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Via Email & U.S. Mail
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Los Angeles City Council
Attn: Office of the City Clerk
City Hall, Room 395
200 N. Spring Street
Los Angeles, CA 90012

Re: Southern California Flower Market Project
City Council File Nos. 19-1048 and 19-1048-S1
Case Nos. ENV 2016-3991-EIR,
CPC-2016-3990-GPA-VZC-HD-MCUP-SPR,
VTT-74568-1A

Dear Honorable City Councilmembers:

On behalf of Southern California Flower Growers (“Applicant”), we are submitting this letter in response to the letter dated October 29, 2019, submitted by the Coalition for Responsible Equitable Economic Development (“CREED”) to the Planning and Land Use Management Committee (“PLUM”) concerning the Applicant’s proposed mixed-use project to be located at 709-765 S. Wall Street (“Project”). CREED filed appeals of the City Planning Commission’s (“CPC”) August 26th Letters of Determination for the Project. The City’s Department of City Planning responded to those appeals in an Appeal Response (“Appeal Response”) dated October 24, 2019. After conducting a public hearing on October 29, 2019, the PLUM Committee recommended denying CREED’s appeals and approving the Project approvals.

CREED’s letter relates to the City’s Appeal Response. However, CREED’s letter does not include any significant new information or issues that have not already been addressed through the City’s environmental review and in other documentation in the administrative record for the Project. This letter summarizes the information already included in the administrative record, confirming that CREED’s letter is without merit.

I. The Project's EIR Provides a Complete and Accurate Project Description and Fully Analyzed the Project's Impacts

Contrary to CREED's assertions, the Project's Draft EIR included a complete and consistent description of the Project, including a description of the parking that would be part of the Project's north building renovation. The Draft EIR's floor plans show that the north building's renovations will extend on the northern portion of the Project site to 7th Street, between Maple and Wall Street. (See Floor Plans for the First, Second, Third, Fourth, and Fifth Floors in Draft EIR, Figures 2-3, 2-5, 2-7, 2-9, and 2-11.) Further describing the uses that will be included in the newly renovated portions of the north building, the Draft EIR states that "[g]round floor restaurant and office uses would also be provided along 7th Street and Wall Avenue." (Draft EIR, p. 2-1 [emphasis added]; *see also* the office and restaurant uses described in the First Floor Plan in Figure 2-3.) The Draft EIR provides more details of the renovations to the north building that will include new parking and restaurant and office uses long 7th Street through the detailed renderings of the Project. (See Figures 2-13 and 2-14.) The Draft EIR further shows that the north parking area along 7th Street would consist of four parking stories above the ground floor restaurant and office uses. Thus, the Draft EIR provided a consistent project description throughout that included the uses on the north portion of the Project site.

For additional background purposes, Erratum No. 3¹ to the EIR provided a compiled summary of the uses on the north portion of the Project site to show how the EIR described and evaluated all of the Project's proposed uses, including the ground floor restaurant and office uses along 7th Street. (Erratum No. 3, pp. 2-3.) In addition, Erratum No. 3 provided analysis for each environmental impact area to confirm that the Draft EIR fully evaluated all of the Project's potential impacts, including all impacts from the north parking area along 7th Street. (Erratum No. 3, pp. 7-13.) More specifically, to confirm that the Project's impacts related to construction noise would be less than significant to sensitive receptors near the Project Site, Erratum No. 3 included additional analysis of potential noise impacts during the Project's construction. That analysis confirmed that the Project's construction would not lead to significant noise impacts to sensitive receptors, and Erratum No. 3 did not identify any new mitigation measures that were not already analyzed in the Draft EIR. As confirmed in Erratum No. 3, the Project will not lead to any significant or unavoidable impacts.

Erratum No. 3 also confirmed that the construction schedule contained on pages 2-5 and 2-6 of the Draft EIR encompassed all proposed construction activities, including the construction of the new south building and renovations of the north building.

¹ Each Erratum that the City prepared included only minor technical corrections and modifications to the Project's Final EIR. Erratum No. 1 clarified the square footage of the Project's event space. Erratum No. 2 clarified language to a Project Design Feature (PDF L-1) concerning the Project's Construction Management Plan. Neither Errata No. 1 nor Errata No. 2 disclosed any new significant environmental impacts or mitigation measures that were not evaluated in the Draft EIR.

(Erratum No. 3, p. 3.) That construction schedule encompassed the entire Project, as the schedule included the full timeline to build and finish *all* of the Project’s proposed square footage and uses. The Project’s total square footage includes all parking uses and ground floor and restaurant and office uses on the north portion of the Project site. (Draft EIR, pp. 2-2, 2-5 to 2-6.) CREED has provided no evidence that the construction schedule did not account for constructing all of the Project’s proposed uses. Further, the construction schedule as described in the Draft EIR was broken up into stages—(1) demolition – 4 months; (2) site preparation – 1 month; (3) grading – 3 months; (4) construction – 2 years; (5) paving – 2 months; and (6) architectural coatings – 6 months. (Draft EIR, pp. 2-5 to 2-6.) CREED asserts the construction scheduled does not provide sufficient detail because it does not distinguish between the phases of construction for the southern and northern portions of the Project site. Yet, CEQA does not require that level of detail for a construction schedule in an EIR. (*See Mount Shasta Bioregional Ecology Center v. County of Siskiyou* (2012) 210 Cal.App.4th 184, 203-04.) The EIR provided sufficient detail for the public and decisionmakers to evaluate fully the Project’s environmental impacts during construction.

CREED’s cited case in which the court found an inadequate project description is distinct from the EIR’s description of this Project. In *Stopthemillenniumhollywood.com v. City of Los Angeles* (2019) 39 Cal.App.5th 1, the Court held a development project’s EIR did not provide an adequate project description because that EIR provided only concepts of “development scenarios—none of which may ultimately be constructed” and did not provide the siting, size, mass, or appearance of any building proposed to be built at the project site. (*Id.* at p. 309.) Unlike the Project at issue in that case, the Draft EIR for this Project provided a stable description of the Project that was consistent throughout the EIR and included a description of the siting, size, mass, and appearance of the proposed Project.

In addition, circulation of the Project’s Final EIR is not required. (CEQA Guidelines, § 15088.5.) All of the information in the Errata merely clarifies, corrects, adds to, or makes insignificant modifications to information in the EIR. The information added pursuant to the Errata to the Final EIR did not disclose any new significant environmental impacts that would result from the Project or from a new mitigation measure or a substantial increase in the severity of an environmental impact. Nor did any of the Erratum to the Final EIR contain significant new information that deprived the public of a meaningful opportunity to comment upon a significant impact of the Project or a feasible way to mitigate or avoid such an effect that the Applicant has declined to adopt. Information provided in the Errata does not present a feasible Project alternative or a feasible way to mitigate or avoid such an effect that the Applicant has declined to adopt. Nor has CREED provided any alternative or mitigation measure considerably different from others previously analyzed in the Project’s EIR that would substantially lessen the Project’s environmental impacts.

In sum, the EIR and the Errata complied with all of CEQA's requirements, and substantial evidence in the record supports the finding that recirculation is not required.

II. Substantial Evidence Supports the City's Determination that the Project's EIR Analyzed the Geology and Soil Impacts of the Entire Project

CREED next asserts the updated 2019 Geotechnical Investigation Report is improper. Yet, the Geotechnical Investigation Report was merely updated to address the Project's construction on the north portion of the Project site that was added during the Project's scoping process and to comply with the mitigation measure identified in the Draft EIR to mitigate the Project's potential impacts related to geology and soils.

The 2016 Geotechnical Investigation Report attached as Appendix G to the Draft EIR specifically contemplated updated reports in the future, as the report stated that "once the design phase and foundation loading configuration proceeds to a more finalized plan, the recommendations with this report should be reviewed and revised, if necessary." (2016 Geotechnical Investigation, p. 2). The 2016 Geotechnical Investigation Report also stated the report is "subject to review and should not be relied upon after a period of three years." (2016 Geotechnical Investigation, *Limitations and Uniformity of Conditions*).

Moreover, based on the 2016 Geotechnical Investigation Report, the Draft EIR concluded that with implementation of Mitigation Measure E-1, the Project would result in either no impact or a less than significant impact with respect to all potential impacts related to geology and soils (Draft EIR, Chapter 4.E.) MM E-1 requires that the Project comply with the Geotechnical Investigation Report, as it "may be amended and supplemented to the satisfaction of the Department of Building and Safety." Thus, both the 2016 Geotechnical Investigation report and Mitigation Measure E-1 contemplated an updated geotechnical investigation in the future, as necessary.

Pursuant to the statements in the 2016 Geotechnical Investigation Report and MM E-1, Geocon West, Inc. reviewed the findings in the 2016 Geotechnical Investigation Report and provided an updated geotechnical report on September 20, 2019. The purpose of the updated report was to provide detailed recommendations related to the parking uses on the north portion of the Project Site and to update the report based on "changes in applicable or appropriate standards" as required by the Geotechnical Investigation (2016 Geotechnical Investigation, p. 42). For example, the updated geotechnical report reflected the standards contained in the 2016 California Building Code ("CBC"), as opposed to the prior report, which was based on the 2013 CBC. The 2019 Geotechnical Report reached the same conclusion in the 2016 Geotechnical Report, stating that "[i]t is our opinion that neither soil nor geologic conditions were encountered during the investigation that would preclude the construction of the proposed development provided the recommendations presented herein are followed and implemented during design and construction." (2019 Geotechnical Investigation, p. 10.)

CREED asserts the updated 2019 report improperly relied on the site reconnaissance, field exploration, laboratory testing, and engineering analysis prepared for the 2016 report. Yet, the 2019 report properly relied on that analysis because the 2016 Geotechnical Investigation included a site reconnaissance, field exploration, laboratory testing, and engineering analysis for the entirety of the Project Site, including the parking area on the north portion of the Project Site along 7th Street. (See 2019 Geotechnical Investigation, p. 1.) Nothing has changed in the soil conditions of the Project site since Geocon West, Inc. conducted its site reconnaissance and field exploration in 2016. CREED has not provided any evidence to support the contention that the 2019 report improperly relied on the site reconnaissance from 2016. Further, the City's Department of Building and Safety ("DBS") reviewed the updated report and issued a Soils Report Approval Letter for the 2019 Geotechnical Investigation on October 17, 2019.

CREED next asserts that the City improperly concluded the Project's impacts would be less than significant based on the 2019 Geotechnical Investigation without additional analysis. As summarized in Erratum No. 3, based on the 2019 Geotechnical Investigation, Mitigation Measure E-1 is still the only mitigation measure required (and no new mitigation measures are required) for the Project's impacts to geology and soils to remain less than significant. (Erratum No. 3, pp. 4-6.) As required under MM E-1, the Project must comply with the Geotechnical Investigation Report as may be amended and supplemented to the Satisfaction of the DBS. The 2019 report has been updated to the satisfaction of DBS. CREED further states that the City's citations to various City code requirements in the Appeal Response does not explain how compliance with those regulations would mitigate potential significant impacts. Courts widely recognize that lead agencies can rely on compliance with other regulatory schemes to mitigate a project's impacts under CEQA. (*North Coast Rivers Alliance v. Marin Municipal Water Dist. Bd.* (2013) 216 Cal.App.4th 614, 47.) Further, the full analysis of how the Project may lead to potential geology and soil impacts and how those impacts will be mitigated is provided in Chapter 4.E of the Draft EIR and in Erratum No. 3. (Erratum No. 3, pp. 4-6.) CREED has provided no evidence that such analysis was not valid.

CREED's final assertion concerns a statement in the City's Appeal Response related to the Project's proposed uses on the north portion of the Project site. The Appeal Response simply made an observation that the construction along 7th Avenue would not significantly alter the geological and soil conditions on the Project site. The City still relied on the extensive analysis in the Draft EIR and 2016 and 2019 Geotechnical Investigation Reports to conclude that with mitigation, the Project's impacts related to geology and soils would be less than significant.

Pursuant to amended Mitigation Measure E-1, the 2019 Geotechnical Investigation merely updates the 2016 Geotechnical Investigation, and provides recommendations in accordance with the existing mitigation measure to reflect the parking area along the north portion of the Project Site along 7th Street and updates in the applicable Code provisions. The Project would continue to comply with Mitigation

Measure E-1, and all Project impacts with respect to geology and soils would continue to be less than significant.

III. Substantial Evidence Supports the City's Determination that the Project's EIR Fully Analyzed the Project's Air Quality Impacts and that the Project will Not Lead to Significant Impacts

Contrary to CREED's assertion, the Project's EIR fully analyzed the Project's potential air quality impacts and evaluated all feasible mitigation measures. In addition, a Health Risk Assessment ("HRA") was prepared pursuant to the City's request, which further evaluated the incremental change in carcinogenic and non-carcinogenic health risk from the exposure to diesel particulate matter emitted by the Project's heavy-duty construction equipment during the construction process. As further explained by the expert air quality analysis attached to this letter as Attachment 1, CREED's specific comments concerning the air quality analysis are without merit.

A. The Project will Not Lead to Significant Cumulative Air Quality Impacts

CREED first asserts the EIR failed to adequately analyze the Project's significant cumulative construction air quality impacts with related projects because the EIR did not provide quantitative analysis of the cumulative impacts that the Project will generate combined with other related projects. As explained by the expert air quality consultant in Attachment 1 to this letter and the Draft EIR, the City has not adopted specific citywide significance thresholds and instead relies on the significance thresholds identified by the South Coast Air Quality Management District ("SCAQMD") in its CEQA *Air Quality Handbook* (November 1993). (Draft EIR, p. 4.C-11.) The SCAQMD CEQA *Air Quality Handbook* provides standards, methodologies, and procedures for conducting air quality analyses under CEQA. Pursuant to that SCAQMD guidance, projects that exceed the daily localized significance thresholds ("LST") would cause a cumulatively considerable increase in emissions for non-attainment pollutants. SCAQMD developed the LSTs to represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, accounting for regional growth. The SCAQMD LSTs are established such that if every project's air quality impacts were below the SCAQMD's LSTs, each of those projects would not contribute to an exceedance of ambient air quality standards. Therefore, the SCAQMD's LSTs account for cumulative air quality impacts. (Attachment 1.)

Accordingly, the SCAQMD guidance recommends that any construction-related emissions and operational emissions from individual projects that exceed the project-specific mass daily emissions thresholds also be considered cumulatively considerable. (Draft EIR, pp. 4.C-20 to 4.C-21.) Individual projects that would generate emissions below SCAQMD's significance thresholds would not contribute considerably to any potential cumulative impact. (*Id.*; Attachment 1.) Based on SCAQMD's approach in

developing its significance thresholds, SCAQMD does not recommend any quantified analyses of the emissions generated by a set of cumulative development projects. As summarized in the Draft EIR, the Project would not generate emissions in excess of SCAQMD's mass daily emissions thresholds. (Draft EIR, Tables 4.C-9 and 4.C-10.) Pursuant to the SCAQMD guidance, no further quantitative analysis of cumulative air quality impacts was required. (*See* Attachment 1.)

B. Substantial Evidence Supports the Finding that the Project's Mitigation Measure MM C-1 for Construction Equipment is Feasible and Will Mitigate the Project's Construction Air Quality Impacts

CREED next asserts that the Project's Mitigation Measure C-1 is not enforceable or feasible.² As explained in the Draft EIR and in other submissions from the Project Applicant during the administrative process, MM C-1 is feasible and will mitigate all of the Project's construction emissions below the significance thresholds. (Draft EIR, pp. 4.C-23 to 4.C-24; *see also* air quality expert analysis in Attachment 1 and attached to Letters from Alston & Bird dated May 15, 2019 and September 27, 2019.) Tier 4-certified engines have been phased in nationwide since 2008 for all engine types. Most of the equipment used for the Project's construction can utilize the available product from contractors that has been required for new equipment for at least three to five years. Tier-4 technology is proven and technologically feasible. (*See* Attachment 1 and Letters from Alston & Bird dated May 15, 2019 and September 27, 2019.) In the metropolitan Los Angeles area, the equipment is readily available and has been employed on numerous construction sites for the past few years, depending on equipment mix. (*Id.*) MM C-1 also allows that in the event where inavailability can be demonstrated to the lead agency, alternate emissions control devices can be approved that achieve the same performance standard. Those devices could include use of alternate equipment, changes in load factor or duty cycle, and other operational methods. (Attachment 1.)

CREED further asserts that MM C-1 does not distinguish between Tier 4 interim and Tier 4 final technology. However, the mitigation measure targets the use of Tier-4 certified engines, not Tier 4-interim certified engines. (Attachment 1.) Moreover, the mitigation measure is fully enforceable. The Project will comply with the Mitigation Monitoring Program ("MMP") adopted for the Project. The MMP states that for MM C-

² Mitigation Measure C-1 requires the following: All off-road construction equipment greater than 50 hp shall meet USEPA Tier 4 emission standards to reduce NOx and PM2.5 emissions at the Project Site. In addition, all construction equipment shall be outfitted with Best Available Control Technology devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. At the time of mobilization of each applicable unit of equipment, a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided.

1, SCAQMD will be the enforcement agency and the Los Angeles Department of Building and Safety will be the monitoring agency. Further, the MMP specifies that the monitoring will occur before and during construction, and will be monitored at the Project plan check and periodically during field inspections. (MMP, pp. 4-3 to 4-4.) Pursuant to MM C-1, the Applicant must provide a copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit at the time of mobilization of each applicable unit of equipment.

C. Substantial Evidence Supports the EIR's Analysis of the Project's Operational Air Quality Impacts

CREED next asserts that the EIR failed to adequately disclose and mitigate the Project's operational air quality impacts because the EIR did not include emissions from mobile sources in its comparison to the LST. However, that concern mischaracterizes how the EIR evaluated the Project's air quality impacts pursuant to SCAQMD guidance. SCAQMD LSTs are evaluated based on a Project's *on-site* operational emissions. (Attachment 1.) As summarized in the Draft EIR, the Project's on-site operational emissions come from area and energy sources, which combined emit less than one lb/day for the localized non-attainment pollutants PM₁₀ and PM_{2.5}. (Draft EIR, pp. 4.C-18 to 4.C-19; Attachment 1.) Those emissions would not exceed the LST for PM₁₀ and PM_{2.5}.

The Project's operational emissions from mobile sources are generated off-site, and are therefore not compared to the SCAQMD's LSTs. (Attachment 1.) The operational emissions from mobile sources are based on activity data from the Project's traffic study, as shown in the CalEEMod documentation included in Appendix E-1 to the Draft EIR. Based on SCAQMD guidance, the Project's mobile sources would have a significant impact if the Project-related traffic caused CO concentrations to violate the CAAQS for either the one- or eight-hour period. (Draft EIR, p. 4.C-12.) Emissions from the Project's mobile sources would not result in exceedances of those CO concentrations at roadways in the Project area. (Draft EIR, pp. 4.C-19 to 4.C-20.) Therefore, impacts from mobile sources would be less than significant. (Attachment 1.)

IV. Substantial Evidence Supports the Conclusions in the Health Risk Assessment for the Project

CREED next asserts the Draft EIR failed to provide a full health risk assessment ("HRA") of the Project's potential air quality impacts. However, as explained in previous submissions from the Applicant to the City, neither the Project's construction nor its operational air quality impacts would trigger SCAQMD or City of Los Angeles requirements to conduct a full HRA for the Project. (Attachment 1.) Nevertheless, in response to an earlier comment, the City requested the preparation of an HRA to analyze the Project's construction impacts. The HRA was provided to the City on July 12, 2019, and the HRA validated the Draft EIR's conclusion that all Project air quality impacts would be less than significant during construction. (Attachment 1.)

Operational impacts on human health are expected to be even less, given the absence of any significant on-site sources of diesel particulate matter or other carcinogenic emissions. (Attachment 1.) Operation of the mixed-use facility on the Project site would produce fewer on-site diesel particulate emissions than construction activities, which include a number of off-road engines used for construction-related activities. (Attachment 1.) Further, the operation of a mixed-use residential and commercial facility is not a land use that either the California Air Resources Board (“CARB”) or the SCAQMD has identified as a potential source of acutely and chronically hazardous toxic air contaminants (“TACs”), such as industrial manufacturing facilities or trucking distribution centers. (Attachment 1.)

V. Substantial Evidence Supports the City’s Analysis that the Project’s Construction Noise Impacts will be Less than Significant

CREED next asserts that the mitigation measures MM I-1 and MM I-2, which will mitigate the Projects construction noise impacts to less than significant levels, are not effective or enforceable.³ CREED asserts that there is no evidence to support the assumption that contractors will be able to implement mitigation measures requiring mufflers for construction equipment to reduce noise levels by 3 dBA. As confirmed by the analysis of the noise expert in Attachment 2 to this letter, substantial evidence supports the feasibility of MM I-1 to reduce noise levels by 3 dBA. MM I-1 incorporates the construction noise reduction mitigation recommended by the L.A. CEQA Thresholds Guide. (See L.A. CEQA Thresholds Guide page I.1-5, “Sample Mitigation Measures”.) The L.A. CEQA Thresholds Guide relies on an EPA study, which showed that the equipment mufflers should reduce excavation and grading phase noise levels by 3 dBA. (See L.A. CEQA Thresholds Guide Exhibit I.1-2; Attachment 2.) Based on the experience relied on in the L.A. CEQA Thresholds Guide, substantial evidence supports the feasibility of MM I-1 reducing noise levels by 3 dBA.⁴ In addition, as summarized in Attachment 2, the expert noise consultant has reviewed specifications from manufacturers, which demonstrate how aftermarket mufflers reduce noise by over 3 dBA.

CREED also asserts it is not feasible for the Project to comply with MM I-2 by moving and repositioning temporary noise barriers during construction. Yet the analysis attached to CREED’s letter acknowledges that moveable noise barriers are available. As explained in Attachment 2, the grading plan for the Project would permit the use of

³ Mitigation Measure I-1 requires the following: All capable diesel-powered construction vehicles shall be equipped with exhaust mufflers or other suitable noise reduction devices. Mitigation Measure I-2 requires the following: Temporary sound barriers capable of achieving a sound attenuation of at least 15 dBA shall be erected along the Project’s boundaries facing Santee Court Apartments. Temporary sound barriers capable of achieving a sound attenuation of at least 6 dBA shall be erected along all other Project construction boundaries.

⁴ CEQA requires that lead agencies rely on substantial evidence that supports the feasibility of mitigation measures. (See *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 245.)

moveable noise barriers across the site to ensure that equipment such as excavators do not operate with an unobstructed line of sight to sensitive receptors. The level topography of the South Building on the Project site and the single propose sub-grade level would allow for the easy positioning and movement of these barriers to shield construction activities, no matter where they may occur on-site. (Attachment 2.) There are numerous free-standing temporary noise barrier systems up to 24 feet in height that may be positioned manually. (Attachment 2.) In addition, the Project's grading activities can be sequenced in a way that permits the positioning and re-positioning of barriers based on the location of grading vehicles and their activities in order to obstruct direct lines of sight to sensitive receptors. (Attachment 2.) As demonstrated in the Draft EIR and other submissions from the Applicant, implementation of MM I-2 would effectively mitigate the Project's potential construction noise impacts to less than significant levels. (Draft EIR, 4.I-21 to 4.I-23; *see also* expert analysis attached to Letter from Alston & Bird dated September 27, 2019.)

CREED further asserts that the summary of MM I-1 and MM I-2 in the City's Appeal Response is not consistent with the actual requirements of MM I-1 and MM I-2. Yet, CREED's letter mischaracterizes the City's Appeal Response and what is required under the two mitigation measures. CREED cites to portions of the City's Appeal Response in which the City summarized the mitigation measures, but did not quote the mitigation measures directly. CREED's conclusion that MM I-1 must reduce construction noise by 3 dBA is a misstatement. Similarly, CREED's letter mischaracterizes the City's Appeal Response, which only summarizes the requirements of MM I-2. MM-I-2 itself, which the Project must implement, establishes a clear performance standard of requiring a sound barrier capable of achieving sound attenuation of at least 15 dBA along the Project's boundary facing Santee Apartments.

Finally, MM I-1 and MM I-2 are fully enforceable. The Project will comply with the MMP. The MMP states that for both MM I-1 and MM I-2, DBS will be the enforcement and monitoring agency. Monitoring for MM I-1 will occur periodically during construction, and monitoring for MM I-2 will occur once at Project plan check prior to the issuance of a grading permit and once at field inspection during construction. (MMP, p. 4-5.) Based on the Project's EIR and other Applicant submissions to the City, substantial evidence in the record supports the City's findings that the Project's impacts related to construction noise will be less than significant with implementation of MM I-1 and MM I-2.

VI. Substantial Evidence Supports the City's Findings for the Project's Tract Map Approval Under the Subdivision Map Act

As summarized above and demonstrated in the Project's EIR, the Errata to the Final EIR, and in previous submissions to the City, substantial evidence in the administrative record supports the determination that the EIR fully complies with CEQA's requirements. Substantial evidence in the administrative record also supports the finding that the Project is consistent with all applicable land use plans. Additionally,

substantial evidence supports the City's findings as required to approve the Tract Map under the relevant Subdivision Map Act provision (Gov. Code, § 66474) and Los Angeles Municipal Code section 17.15. (See Advisory Agency Determination, pp. 123-129 and CPC Letter of Determination for Case No. VTT-74568-1A, pp. F-96 to F-102.) The Advisory Agency and CPC expressly found that the Tract Map is not likely to cause substantial environmental damage, as the Project's EIR concluded the Project would not lead to significant impacts. In addition, the Advisory Agency and CPC expressly found that the Tract Map is not likely to cause serious public health problems. CREED has not provided evidence that contradicts the substantial evidence supporting those two findings.

For the reasons discussed in this letter, in the City's environmental review for the Project, and in previous submissions by the Applicant to the City during the administrative process, substantial evidence in the record supports the City's environmental review of the Project and the City's findings for the Project's approvals. Accordingly, we urge the City Council to deny CREED's appeal and approve the Project's remaining entitlements. We look forward to the City's further consideration of the Project.

Very truly yours,



Edward J. Casey

EJC/dtc

cc: Via Email:
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ATTACHMENT 1



DOUGLASKIM+ASSOCIATES,LLC

To: Stacie Henderson, CAJA
From: Douglas Kim, AICP
CC:
Date: November 7, 2019
Re: Responses to CREED's October 29,
2019 Comments on Southern
California Flower Market Air Quality
Analysis

This Memorandum provides responses to the four comments related to the City's air quality analysis presented in the letter submitted by CREED to the City on October 29, 2019 (pp. 9-13).

1. Comment: The EIR fails to adequately disclose and analyze the significant cumulative impacts of the Project and related construction projects.
 - a. Response: The SCAQMD's *CEQA Air Quality Handbook* (November 1993) provides standards, methodologies, and procedures for conducting air quality analyses under CEQA. Pursuant to that SCAQMD guidance, projects that exceed the daily localized significance thresholds (LST) would cause a cumulatively considerable increase in emissions for non-attainment pollutants. SCAQMD developed the LSTs to represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, accounting for regional growth. The SCAQMD LSTs are established such that if every project's air quality impacts were below the SCAQMD's LSTs, each of those projects would not contribute to an exceedance of ambient air quality standards. Therefore, the SCAQMD's LSTs account for cumulative air quality impacts.

The air basin is considered non-attainment for the localized pollutants PM₁₀ and PM_{2.5} (ozone is a regional pollutant and not subject to the LST standards established by SCAQMD). The proposed project's emissions would not result in a considerable increase in PM₁₀ and PM_{2.5} emissions, as noted in Table 4.C-10 of the DEIR.

SCAQMD does not require dispersion modeling to analyze the cumulative impact of multiple construction sites. Instead, each project would be responsible for addressing construction-related impacts through the CEQA process to ensure that the Ambient Air Quality Standards (AAQS) for these localized non-attainment pollutants are not exceeded.

2. Comment: The EIR's Mitigation Measure MM C-1 fails to effectively mitigate the air quality impacts from construction emissions.

- a. Response: As noted in the extensive responses to comments dated May 15, 2019 and the September 27, 2019 letter from Alston & Bird, Mitigation Measure MM C-1 is a feasible mitigation measure for two reasons. First, there is over a decade of phase-in of these increasingly stringent U.S. EPA engine standards that now address all classes of engines to be employed at the project site. Second, the mitigation measure allows that where engine inavailability can be demonstrated to the lead agency, alternate emissions control devices can be approved that achieve the same performance standard. This could include use of alternate equipment, changes in load factor or duty cycle, and other operational methods.

These two factors render this mitigation measure eminently feasible, as required by CEQA. It should be noted that the measure refers to the use of Tier 4-certified engines, not the less effective Tier 4-interim certified engines. As a result, engines that are certified to the final Tier 4 standards are targeted by this mitigation measure.

3. Comment: The EIR fails to adequately disclose and mitigate potentially significant levels of operational emissions.

- a. Response: The commentor states that operational emissions of PM₁₀ and PM_{2.5} exceed the localized significance thresholds (LST) of 6 and 2 lb/day for these classes of particulate matter. However, the LSTs are judged against on-site operational emissions. In this case, those on-site sources of emissions are from area and energy sources which combined emit less than one lb/day for both PM₁₀ and PM_{2.5}. Mobile source emissions are generated off-site and are not compared to the LSTs. The operational emissions from mobile sources are based on the activity data from the project traffic study, as shown in the CalEEMod documentation. Emissions from the Project's mobile sources would not result in exceedances of CO health-based standards at roadways in the Project area. (Draft EIR, pp. 4.C-19 to 4.C-20) Therefore, impacts from mobile sources would be less than significant.

4. Comment: The EIR fails to include an analysis of health risk impacts, as required by CEQA.

- a. Response: As noted in the extensive response to comments from the September 27, 2019 letter from Alston & Bird, the DEIR adequately addresses CEQA's requirements and caselaw concerning the required analysis of health impacts, as neither construction nor operation of the proposed project would trigger SCAQMD or City of Los Angeles requirements for any health risk assessment (HRA). Nevertheless, in response to an earlier comment, an HRA analyzing construction impacts

was performed that validated the DEIR's conclusion that impacts would be less than significant.

Operational impacts on human health would be expected to be less, given the absence of any significant on-site sources of diesel particulate matter or other carcinogenic emissions. Specifically, the operation of a mixed-use residential and commercial facility is not a land use that CARB and SCAQMD identify as potential sources of acutely and chronically hazardous TACs, such as industrial manufacturing facilities or trucking distribution centers. Further, operation of the mixed-use facility would produce fewer on-site diesel particulate emissions than construction activities, which include a number of off-road engines used for construction-related activities. As noted earlier, the construction HRA concluded there would be no impacts from TAC emissions on human health.

Finally, I have reviewed the October 28, 2019 letter from Clark & Associates and his air quality findings. I appreciate his perspectives but remain confident that our analysis provides credible justification that supports the findings published in the Draft EIR.

ATTACHMENT 2

To: Stacie Henderson, CAJA
From: Noah Tanski
Date: November 6, 2019
RE: Responses to the CREED LA
Comments Dated October 29, 2019

This memo provides responses to comments dated October 29, 2019, from the Coalition for Responsible Equitable Economic Development (CREED LA) that relate to the noise and vibration analysis for the Southern California Flower Market Draft Environmental Impact Report. The responses herein specifically address Wilson Ihrig's "Review and Comment on Appeal Response Noise Comments" letter (dated October 28, 2019).

The latest Wilson Ihrig letter continues to build upon comments submitted as part of Wilson Ihrig's previous letters for CREED LA. It maintains that there is a lack of substantial evidence supporting the efficacy of exhaust mufflers required by the DEIR's Mitigation Measure I-1, and it questions the feasibility of positioning noise barriers to ensure that lines of sight from construction equipment to nearby receptors are blocked. Additionally, the latest Wilson Ihrig letter claims that the wording of Mitigation Measure I-2 does not comport with claims made in the latest Appeal Response. The Wilson Ihrig letter mischaracterizes what is actually required in the mitigation measures and how the City summarized those mitigation measures in the Appeal Response.

In the response letters dated August 7, 2019 ("Responses to the CREED LA Comments"), and September 27, 2019 ("Responses to the CREED LA Comments Dated September 5, 2019"), it is discussed that the DEIR's Mitigation Measure I-1 incorporates the construction noise reduction mitigation recommended by the L.A. CEQA Thresholds Guide. (See L.A. CEQA Thresholds Guide page I.1-5, "Sample Mitigation Measures".) The L.A. CEQA Thresholds Guide is based on the City's experience and relies on an EPA study that shows the use of that construction noise mitigation should reduce noise levels by 3 dBA. (See L.A. CEQA Thresholds Guide Exhibit I.1-2.) In addition, I have reviewed spec sheets from manufacturers that demonstrate how aftermarket mufflers reduce noise by over 3 dBA. As an extra layer to be conservative, construction-related noise increases at all receptors would not exceed the 5 dBA threshold of significance without the implementation of Mitigation Measure I-1; therefore, the implementation of this measure would not compromise the mitigation of the Project's construction noise impacts. For example, Textile Building Lofts is currently projected to experience a construction-related noise increase of 1.3 dBA L_{eq} after the implementation of Mitigation Measures I-1 and I-2. However, without any noise mitigation attributable to Mitigation Measure I-1, the projected construction-related noise increase would be 2.3 dBA L_{eq} . Santee Court Apartments is currently projected to experience a construction-related noise increase of 1.6 dBA L_{eq} after the implementation of Mitigation Measures I-1 and I-2, and it would experience a noise increase of 2.8 dBA L_{eq} without Mitigation Measure I-1. Both impacts would remain below the 5 dBA L_{eq} noise increase threshold. Nevertheless, Mitigation Measure I-1 ensures that the exhaust systems of all diesel-powered construction vehicles are properly muffled. In addition, the requirement required through MM I-1 is widely used in the industry and construction projects in the LA area.

Regarding noise barrier mitigation, the previous response letters discuss how the grading plan for the South Building site would permit the use of moveable noise barriers across the site to ensure that equipment such as excavators do not operate with an unobstructed line of sight to upper-story Textile Building Lofts and Santee Court Apartments residences, and the latest Wilson Ihrig letter acknowledges that these types of noise barriers are available. The level topography of the South Building site and single proposed sub-grade level would allow for the easy positioning and movement of these barriers to shield construction activities, no matter where they may occur on-site. There are numerous free-standing temporary noise barrier systems used in the industry up to 24 feet in height that may be positioned manually or by vehicles such as construction forklifts and/or loaders. As it is anticipated that manually-positioned barriers would be utilized, the positioning of these barriers would not introduce additional noise from other construction vehicles, though it should be noted that noise levels from vehicles such as forklifts or skid-steer loaders would not be as loud as noise levels from large grading vehicles such as excavators and bulldozers. As discussed, it is possible for the Project's grading activities to be sequenced in a way that permits the positioning (and re-positioning) of these barriers based on the location of grading vehicles and their activities in order to obstruct direct lines of sight to Textile Building Lofts and Santee Court Apartments residences. Additionally, it should be considered that the 5 dBA L_{eq} noise increase threshold is measured over one hour. The periodic movement of construction vehicles and noise barriers to various site locations could result in temporary instances when these vehicles' lines of sight to receptors are not fully shielded. Nevertheless, momentary noise increases associated with these occasional sequences would not contribute substantially to noise increases that are averaged over a one-hour period (the South Building site is modest in size, and equipment movement would therefore be over short distances). Thus, continuous shielding would not be required to achieve the 5 dBA L_{eq} noise increase threshold.