City implemented measures to reduce the amount of nitrogen compound discharged from its water reclamation plants as mandated by the Los Angeles Regional Water Quality Control Board ("Nitrogen Compounds and Related Effects Total Maximum Daily Load (TMDL) for the Los Angeles River Watershed", an amendment to the Los Angeles River Water Quality Control Plan).**

**The City now proposes to construct two 7.6 mg basins (proposed project) within the plant's bermed area to temporarily store 15.2 mg of primary**



**treated wastewater during periods of peak wet weather flows. The basins would be in lieu of the 60 mg tank envisioned in the IRP.”**

In Section 2 Purpose & Need 2.1 Background

**“Tillman began operations in 1985 in the Sepulveda Basin with the intent to relieve pressure on the major interceptor sewers in the San Fernando Valley as well as to relieve pressure on Hyperion Treatment Plant (Hyperion) by treating sewage from the western portion of the San Fernando Valley. After construction of the first phase of the multi-phase build-out, Tillman began operation with a treatment capacity of 40 million gallons per day (mgd). Phase II was planned for and evaluated within the 1982 Wastewater Facilities Plan Environmental Impact Statement (EIS)/Environmental Impact Report (EIR). Phase II began operation in 1991 and provided an additional 40 mgd of treatment capacity. The EIS/EIR also considered two additional phases, Phase III and Phase IV, resulting in an additional 40 mgd each.”**

**“A number of sewers are located in the immediate vicinity of Tillman. Sewers feeding into Tillman include the Additional Valley Outfall Relief Sewer (AVORS) and the East Valley Interceptor Sewer (EVIS). Wastewater flows exceeding Tillman’s treatment capacity and all biosolids are discharged into the AVORS and carried downstream for treatment at Hyperion. AVORS and EVIS, as well as the Valley Outfall Relief Sewer (VORS), all contain diversion gates that allow water within the sewer to bypass treatment at Tillman and be transported downstream to Hyperion for treatment.**

**Approximately 1.5 miles downstream of Tillman, beneath the intersection of Magnolia Boulevard and Kester Avenue, the returned flow from Tillman conveyed by the 78-inch diameter AVORS is forced into the 42-inch diameter East Valley Relief Sewer (EVRS). This convergence creates a bottleneck that, during substantial rain events, defined herein as 2- to 10-year rain events, causes overflows of the sewer system. To regulate the adverse hydraulic conditions during wet weather peak flows, often resulting in downstream surcharges and sewage spills, the City discontinues Tillman’s Phase II treatment process and utilizes the existing Phase II sewer treatment structures for in-plant storage of primary effluent. As a result, Tillman only operates Phase I to produce only 40 mgd of Title 22 recycled water for beneficial use during wet weather peak flows.**

**In the longer term, the City proposes to resolve the convergence capacity challenge by constructing three new downstream trunk sewers: the Valley Spring Lane Interceptor Sewer (VSLIS), the Glendale-Burbank Interceptor Sewer (GBIS), and the Northeast Interceptor Sewer Phase II (NEIS II). The anticipated cost of all three sewers is approximately 1.2 billion dollars. However, in order to minimize sewage overflows, eliminate regulatory violations**

RP9-16  
(con't)



associated with sewage overflows, and to reduce risks to public health and safety from sewage overflows, the City seeks to implement short-term solutions.”

“Typical consequences of overflows include the closure of beaches and other recreational areas, inundated properties, and polluted rivers and streams. **The California State Water Resources Control Board adopted Statewide General Waste Discharge Requirements in 2006**, which require public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all overflows to the State Water Resources Control Board.

**The construction of VSLIS, GBIS and NEIS II could occur in the distant future; NEIS II is proposed to be operational in 2022, GBIS in 2029, and VSLIS in 2050. However, there is a need in the shorter term for an interim solution that can be accommodated within the City’s existing limited budget, allows the City to comply with State Water Resources Control Board requirements, and also restores maximum treatment and reclamation capacity as well as relieves sewers downstream of Tillman during 2- to 10-year rain events.** The City has conducted several studies to identify and evaluate potential solutions; the results of these studies are summarized in Section 3.0, Alternatives Considered.”

In Section 2 Purpose & Need 2.2 Purpose & Need

The City’s primary purpose for the proposed project is to **provide a short-term method to restore maximum treatment and reclamation capacities of Tillman during substantial rain events, defined as up to 10-year rain events, while continuing to attenuate peak wet weather flows to the AVORS-EVRS-NOS confluence. The purpose fulfills a need to protect public health and welfare and minimize water quality impacts by preventing sewage overflows during substantial storm events.**”

In Section 3 Alternatives Considered 3.1 Background

“**In 2006, the City of Los Angeles prepared an Environmental Impact Report (EIR) for the Integrated Resources Plan (IRP).** The IRP EIR addressed the wastewater facilities needed in the year 2020, while integrating future recycled water and urban runoff needs. **A project element in the IRP EIR, in part to address restoring maximum treatment and reclamation capacities of Tillman while continuing to attenuate peak wet weather flows to the VORS-AVORS-EVIS confluence (the primary objective of the proposed project), included the evaluation of a proposed underground 60 million gallon (mg) wastewater storage tank located immediately outside the eastern boundary of Tillman. This proposed 60 mg tank would store primary effluent during substantial storm events.**”

RP9-16  
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**Since the IRP EIR, the City has reviewed and analyzed the wastewater system needs further. In January 2008, the City prepared the Flow Equalization and Tertiary Filtration Concept Report, which evaluated a number of alternatives to store primary effluent at, or in the vicinity of Tillman, to relieve pressure on the constriction that occurs at the convergence of VORS, AVORS and EVIS, beneath the intersection of Magnolia Boulevard and Kester Avenue. The recommended alternative in 2008 involved the construction of Phase III structures without treatment equipment. Phase III structures would be used for in-plant wet weather storage to relieve the sewer system during substantial storm events by diverting and holding primary effluent for a duration of up to 12 hours, then discharge the effluent back into the AVORS.**

**In February 2009, the Open Lined Basin Evaluation Technical Memorandum was prepared by the City which identified the currently preferred, and more cost effective action to build in-plant storage in lieu of Phase III structures to store primary effluent at Tillman, and to relieve pressure at the convergence: the construction of two 7.6 mg inplant storage basins to store in total 15.2 mg of primary effluent during substantial rain events."**

In Section 3.3 Alternatives Evaluated in this EA

**"3.3.2 In-Plant Storage Basins Alternative (City-Preferred Alternative)**

**As discussed above, this alternative identified in the January 2008 Flow Equalization and Tertiary Filtration Concept Report involved the construction of Phase III structures without treatment equipment. The City initiated the Wet Weather Storage Recovery System Project in 2009, and during this study, a new, more cost-effective alternative emerged: construction of an open lined basin within the Tillman site for in-plant storage of excess wet weather flows. This new alternative is estimated to cost approximately \$23 million, and therefore results in a savings an estimated \$20 to \$30 million to the City, when compared to build-out of Phase III facilities to store primary effluent, while still achieving the project purpose and need.**

**The In-Plant Storage Basins Alternative involves constructing two open concrete-lined basins that would collectively provide 15.2 mg of storage capacity to be used to relieve the sewer system during substantial storm events and would allow the Tillman plant to remain fully operational during wet weather periods, treating 80 mgd. The two new basins would be constructed on the east side of Tillman, within the existing plant boundary, as shown in Figure 3-1, Tillman Site Plan. Tillman is located in the Sepulveda Basin in the San Fernando Valley area of the City of Los Angeles on property leased by the City from the Corps. The total storage**

RP9-16  
(con't)

**volume, and thus the total volume of wastewater that would be at the Tillman plant at any given time under the In-Plant Storage Basins Alternative would be 59.08 mg, given that both Phase I and Phase II components collectively have a total volume of 43.88 mg and the storage basins would hold 15.2 mg of primary effluent.**

**Details of this alternative include the construction of two 7.6 mg open concrete-lined basins to provide temporary storage of primary effluent with no treatment, a piping and flow control system from the existing primary effluent channel to the two new basins and from the two new basins to the existing AVORS, a new AVORS junction structure, basin washdown systems and modification of the existing primary sedimentation tanks withdrawal piping, as shown in Figure 3-2, Project Overview and Figure 3-3, In-Plant Storage Basins Alternative Details.**

**The design of the storage basins requires a cut and fill method of construction, with construction of a new maintenance road around the basins. More material would be cut than would be required for fill around the road. All excess material, estimated to be approximately 55,000 cubic yards (cy), would be removed from the Sepulveda Basin, as required by the Lease. Much of this excavation and disposal was accomplished during July 2011. Approximately 120 truck trips daily, assuming 18-cy trucks haul away the excess soil, would remove the soil over a period of approximately 6 weeks. Trucks would access Tillman from Interstate 405 (I-405) to the east, travel westbound along Victory Boulevard, and turn south at Densmore Avenue. When exiting Tillman trucks would follow the same route back to I-405 and continue eastbound on Highway 101, Highway 134 and Interstate 210 to the City of Azusa. Removed soil is being disposed of at Waste Management Azusa Landfill located at 1211 West Gladstone Street in the City of Azusa.**

Additionally, as shown in Figure 3-2, during construction a laydown/staging area and temporary construction worker parking area would be provided in the northeast portion of the plant, outside of the bermed area of Tillman and immediately south of the Septage Transfer Facility. The construction laydown and parking area would occupy approximately 200,000 square feet of the Sepulveda Recreation Area for a period of less than one year."

The report mentioned in the Environmental Assessment above:

*Flow Equalization and Tertiary Filtration Concept Report*

is not an approved report or plan.

You fail to address Public Health and Safety monitoring, testing, data collecting and enforcement.

Joyce Dillard