

## **II. Responses to Comments**

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### **A. Introduction**

Sections 21091(d) and 21092.5 of the Public Resources Code (PRC) and CEQA Guidelines Section 15088 govern the lead agency's responses to comments on a Draft EIR. CEQA Guidelines Section 15088(a) states that "[T]he lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The lead agency shall respond to comments that were received during the notice comment period and any extensions and may respond to late comments." In accordance with these requirements, this section of the Final EIR provides the responses prepared by the City of Los Angeles Department of City Planning (City) to each of the written comments received regarding the Draft EIR.

Section II.B, Matrix of Comments Received on the Draft EIR, includes a table that summarizes the environmental issues raised by each commenter regarding the Draft EIR. Section II.C, Responses to Comments, provides the City's responses to each of the written comments raised in the comment letters received on the Draft EIR. Copies of the original comment letters are provided in Appendix FEIR-1 of this Final EIR.

## II. Responses to Comments

### B. Matrix of Comments Received on the Draft EIR

Table II-1  
Matrix of Comments Received on the Draft EIR

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Air Quality	Cultural Resources	Greenhouse Gas Emissions	Land Use	Noise	Tribal Cultural Resources	Energy Conservation and Infrastructure	Alternatives	Other CEQA Considerations	General/CEQA	Support
1	Scott Morgan Director State Clearinghouse Office of Planning & Research 1400 Tenth St. Sacramento, CA 95814-5502													X	
2	Mia Edmonson IGR/CEQA Branch Chief Caltrans District 7 100 S. Main St., MS 16 Los Angeles, CA 90012-3721												X		

**Table II-1 (Continued)  
Matrix of Comments Received on the Draft EIR**

Letter No.	Commenter	Executive Summary	Project Description	Environmental Setting	Air Quality	Cultural Resources	Greenhouse Gas Emissions	Land Use	Noise	Tribal Cultural Resources	Energy Conservation and Infrastructure	Alternatives	Other CEQA Considerations	General/CEQA	Support
3	<p>Alina Mullins Assist. Air Quality Specialist, CEQA IGR Planning, Rule Development &amp; Area Sources SCAQMD 21865 Copley Dr. Diamond Bar, CA 91765-4178</p> <p>Lijin Sun, J.D. Program Supervisor, CEQA IGR Planning, Rule Dev. &amp; Area Sources SCAQMD 21865 Copley Dr. Diamond Bar, CA 91765-4178</p>				X										
4	<p>Pete Cooke Site Mitigation and Restoration Program—Chatsworth Office Department of Toxic Substances Control 9211 Oakdale Ave. Chatsworth, CA 91311-6520</p>												X		
5	<p>Pete Cooke Site Mitigation and Restoration Program—Chatsworth Office Department of Toxic Substances Control 9211 Oakdale Ave. Chatsworth, CA 91311-6520</p>												X		

**Table II-1 (Continued)  
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6	Ali Poosti Division Manager Wastewater Engineering Services Division LA Sanitation												X		

## **II. Responses to Comments**

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### **C. Comment Letters**

#### **Comment Letter No. 1**

Scott Morgan  
Director  
State Clearinghouse  
Office of Planning & Research  
1400 Tenth St.  
Sacramento, CA 95814-5502

#### **Comment No. 1-1**

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 4, 2019, 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 211 04(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.

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

This comment acknowledges receipt of the Draft EIR by the State of California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, and compliance with State Clearinghouse review requirements for draft environmental documents, in accordance with CEQA. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 1-2**

Attachment 1: Document Details Report—State Clearinghouse Data Base (1 page)

**Response to Comment No. 1-2**

The attachment includes basic information regarding the Draft EIR and Lead Agency contact information as set forth in the State Clearinghouse Data Base.

**Comment No. 1-3**

Attachment 2: Department of Toxic Substances Control comment letter dated Dec. 21, 2018 (2 pages)

**Response to Comment No. 1-3**

For responses to the attached comment letter from Department of Toxic Substances Control, refer to Comment Letter No. 3 and 4, below.

**Comment Letter No. 2**

Mia Edmonson  
IGR/CEQA Branch Chief  
Caltrans District 7  
100 S. Main St., MS 16  
Los Angeles, CA 90012-3721

**Comment No. 2-1**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project would involve the development of a new residential building on a 5,506-sq. ft. or approx. 0.13-acre site comprised of two parcels located within the Central City Community Plan Area of the City of Los Angeles. The Project includes 51 residential units, which would consist of 50 Restricted Affordable Efficiency Dwelling units and one manager's unit, residential supportive service uses, and one parking space. The proposed uses would be located within an eight-story building comprised of 33,007 sq. ft. including 433 sq. ft. of residential supportive service uses. To accommodate the new uses, the existing 14,475 sq. ft. residential building, which contains 46 new Very Low Income single room occupancy (SRO) units and one manager's unit, would be demolished .

**Response to Comment No. 2-1**

This introductory comment, which provides an accurate summary of the Project, is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 2-2**

After reviewing the Draft Environmental Impact Report (DEIR), Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities.

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

This comment noting Caltrans' determination regarding the Project's potential effect to existing state transportation facilities is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment No. 2-3**

Additionally, Caltrans seeks to provide equitable mobility options for people who are economically, socially, or physically disadvantaged. Therefore, we ask the Lead Agency to evaluate future development for access problems, Vehicles Miles Traveled (VMT) and service needs that may need to be addressed.

**Response to Comment No. 2-3**

This comment asks the Lead Agency to evaluate future development for access problems, Vehicle Miles Traveled, and service needs that may need to be addressed in an effort to provide equitable mobility options for people who are economically, socially, or physically disadvantaged. While this comment does not address any specific issue in the Draft EIR, with regard to the comment regarding equitable mobility options, as described in the Draft EIR, the Project is located within a Transit Priority Area (TPA) and high quality transit area (HQTA). The Project Site is also located approximately 0.5 mile southwest of the Metro Gold Line Little Tokyo/Arts District Station. In addition, the Project Site is served by various bus lines, including Metro Rapid, Metro Local, and Los Angeles Department of Transportation (LADOT) Downtown Area Shuttle (DASH) lines. The Project would also provide required short- and long-term bicycle parking spaces in compliance with the requirements of the Los Angeles Municipal Code (LAMC). This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 2-4**

Furthermore, we encourage the Lead Agency to actively promote a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. Such alternatives include: incentives for commuters to use transit, park-and-ride lots, discounts on month-long bus and rail passes, shuttle buses, vanpools, etc. These alternatives can be significant to reducing car trips, to the extent that more of the population shifts to transit for some of their inter-regional trips and thus future cumulative traffic impacts to freeways may be satisfactorily mitigated, thereby reducing VMT.

For additional TOM options, please refer to the Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online:

<http://www.ops.fhwa.dot.gov/publications/hfwahop12035/fhwahop12035.pdf>

Any reduction in vehicle speed benefits pedestrian and bicyclist safety since there is a direct link between impact speeds and the likelihood of fatality. Methods to reduce

pedestrian and bicyclist exposure to vehicles improve safety by lessening the time that the user is in the likely path of a motor vehicle. These methods include the construction of physically separated facilities such as sidewalks, raised medians, refuge islands, and off-road paths and trails, or a reduction in crossing distances through roadway narrowing.

### **Response to Comment No. 2-4**

This comment provides the Lead Agency with suggested measures to actively promote sufficient allocation of fair share contributions to multi-modal and regional transportation improvements to mitigate cumulative impacts to regional transportation, trip reduction measures, and measures to promote pedestrian and bicycle safety. Note that the Project includes a net increase of four dwelling units and does not include parking for residents, which discourages vehicular travel. As such, the Project would not result in cumulative impacts to the transportation system that would result in the need for mitigation measures such as fair share contributions to multi-modal and regional transportation. Furthermore, the Project Site is located in close proximity to numerous bus lines and the Metro Gold Line Little Tokyo/Arts District Station is located approximately 0.5 miles north of the Project Site. As such, residents would have the opportunity to use public transit in lieu of private vehicles. The Project would also include a landscaped sidewalk separating pedestrians from vehicles, which would promote pedestrian safety. In addition, the Project would provide a bicycle parking area, and bike room to reduce vehicle miles traveled. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### **Comment No. 2-5**

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

### **Response to Comment No. 2-5**

As discussed in Section II, Project Description, of the Draft EIR, haul trucks would travel to and from the Project Site on approved truck routes between the Project Site and I-110 via East 5th Street and East 6th Street or US-101 via East 5th Street to Los Angeles Street. The Project will obtain required permits for the transportation of demolished building materials and excavated soil.

### **Comment No. 2-6**

If you have any questions, please contact Carlo Ramirez, the project coordinator, at [carlo.ramirez@dot.ca.gov](mailto:carlo.ramirez@dot.ca.gov), and refer to GTS #07-LA-2018-02133.

**Response to Comment No. 2-6**

The comment provides the contact information for a Caltrans staff member. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment Letter No. 3**

Alina Mullins  
Assistant Air Quality Specialist, CEQA  
IGR Planning, Rule Development & Area Sources  
South Coast Air Quality Management District  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178

Lijin Sun, J.D.  
Program Supervisor, CEQA IGR  
Planning, Rule Development & Area Sources  
South Coast Air Quality Management District  
21865 Copley Dr.  
Diamond Bar, CA 91765-4178

**Comment No. 3-1**

Attached are SCAQMD staffs comments on the Draft Environmental Impact Report (Draft EIR) for the Proposed 713 East 5th Street Project (SCH No. 2018061005) (SCAQMD Control Number: LAC181221-10). The original, electronically signed letter will be forwarded to your attention by regular USPS mail. SCAQMD staff comments are meant as guidance for the Lead Agency and should be reviewed for incorporation into the Draft EIR. Please contact me if you have any questions regarding these comments

**Response to Comment No. 3-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 3-2**

South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated into the Final EIR.

**SCAQMD Staffs Summary of Project Description**

The Lead Agency proposes to demolish a 14,475-square-foot building and construct a 33,007-square-foot building with 51 residential units on 0.13 acres. (Proposed Project). The Proposed Project is located on the northwest corner of Stanford Avenue and 5th Street

in the community of Central City. Based on a review of the Draft EIR, SCAQMD staff found that the Proposed Project is located within 600 feet a cold storage distribution center<sup>1</sup>.

### SCAQMD Staffs Summary of Air Quality Analysis

In the Air Quality Analysis section, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to SCAQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analyses, the Lead Agency found that the Proposed Project's construction and operational air quality impacts would be less than significant<sup>2</sup>. Additionally, for the purpose of disclosing the potential health risks as useful information to future residents living within 600 feet of the cold storage distribution center, the Lead Agency prepared a Health Risk Assessment (HRA) for the Proposed Project and found that the residential cancer risk would be 2.1 in one million, which is below SCAQMD's CEQA significance threshold of 10 in one million for cancer risk<sup>3</sup>.

<sup>1</sup> Draft EIR. Section IV A. Page IV.A-49.

<sup>2</sup> Ibid. Page IV.A-24 - 52.

<sup>3</sup> Ibid. Page IV.A-50.

### Response to Comment No. 3-2

The commenter correctly summarizes the project description for the Project as well as the summary of the analysis provided in Section IV.A, Air Quality, of the Draft EIR, as it relates to impacts from diesel particulate matter at off-site cold storage facilities in the vicinity of the Project Site. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

### Comment No. 3-3

#### Enhanced Filtration Units and Limitations

Notwithstanding the court rulings, SCAQMD staff recognizes that the Lead Agencies that approve CEQA documents retain the authority to include any additional information they deem relevant to assessing and mitigating the environmental impacts of a project. A cold storage distribution center is a potential source of air pollution because it is capable of generating or attracting heavy-duty, diesel-fueled trucks during operation that emit diesel particulate matter (DPM). The California Air Resources Board has identified DPM as a toxic air contaminant based on its carcinogenic effects<sup>4</sup>. Because of SCAQMD's concern about the potential public health impacts of siting sensitive populations within close proximity of a cold storage distribution center, SCAQMD staff recommends that the Lead

Agency review and consider the following comments when making local planning and land use decisions.

Many strategies are available to reduce exposure, including , but not limited to, building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location ; vegetation barriers or landscaping screening, etc. Because of the potential adverse health risks involved with siting sensitive receptors near land uses that generate or attract heavy-duty, diesel-fueled trucks, such as a cold storage distribution center , SCAQMD staff recommends that the Lead Agency require the installation of MERV 13 filters or better at the Proposed Project in the Final EIR.

SCAQMD staff also recommends that the Lead Agency consider the limitations of the enhanced filtration. For example, in a study that SCAQMD conducted to investigate filters<sup>5</sup>, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy costs to the residents. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. Moreover, these filters have no ability to filter out any toxic gases from vehicle exhaust. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to DPM emissions.

<sup>4</sup> California Air Resources Board. August 27, 1998. Resolution 98-35. Accessed at: <http://www.arb.ca.gov/regact/diesltac/diesltac.htm>.

<sup>5</sup> This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by SCAQMD: <http://d7.iqair.com/sites/default/files/pdf/Polidori-et-al-2012.pdf>.

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

The Health Risk Assessment, provided in Appendix B, of the Draft EIR, identified a cancer risk of 2.1 in one million at the Project Site, which is below the significance threshold of 10 in one million. As a conservative approach, the cancer risk calculated at the Project Site assumed no air filtration or other measures to limit exposure to air pollutants. As the unmitigated cancer risk at the Project Site is below significance thresholds, no additional mitigation measures such as MERV 13 filtration is required. However, the Project will comply with CALGreen, Title 24 and City of Los Angeles Building Codes with regards to air filtration requirements, which currently require MERV 8 filtration.

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**Comment No. 3-4****Enforceability of Enhanced Filtration Units**

If enhanced filtration units are required for the Proposed Project, and to ensure they are enforceable throughout the lifetime of the Proposed Project and effective in reducing exposures to DPM emissions, SCAQMD staff recommends that the Lead Agency make the installation of enhanced filtration units a project design feature and provide additional details on ongoing, regular maintenance, and monitoring of filters in the Final EIR. To facilitate a good faith effort at full disclosure and provide useful information to future residents at the Proposed Project, at a minimum, the Final EIR should include the following information:

- Disclose the potential health impacts to prospective residents from living in a close proximity to warehouses or distributions centers and the reduced effectiveness of the air filtration system when windows are open and/or when residents are outdoors (e.g., in the common usable open space areas);
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are installed on-site at the Proposed Project before a permit of occupancy is issued;
- Identify the responsible implementing and enforcement agency such as the Lead Agency to ensure that enhanced filtration units are inspected and maintained regularly;
- Disclose the potential increase in energy costs for running the HVAC system to prospective residents;
- Provide information to residents on where the MERV filters can be purchased;
- Provide recommended schedules (e.g., every year or every six months) for replacing the enhanced filtration units;
- Identify the responsible entity such as residents themselves, Homeowner ' s Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
- Identify, provide, and disclose ongoing cost sharing strategies, if any, for replacing the enhanced filtration units;
- Develop a City-wide or Proposed Project-specific process for evaluating the effectiveness of the enhanced filtration units.

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**Response to Comment No. 3-4**

As discussed above in Response to Comment No. 3-3, the cancer risk at the Project Site is below SCAQMD CEQA significance thresholds. Therefore, mitigation measures such as enhanced filtration (MERV 13) are not required. However, the Project will comply with CALGreen, Title 24 and City of Los Angeles Building Codes with regards to air filtration requirements.

**Comment No. 3-5****Conclusion**

Pursuant to California Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(b), SCAQMD staff requests that the Lead Agency provide SCAQMD staff with written responses to all comments contained herein prior to the certification of the Final EIR. In addition, issues raised in the comments should be addressed in detail giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice (CEQA Guidelines Section 15088(c)). Conclusory statements do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and to the public who are interested in the Proposed Project.

**Response to Comment No. 3-5**

In accordance with CEQA requirements, responses to SCAQMD's comments will be sent to the SCAQMD as part of the Final EIR distribution at least 10 days prior to any future certification of the EIR. The City, in making the findings for the Project, will comply with the requirements of Section 15091 of the CEQA Guidelines.

**Comment No. 3-6**

SCAQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Assistant Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov) or (909) 396-2402, should you have any questions.

**Response to Comment No. 3-6**

The comment provides the contact information for a SCAQMD staff member. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.



**Comment Letter No. 4**

Pete Cooke  
Site Mitigation and Restoration Program—Chatsworth Office  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311-6520

**Comment No. 4-1**

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

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

**Response to Comment No. 4-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 4-2**

- 1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.
- 2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.
- 3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.

**Response to Comment No. 4-2**

The analysis of the Project's potential impacts regarding hazards and hazardous materials was included in the Initial Study, provided in Appendix A, of the Draft EIR. The following is a summary of the analysis included therein. As discussed in the Initial Study, provided in Appendix A of the Draft EIR, as well as the Phase I Environmental Site Assessment (Phase I ESA), included in Appendix IS-8 of the Initial Study, the Project Site

was undeveloped from at least 1894, and has been developed for use as a residential hotel since at least 1924 with a storefront present until at least the late-1980s. During the site reconnaissance, no evidence of hazardous substances, aboveground storage tanks or underground storage tanks, spills, stains, or other indications of surficial release, polychlorinated biphenyls, strong pungent or noxious odors, pools of liquid, drains, sumps, or clarifiers, pits, ponds for lagoons, stressed vegetation, or environmental hazards, including landfill activities or radiological hazards, were observed or identified on the Project Site. Small quantities of general maintenance supplies were found to be properly labeled. In addition, the Phase I ESA did not identify any recognized environmental condition (REC), controlled recognized environmental condition (CREC), or historical recognized environmental condition (HREC) on the Project Site.

In addition, the Phase I ESA includes the results of consultation with local agency representatives and a review of available federal, state, and local databases including, but not limited to, Envirostor, Geotracker, ZIMAS, and the Division of Oil, Gas, and Geothermal Resources (DOGGR). The Project Site is listed in the HAZNET database for disposal of asbestos containing waste in 1994. The Phase I ESA states that as this was a one-time occurrence, with no reported violations, and the nature of waste removed, this is not considered to represent significant environmental concern to the Project Site. Various sites in the vicinity of the Project Site are listed in the California SWEEPS UST, California HST UST, and California FID UST for reportedly operating five USTs, including two 10,000-gallon gasoline tanks, one 10,000-gallon diesel tank, one 50-gallon waste oil tank, and one 1,000-gallon chemical tank. The USTs, which are located at 440 Towne Avenue directly northwest of the Project Site, were reportedly installed in 1970. The property was not identified as a leaking UST site. Based on the lack of documented release, this listing is not expected to represent a significant environmental concern at this time.

Based on the age of the existing building on-site, there is a possibility that asbestos-containing materials (ACM) and lead-based paint (LBP) may be encountered during building demolition. In the event any suspect ACMs or LBP is found, the Project would adhere to all federal, state, and local regulations prior to their disturbance and removal. These regulations include, but are not limited to, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the federal and state Occupational Safety and Health Acts, SCAQMD Rule 1403 pertaining to asbestos emissions from renovation/demolition activities, and the Residential Lead-Based Paint Reduction Act. With regard to ACMs, in accordance with SCAQMD Rule 1403, the Project would be required to conduct a comprehensive asbestos survey prior to demolition. In the event that either ACMs or LBPs are found within areas proposed for demolition, abatement of ACMs would need to be performed. Abatement, air monitoring and final certification for abatement of ACMs would comply with all federal, state, and local regulations, including National Emission Standards for Hazardous Air Pollutants (NESHAPS, per Section 112 of the CAA), Cal/OSHA and South Coast Air Quality District (SCAQMD). The Project would also

implement an Operations and Maintenance Program in order to safely manage any ACMs or LBPs found on the Project Site. Mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs and LBP to less-than-significant levels.

The current uses on the Project Site and adjoining properties are not the types of uses that are indicative of the use, treatment, storage, disposal, or generation of significant quantities of hazardous substances or petroleum products. As described above and in the Phase I ESA, no evidence or record of on-site underground storage tanks (UST) or aboveground storage tanks (AST) was found. In the event that an UST is unexpectedly encountered on-site during site clearance, it would be appropriately documented and removed according to Los Angeles Fire Department (LAFD) regulations.

According to ZIMAS, the Project Site is located within a Methane Buffer Zone. Methane Buffer Zone sites include sites immediately surrounding gas sources and where testing and sometimes mitigation is required by the City of Los Angeles Department of Building and Safety. The Project would comply with the City of Los Angeles' Methane Mitigation Ordinance No. 175790. The ordinance requires that each parcel that falls within a methane or methane buffer zone be evaluated for methane concentration and pressure and certified by an approved testing agency. Upon completion and certification, the highest concentration and pressure measures during the investigation determines the "design level" for the project. Adherence to the City of Los Angeles' Methane Mitigation Ordinance, the construction safety measures, as well as compliance with California Occupational Safety and Health Act safety requirements, would serve to avoid substantial risk in the event that elevated levels of these soil gases are encountered during grading and construction. Based on such safety provisions and appropriate monitoring, grading and construction activities associated with development within a Methane Buffer Zone are not expected to substantially expose construction workers to elevated levels of methane or other soil gases. In addition, as the permitting process would ensure that new development would comply with the City's Methane Mitigation Ordinance, the Project would not expose people or structures to substantial risk resulting from the release of a hazardous material, or from exposure to a health hazard, in excess of regulatory standards, associated with the release of methane gas. Furthermore, since the Project would involve limited grading activities that would include export of only 370 cubic yards, the potential to penetrate the Methane Buffer Zone is considered low.

Based on the above, current or historic uses at the Project Site have not resulted in any release of hazardous wastes/substances in the Project area. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

**Comment No. 4-3**

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

**Response to Comment No. 4-3**

Refer to Response to Comment No. 4-2, above. Based on the analysis provided in the Initial Study, included as part of Appendix A, of the Draft EIR, and the analysis provided in the Phase I ESA, included as Appendix IS-8 of the Initial Study, no soil contamination from the Project Site or surrounding uses is anticipated to be encountered during construction of the Project. However, in the event that contaminated soils are encountered during excavation, the nature and extent of the contamination shall be determined and appropriate handling, disposal and/or treatment shall be implemented in accordance with applicable regulatory requirements.

**Comment No. 4-4**

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

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

The comment provides the contact information for DTSC. This comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration.

## **Comment Letter No. 5**

Pete Cooke  
Site Mitigation and Restoration Program—Chatsworth Office  
Department of Toxic Substances Control  
9211 Oakdale Ave.  
Chatsworth, CA 91311-6520

### **Comment No. 5-1**

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

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

- 1) The draft EIR needs to identify and determine whether current or historic uses at the project site have resulted in any release of hazardous wastes/substances at the project area.
- 2) The draft EIR needs to identify any known or potentially contaminated site within the proposed project area. For all identified sites, the draft EIR needs to evaluate whether conditions at the site pose a threat to human health or the environment.
- 3) The draft EIR should identify the mechanism to initiate any required investigation and/or remediation for any site that may require remediation, and which government agency will provide appropriate regulatory oversight.
- 4) If during construction of the project, soil contamination is suspected, construction in the area should stop and appropriate health and safety procedures should be implemented. If it is determined that contaminated soil exists, the draft EIR should identify how any required investigation or remediation will be conducted, and which government agency will provide appropriate regulatory oversight.

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

**Response to Comment No. 5-1**

This comment is a duplicate of Comment Letter No. 4, above. No further response is required.

**Comment Letter No. 6**

Ali Poosti  
 Division Manager  
 Wastewater Engineering Services Division  
 LA Sanitation

**Comment No. 6-1**

This is in response to your December 20, 2018 letter requesting a review of your proposed residential building project located at 713–717 ½ East 5th Street, Los Angeles, 90013. The project will consist of 50 residential bachelor units, one two-bedroom unit, 433 square feet of residential supportive service uses and 1,640 square feet of common areas. LA Sanitation has conducted a preliminary evaluation of the potential impacts to the wastewater and stormwater systems for the proposed project.

**Response to Comment No. 6-1**

This introductory comment is noted for the administrative record and will be forwarded to the decision-makers for review and consideration. Specific comments regarding the Draft EIR are provided and responded to below.

**Comment No. 6-2****WASTEWATER REQUIREMENT**

LA Sanitation, Wastewater Engineering Services Division (WESD), is charged with the task of evaluating the local sewer conditions and to determine if available wastewater capacity exists for future developments. The evaluation will determine cumulative sewer impacts and guide the planning process for any future sewer improvement projects needed to provide future capacity as the City grows and develops.

**Projected Wastewater Discharges for the Proposed Project:**

Type Description	Average Daily Flow per Type Description (GPD/UNIT)	Proposed No. of Units	Average Daily Flow (GPD)
<i>Proposed</i>			
Residential: APT- Bachelor	75 GPD	50 UNITS	3,750
Residential: APT- 2 BDRM	150 GPD	1 UNITS	150
Residential supportive service uses and common area		2,073 SQ.FT	2,000
<b>Total</b>			<b>5,900</b>

## SEWER AVAILABILITY

The sewer infrastructure in the vicinity of the proposed project includes an existing 8-inch line on 5th St. The sewage from the existing 8-inch line feeds into a 24-inch line on Alameda St before discharging into a 40-inch sewer line on Alameda St. Figure 1 shows the details of the sewer system within the vicinity of the project. The current flow level (d/D) in the 8-inch line cannot be determined at this time without additional gauging.

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

Pipe Diameter (in)	Pipe Location	Current Gauging d/D (%)	50% Design Capacity
8	5 <sup>th</sup> St	*	245,921 GPD
10	Central Ave	*	445,885 GPD
10	Central Ave	*	441,012 GPD
10	6 <sup>th</sup> St	*	436,084 GPD
12	6 <sup>th</sup> St	*	676,120 GPD
24	Alameda St	40	2,879,895 GPD
40	Alameda St	24	13,515,238 GPD
40	8 <sup>th</sup> St	26	11,245,357 GPD

\* No gauging available

Based on the estimated flows, it appears the sewer system might be able to accommodate the total flow for your proposed project. Further detailed gauging and evaluation will be needed as part of the permit process to identify a specific sewer connection point. If the public sewer has insufficient capacity then the developer will be required to build sewer lines to a point in the sewer system with sufficient capacity. A final approval for sewer capacity and connection permit will be made at that time. Ultimately, this sewage flow will be conveyed to the Hyperion Water Reclamation Plant, which has sufficient capacity for the project.

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

### **Response to Comment No. 6-2**

The statement in the comment that “it appears the sewer system might be able to accommodate the total flow for your proposed project” is consistent with Checklist Question XVIII.b, of the Initial Study, provided in Appendix A, of the Draft EIR, which concludes that the existing sanitary sewer line in the vicinity of the Project Site (i.e., 5th Street) would have adequate capacity to accommodate the Project. In addition, the statement in the comment that the Hyperion Water Reclamation Plant “has sufficient capacity for the project” is



consistent with the Initial Study, which concludes that the Project-generated wastewater would be accommodated by the existing capacity of the HTP and impacts would be less than significant. It is noted that proposed wastewater flow for the Project provided in the table above in Comment No. 6-2 (5,900 gallons per day) is greater than the net proposed wastewater flow identified in the Initial Study (2,177 gallons per day). The net proposed wastewater flow identified in the Initial Study reflects the wastewater flow calculated in the Sewer Capacity Availability Request (SCAR) (5,650 gallons per day), included as Appendix IS-12, of the Initial Study, as well as the 433 square feet of office uses (52 gallons per day) and considers the existing water consumption (3,525 gallons per day). This net wastewater flow is less than the wastewater flow allotted by the approved SCAR. The Applicant will continue to work with the Bureau of Sanitation through the plan approval and construction process regarding permitted wastewater flows.

### **Comment No. 6-3**

#### **STORMWATER REQUIREMENTS**

LA Sanitation, Watershed Protection Program (WPP) is charged with the task of ensuring the implementation of the Municipal Stormwater Permit requirements within the City of Los Angeles. We anticipate the following requirements would apply for this project.

#### **POST-CONSTRUCTION MITIGATION REQUIREMENTS**

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

Current regulations prioritize infiltration, capture/use, and then biofiltration as the preferred stormwater control measures. The relevant documents can be found at: [www.lacitysan.org](http://www.lacitysan.org). It is advised that input regarding LID requirements be received in the early phases of the project from WPD's plan-checking staff.

## GREEN STREETS

The City is developing a Green Street Initiative that will require projects to implement Green Street elements in the parkway areas between the roadway and sidewalk of the public right-of-away to capture and retain stormwater and urban runoff to mitigate the impact of stormwater runoff and other environmental concerns. The goals of the Green Street elements are to improve the water quality of stormwater runoff, recharge local ground water basins, improve air quality, reduce the heat island effect of street pavement, enhance pedestrian use of sidewalks, and encourage alternate means of transportation. The Green Street elements may include infiltration systems, biofiltration swales, and permeable pavements where stormwater can be easily directed from the streets into the parkways and can be implemented in conjunction with the LID requirements. Green Street standard plans can be found at: [www.eng2.lacity.org/techdocs/stdplans/](http://www.eng2.lacity.org/techdocs/stdplans/)

## CONSTRUCTION REQUIREMENTS

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

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

### **Response to Comment No. 6-3**

As discussed in Checklist Question IX.a, of the Initial Study, provided in Appendix A, of the Draft EIR, stormwater runoff from precipitation events could cause exposed and stockpiled soils to be subject to erosion and convey sediments into municipal storm drain systems. In addition, on-site watering activities to reduce airborne dust could contribute to pollutant loading in runoff. Pollutant discharges relating to the storage, handling, use and disposal of chemicals, adhesives, coatings, lubricants, and fuel could also occur. Thus, Project-related construction activities could have the potential to result in adverse effects on water quality. However, this potential would be reduced by implementation of standard erosion controls imposed during site preparation and grading activities. Specifically, all grading activities would require grading permits from the City's Department of Building and Safety, which would include requirements and standards designed to limit potential impacts associated with erosion to acceptable levels. Furthermore, Project construction activities

would occur in accordance with City grading permit regulations (LAMC Chapter IX, Division 70), such as the preparation of an erosion control plan, to reduce the effects of sedimentation and erosion. With compliance with applicable regulatory requirements, impacts to water quality during construction would be less than significant. Operation of the Project would introduce sources of potential stormwater pollution that are typical of residential and residential supportive service uses (e.g., cleaning solvents, pesticides for landscaping, and petroleum products associated with circulation areas). Stormwater runoff from precipitation events could potentially carry urban pollutants into municipal storm drains. However, in accordance with the City's Low Impact Development (LID) Ordinance (Ordinance No. 181899), best management practices (BMPs) would be implemented on-site to address City and state water quality requirements. As concluded in the Initial Study, with implementation of regulatory requirements, potential impacts associated with hydrology and water quality would be less than significant.

#### **Comment No. 6-4**

#### **GROUNDWATER DEWATERING REUSE OPTIONS**

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

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

Groundwater may be beneficially used as landscape irrigation, cooling tower make-up, and construction (dust control, concrete mixing, soil compaction, etc.). Different applications may require various levels of treatment ranging from chemical additives to filtration systems. When onsite reuse is not available the groundwater may be discharged to the sewer system. This allows the water to be potentially reused as recycled water once it has been treated at a water reclamation plant. If groundwater is discharged into the storm drain

it offers no potential for reuse. The onsite beneficial reuse of groundwater can reduce or eliminate costs associated with sewer and storm drain permitting and monitoring. Opting for onsite reuse or discharge to the sewer system are the preferred methods for disposing of groundwater.

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

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

#### **Response to Comment No. 6-4**

As discussed in Checklist Question IX.a, of the Initial Study, provided in Appendix A, of the Draft EIR, groundwater was reported to be approximately 90 feet below ground surface. The Project would only involve surficial grading, including 740 cubic yards of soil (370 cubic yards of import and 370 cubic yards of export associated with building foundations and footings). Therefore, the need for dewatering during construction or operation is not anticipated. In the unlikely event groundwater is encountered during construction, temporary pumps and filtration would be utilized in compliance with the NPDES permit. The temporary system would comply with all relevant NPDES and City requirements, including Ordinance 184,248.

#### **Comment No. 6-5**

#### **SOLID RESOURCE REQUIREMENTS**

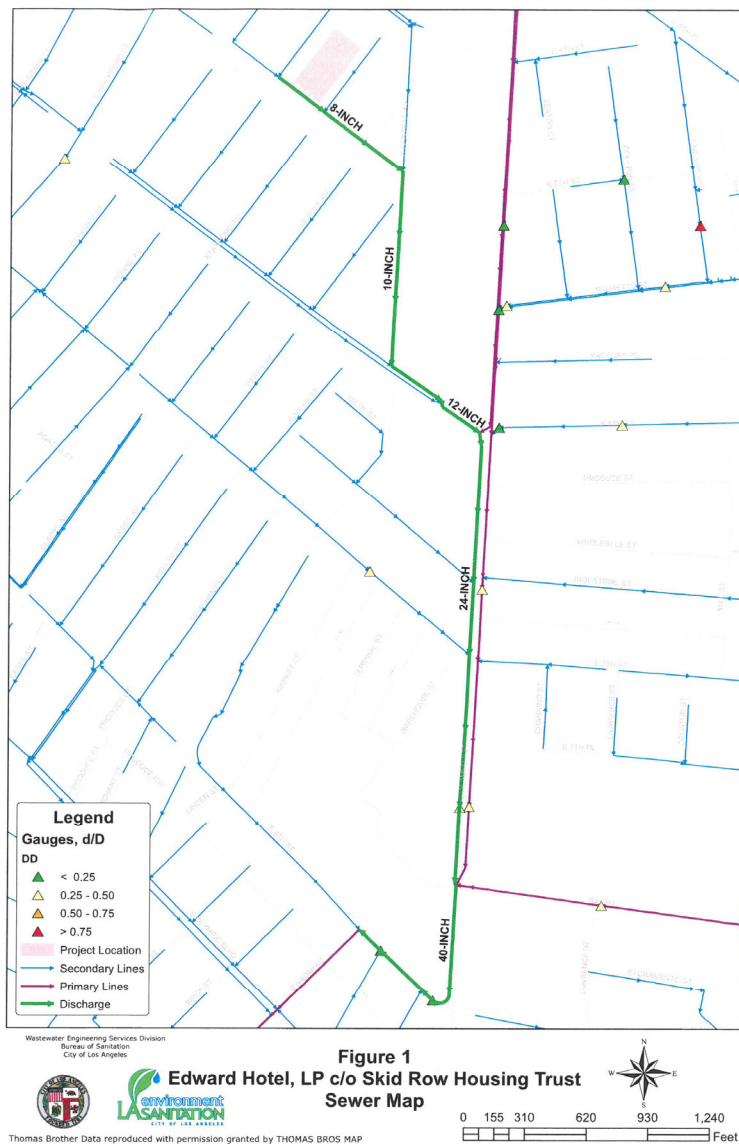
The City has a standard requirement that applies to all proposed residential developments of four or more units or where the addition of floor areas is 25 percent or more, and all other development projects where the addition of floor area is 30 percent or more. Such developments must set aside a recycling area or room for onsite recycling activities. For more details of this requirement, please contact LA Sanitation Solid Resources Recycling hotline 213-922-8300.

**Response to Comment No. 6-5**

The Project’s solid waste impacts are addressed in Checklist Question XVIII.g, of the Initial Study, provided in Appendix A, of the Draft EIR. As discussed therein, the Project would be consistent with the applicable regulations associated with solid waste and recycling. Specifically, the building would have a trash and recycling room on the ground floor.

**Comment No. 6-6**

Attachment: Figure 1—Sewer Map



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

This attachment is associated with Comment No. 6-2, which is responded to above. No further response is required.