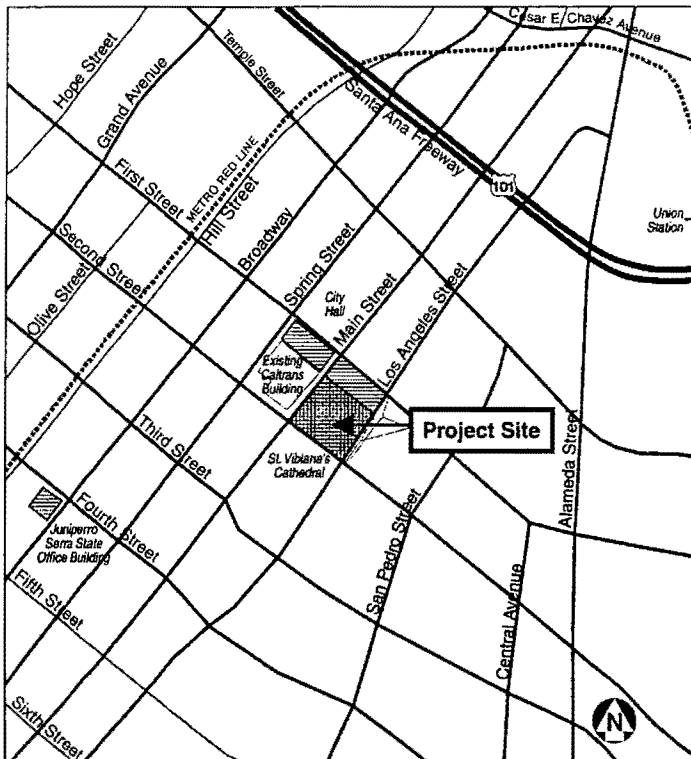


Caltrans District 7 Headquarters Building Replacement Project

Final Environmental Impact Report
State Clearinghouse Number 2001011098



Prepared for
the California Department of Transportation
(Caltrans District 7)

and

the California Department of General Services
Real Estate Services Division
Project Management Branch

Prepared by
Myra L. Frank & Associates, Inc.

October 2001

DEPARTMENT OF TRANSPORTATIONDISTRICT 7, 120 SO. SPRING ST.
LOS ANGELES, CA 90012-3606

(213) 897-0362



DATE: October 26, 2001

TO: Responsible Agencies and Commenters

SUBJECT: Final Environmental Impact Report
Caltrans District 7 Headquarters Building Replacement Project
State Clearinghouse #2001011098

LEAD AGENCY: Caltrans District 7

Contact: Susan Stratton, Sr. Environmental Planner
State of California Department of General Services
Real Estate Services Division, Environmental Services Section
1102 Q Street, Suite 5100
Sacramento, CA 95814
(916) 323-6951 FAX: (916) 445-3556

Caltrans District 7 has completed the Final Environmental Impact Report (Final EIR) for the proposed Caltrans District 7 Headquarters Building Replacement Project. The Final EIR has been completed in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. In addition to the Draft EIR, the Final EIR consists of revisions to the Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR; the comments received on the Draft EIR (written and public testimony); and responses to those comments.

In accordance with the provisions of CEQA, copies of the Final EIR have been made available to public agencies that commented on the Draft EIR for a period of at least 10 days before consideration of certification of the environmental review process.

Based upon information in the Final EIR and other supporting documents, Caltrans has identified Alternative 3 as the preferred alternative. Alternative 3 consists of development of a 716,200-gross-square-foot building to house Caltrans and Los Angeles Department of Transportation offices on the block bounded by 1st, Los Angeles, 2nd, and Main Streets.

Copies of the Draft and Final EIRs are available at the following locations:

Caltrans District 7
120 S. Spring Street
Los Angeles, CA

Los Angeles Central Library
630 W. 5th Street
Los Angeles, CA

Department of General Services
Environmental Services Section
1102 Q Street, Suite 5100
Sacramento, CA



Questions about the Final EIR and/or the lead agency's project approval process should be directed to Ms. Susan Stratton at the Department of General Services at the above-stated address.

Thank you for your involvement in this project.

Sincerely,

A handwritten signature in black ink that reads "Ron Kosinski". The signature is fluid and cursive, with the first name "Ron" and last name "Kosinski" clearly legible.

Ron Kosinski
Deputy Director
Caltrans District 7



CALTRANS DISTRICT 7 HEADQUARTERS BUILDING REPLACEMENT PROJECT
DEPARTMENT OF TRANSPORTATION, DISTRICT 7
CITY OF LOS ANGELES, CALIFORNIA

FINAL ENVIRONMENTAL IMPACT REPORT

Submitted Pursuant to:
Division 13, Public Resources Code – California Environmental Quality Act

by

State of California, Department of Transportation District 7

RESPONSIBLE AGENCIES:
City of Los Angeles

DATE

BOB SASSAMAN, DIRECTOR
DISTRICT 7, LOS ANGELES
CALIFORNIA DEPARTMENT OF TRANSPORTATION

DATE

MR. ROBERT SLEPPY, CHIEF
ENVIRONMENTAL SERVICES SECTION
CALIFORNIA DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
1102 Q STREET, SUITE 5200
SACRAMENTO, CA 95814

ABSTRACT

The proposed project consists of development of a consolidated office facility that will have approximately 716,200 gross square feet of new office space, house 1,837 Caltrans employees and 564 City of Los Angeles Department of Transportation employees, and provide parking for as many as 1,142 vehicles. The proposed Caltrans District 7 Headquarters Building would be constructed on the block bounded by 1st Street on the North, Los Angeles Street on the east, 2nd Street on the south, and Main Street on the west. The southern two-thirds of the block is occupied by an existing Caltrans employee parking lot. Privately owned parcels are located north of the employee parking lot on the south side of 1st Street. The project site is located southeast of City Hall and north of St. Vibiana's Cathedral in downtown Los Angeles. The proposed facility would consolidate existing Caltrans functions currently found at several locations in the project vicinity, including approximately 1,630 employees currently located at the existing Caltrans District 7 headquarters at 120 S. Spring Street. The new Caltrans District 7 Headquarters Building would incorporate a 4,500-square-foot childcare facility plus outdoor play yard, 5,000 square feet of retail space, and a 5,000-square-foot cafeteria.

To execute the proposed project, the City and State would have to reach an agreement upon a land exchange whereby the City would acquire the privately owned parcels along 1st Street on the block that encompasses the project site and exchange those properties for the existing Caltrans headquarters building property. The City is also proposing to acquire the privately owned properties on the block that contains the existing Caltrans headquarters building. These properties are located on the south side of 1st Street, between Spring and Main Streets. This EIR addresses the acquisition of these privately owned parcels and the proposed demolition of existing buildings on the properties.

Based on the analysis conducted for the EIR, the effects of the proposed project on construction air quality, aesthetics (shade/shadow), and historic resources will be significant and adverse and are not fully mitigated. Air quality impacts are related to significant emissions of NO_x in both the peak day and peak quarter. Shade/shadow impacts would result if the existing Caltrans headquarters site were to become a public park or plaza, in which case early morning shadows cast during the Winter Solstice and Vernal and Autumnal Equinox would be significant and adverse. Historic resource impacts would result from proposed demolition of the existing Caltrans District 7 headquarters, an historically important structure.

TABLE OF CONTENTS

| | |
|--|------|
| SUMMARY..... | S-1 |
| S-1 Introduction and Background | S-1 |
| S-2 Project Objectives..... | S-2 |
| S-3 Project Location..... | S-2 |
| S-4 Description of the Proposed Project | S-6 |
| S-4.1 Project Alternatives | S-6 |
| S-4.2 Project Components Common to the Build Alternatives | S-12 |
| S-4.3 Sustainable Design, Design Excellence, and Landscape Requirements..... | S-13 |
| S-5 Alternatives to the Proposed Project | S-14 |
| S-6 Areas of Controversy..... | S-15 |
| S-7 Issues to Be Resolved | S-15 |
| S-8 Summary of Environmental Effects | S-15 |
| CHAPTER 1 - RESPONSES TO COMMENTS ON THE DRAFT EIR..... | 1-1 |
| CHAPTER 2 - CORRECTIONS AND REVISIONS TO THE DRAFT EIR | 2-1 |

LIST OF FIGURES

| | |
|---|------|
| Figure S-1: Regional Location Map | S-3 |
| Figure S-2: Project Vicinity Map – Alternative 1..... | S-4 |
| Figure S-3: Project Vicinity Map – Alternatives 2 and 3 | S-5 |
| Figure S-4: Massing Scheme – Alternative 1 | S-8 |
| Figure S-5: Massing Scheme – Alternative 2..... | S-9 |
| Figure S-6: Massing Scheme – Alternative 3 | S-10 |

LIST OF TABLES

| | |
|---|------|
| Table S-1: Project Alternatives | S-7 |
| Table S-2: Summary of Impacts and Mitigation Measures | S-16 |

APPENDICES

| | |
|-------------|--|
| APPENDIX A: | SUPPLEMENTAL TRAFFIC AND CIRCULATION STUDY (Provided under separate cover) |
| APPENDIX B: | HELIPORT PERMIT |
| APPENDIX C: | DESIGN/BUILD REQUEST FOR PROPOSAL (Available upon request) |
| APPENDIX D: | RESULTS OF PHASE II TESTING, ANALYSIS, AND EVALUATION, AND DEVELOPMENT OF A PHASE II RESEARCH DESIGN (Provided under separate cover) |
| APPENDIX E: | HISTORIC RESOURCES COMPLIANCE REPORT (Provided under separate cover) |
| APPENDIX F: | ATTACHMENT TO AUGUST 20, 2001, LETTER FROM SHEPPARD, MULLIN, RICHTER & HAMPTON, LLC |

SUMMARY

S-1 INTRODUCTION AND BACKGROUND

The original portion of the existing Caltrans District 7 headquarters building at 120 S. Spring Street was completed in 1949 and the adjacent annex was completed in 1959. The headquarters building is functionally obsolete and the building design is inefficient and inadequate for Caltrans' program needs. Although several repair and maintenance projects have been completed over the past decade, the continued occupancy of this building would require major renovation of the building infrastructure and interior. Given the age and condition of the building, renovation of the facility to bring it in compliance with current code requirements and to meet Caltrans' programmatic and technological needs would be cost prohibitive. Renovation would also cause major disruption to Caltrans operations and require the relocation of Caltrans staff.

The State is proposing development of a new headquarters facility on the block bounded by 1st, Los Angeles, 2nd, and Main Streets. The existing Caltrans employee parking lot is located on the southern two-thirds of the block. This Environmental Impact Report evaluates the impacts of constructing and operating the proposed new headquarters facility (see Chapter 2 of the Draft EIR for a description of the three alternatives under consideration).

In the Fall of 2000, the State selected a consultant to prepare the Environmental Impact Report and a master architectural team to establish design guidelines and performance criteria for the project, identify the range and quality of building components and finishes, and prepare the tenant program for the building and its related facilities. On the basis of the master architectural contractor's plans and specifications, a Design/Build contractor will subsequently be selected using a competitive process. The latter contractor will be responsible for the final design and construction of the new Caltrans District 7 headquarters facility.

The Draft EIR was circulated for public review and comment for a period of 45 days from July 5, 2001 to August 20, 2001. A public workshop/hearing was held on August 1, 2001 in the Junipero Serra state office building at 320 W. 4th Street in downtown Los Angeles. All comments on the adequacy of the Draft EIR and merits of the project that were submitted in writing to the Department of General Services by the termination of the comment period on August 20, 2001 or verbally presented at the public workshop/hearing are included in Chapter 1 of this Final EIR together with responses to those comments. Chapter 2 contains corrections and revisions to the text of the Draft EIR in response to public comments. This Final EIR incorporates the Draft EIR by reference.

Subsequent to circulation of the Draft EIR, Alternative 3 was identified as the preferred alternative for further study and design purposes.

S-2 PROJECT OBJECTIVES

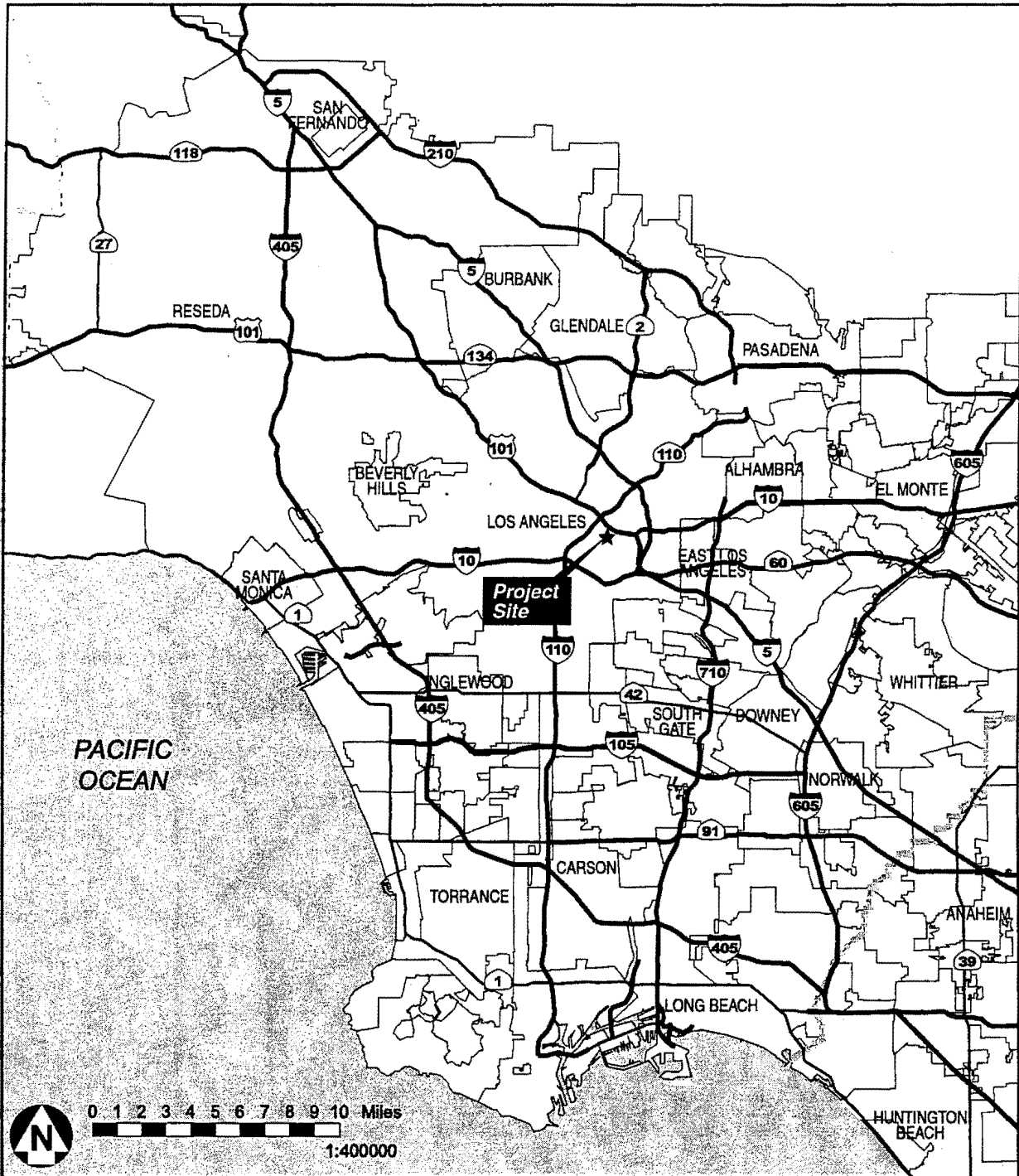
The objectives of the proposed project are to design, construct, and prepare a new Caltrans District 7 headquarters building for occupancy that:

- Meets Caltrans District 7 long-range programmatic requirements including:
 - sufficient square footage to accommodate consolidation of District 7 employees in a single building in downtown Los Angeles, with adequate onsite parking.
 - technological needs and functional requirements.
- Complies with all applicable state and local laws.
- Represents a prudent and cost-effective use of state financial resources.
- Minimizes impacts to the environment.
- Is energy efficient and incorporates technologies that sustain the environment and reduce operating costs over the long term.
- Enhances the working environment for Caltrans employees and the living environment for the people who live and work in the immediate neighborhood.
- Demonstrates excellence in public building.
- Is consistent with the goals and objectives of the Los Angeles Civic Center Shared Facilities and Enhancement Plan (the “Ten Minute Diamond Plan”).

S-3 PROJECT LOCATION

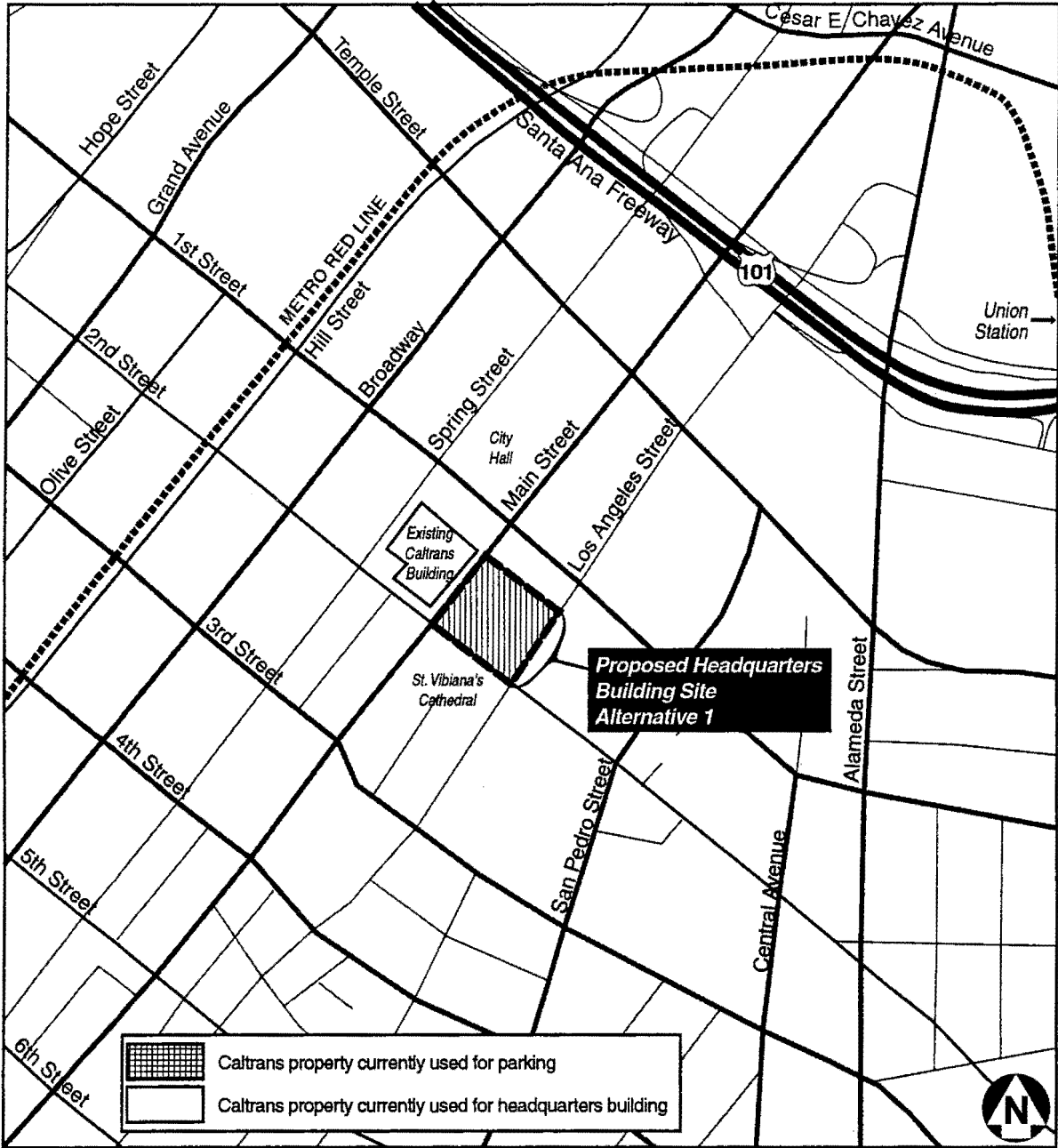
The proposed project site is located in downtown Los Angeles in the County of Los Angeles (see Figure S-1 for a regional map). The proposed Caltrans District 7 headquarters building would be constructed on the block bordered by 1st Street on the north, Los Angeles Street on the east, 2nd Street on the south, and Main Street on the west (see Figure S-2 and Figure S-3 for maps of the immediate vicinity). The project site is located southeast of City Hall and north of St. Vibiana’s Cathedral. The southern two-thirds of the block is occupied by a state-owned Caltrans employee parking lot. The parking lot contains 390 parking spaces occupying approximately 100,000 square feet (sf) or 2.3 acres. Privately owned parcels are located north of the parking lot along the south side of 1st Street. Under Alternative 3, which is the preferred alternative, and Alternative 2, the project site would encompass the entire block (156,000 sf or 3.6 acres) bounded by 1st, Los Angeles, 2nd, and Main Streets. Under Alternative 1, construction of a new headquarters building would be limited to the existing Caltrans employee parking lot.

Figure S-1: Regional Location Map



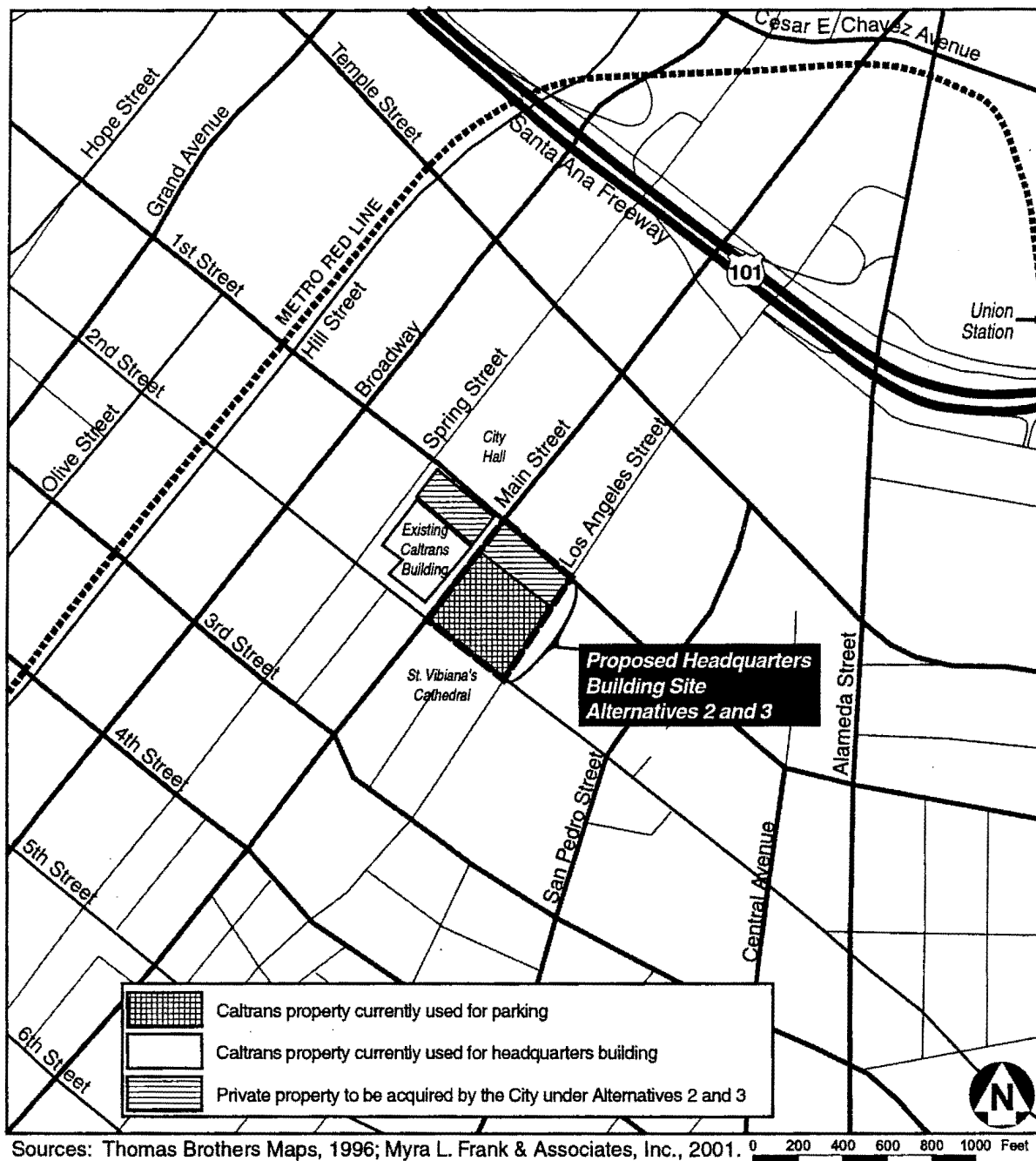
Sources: Environmental Systems Research Institute, 1999; Myra L. Frank & Associates, Inc., 2001.

FIGURE S-2: PROJECT VICINITY MAP - ALTERNATIVE 1



Sources: Thomas Brothers Maps, 1996; Myra L. Frank & Associates, Inc., 2001.

FIGURE S-3: PROJECT VICINITY MAP - ALTERNATIVES 2 AND 3



Sources: Thomas Brothers Maps, 1996; Myra L. Frank & Associates, Inc., 2001. 0 200 400 600 800 1000 Feet

Alternatives 2 and 3 are contingent upon the City and State reaching agreement upon a land exchange whereby the City would acquire the privately owned parcels on the block and exchange those properties for the existing Caltrans headquarters building property. The City is also proposing to acquire the privately owned properties on the block that contains the existing Caltrans headquarters building. These properties are located on the south side of 1st Street, between Spring and Main Streets. This EIR addresses the acquisition of these privately owned parcels and the proposed demolition of existing buildings on the properties.

S-4 DESCRIPTION OF THE PROPOSED PROJECT

S-4.1 Project Alternatives

There are three project alternatives, each of which were evaluated in equal detail in the Draft EIR. Alternative 3, which is described below, has been identified as the preferred alternative. The descriptions of the three alternatives below are based on the functional and program requirements identified in the Design/Build Solicitation Package. These descriptions are also based on a series of preliminary massing schemes that have been developed by the Master Architect in response to the project's goals, objectives, and program requirements. The massing schemes identify potential ways to organize the program needs on the site. The massing schemes that have been developed to date assume that the headquarters building and the parking facility would be developed as two separate structures. The final design could consolidate both of these functions into a single building that covers the entire site. Because this is a Design/Build project, the design of the building will not be completed until after the Design/Builder has been selected by the State. Although the preliminary massing schemes will serve as a baseline or guide to be used by the Design/Builder to develop a final design, it is anticipated that refinements to these preliminary concepts will occur as the project proceeds through the design process.

The three alternatives are described below and summarized in Table S-1. Massing schemes for the three alternatives are shown on Figure S-4, Figure S-5, and Figure S-6. It should be noted that the massing schemes are not intended to represent the architectural details, fenestration, or finishes that may ultimately be used on the project.

a. Land Exchange

The three alternatives are dependent on whether the City and State accomplish the land exchange described above in Section S-3. In summary, Alternative 1 would be developed on the state-owned land on the southern two-thirds of the 1st, Los Angeles, 2nd, and Main Street block. If the land exchange between the City and the State is completed, the new headquarters building could cover the entire block, rather than just the southern two-thirds, as shown in Alternative 2. If the land exchange is completed and an additional agreement is successfully negotiated with the City of Los Angeles, Alternative 3, the preferred alternative, would consume the entire block and the new Caltrans headquarters building would contain an additional 112,700 square feet of office space for occupancy by the City of Los Angeles Department of Transportation.

Other provisions of the land exchange require that the City of Los Angeles would acquire and clear the privately owned property that is located on 1st Street between Main and Los Angeles

Streets (the block proposed for the new headquarters building) before conveying that property to the State. The City of Los Angeles would also acquire and clear the privately owned property on 1st Street between Spring and Main Streets (the block that contains the existing Caltrans headquarters building). The State would demolish the existing Caltrans headquarters building on that same block prior to conveying title to the City of Los Angeles.

TABLE S-1: PROJECT ALTERNATIVES

| Alternative | Site Area | Building Size¹ | Parking Structure Size² |
|--------------------|---------------------------|---|---|
| 1 | 102,000 sf | 603,500 gsf 16 stories (maximum) 1,837 Caltrans employees | 10 levels (maximum) 932 vehicles |
| 2 | 156,000 sf ⁽³⁾ | 603,500 gsf 12 stories (maximum) 1,837 Caltrans employees | 6 levels (maximum) (plus 2 underground levels) 932 vehicles |
| 3 ⁽⁴⁾ | 156,000 sf ⁽³⁾ | 716,200 gsf ⁽⁴⁾ 16 stories (maximum) 1,837 Caltrans employees 564 LADOT employees | 8 levels (maximum) (plus 2 underground levels) 1,142 vehicles |

Notes:

gsf: gross square feet.

1. For all alternatives, the office building incorporates a 4,500-sf childcare facility plus outdoor play yard, 5,000 sf of retail space, and a 5,000-sf cafeteria.
2. For all alternatives, parking structure incorporates a 16,500-sf auto shop for routine vehicle maintenance and a 15,000-sf warehouse with a 1,000-sf loading dock.
3. This area represents the entire block bounded by 1st, Main, 2nd, and Los Angeles Streets and is subject to completion of a land exchange agreement with the City of Los Angeles (see text).
4. The inclusion of an additional 112,700 gsf of space for LADOT is subject to completion of an agreement with the City of Los Angeles.

Source: RESD; Myra L. Frank & Associates, Inc., 2001.

In addition to the land exchanges that are directly related to this project, the City has agreed to transfer its interest in the old state office building block on the north side of 1st Street between Broadway and Spring Streets to the State. The only structure on that block is an underground parking structure. The title transfer is intended to “clean up” ownership and has no development consequences.

Alternative 1 – Development of a New Headquarters Building Complex on the Existing Employee Parking Lot

Under this alternative, proposed project development would be confined to the existing 2.3-acre Caltrans employee parking lot. The new Caltrans District 7 headquarters (see Figure S-4 for a massing scheme) would house a maximum of approximately 1,837 employees and would include the following major components:

FIGURE S-4: MASSING SCHEME - ALTERNATIVE 1

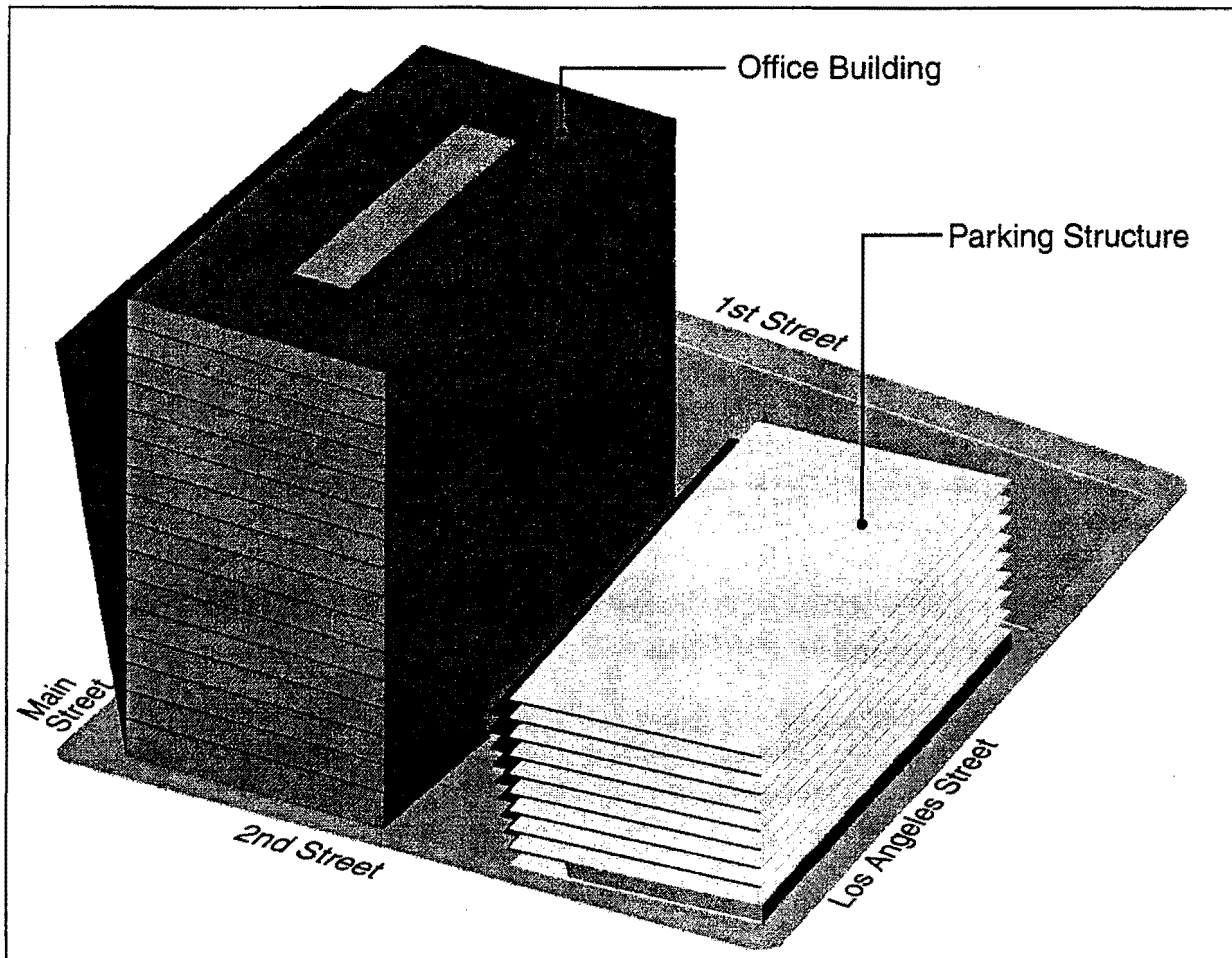
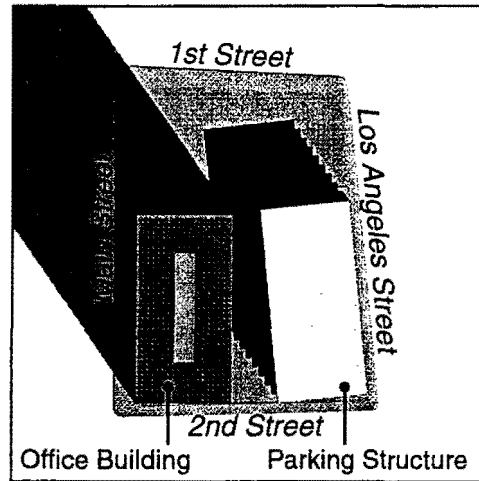


FIGURE S-5: MASSING SCHEME -ALTERNATIVE 2

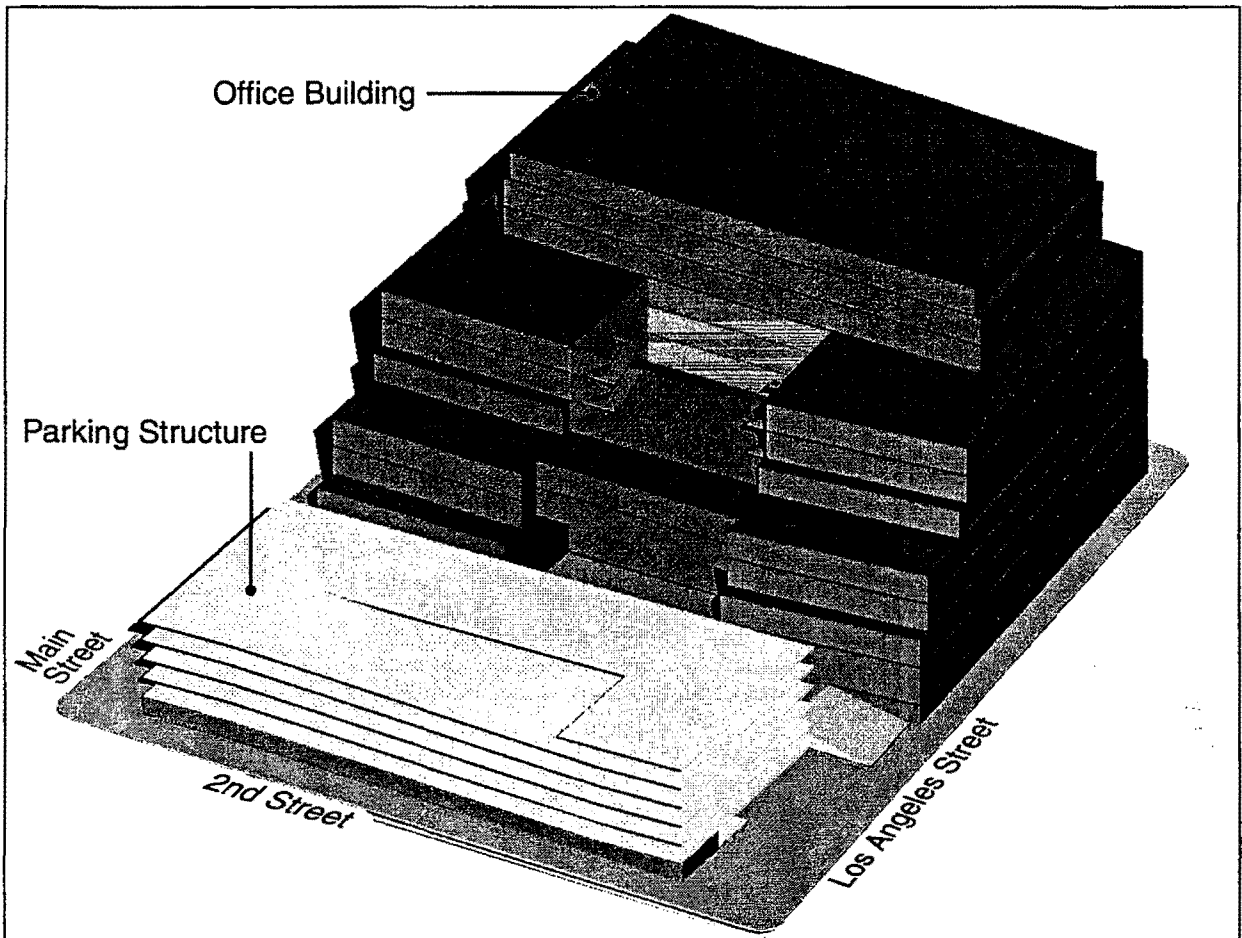
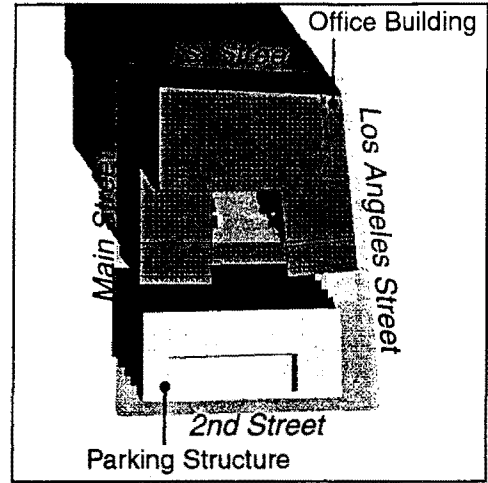
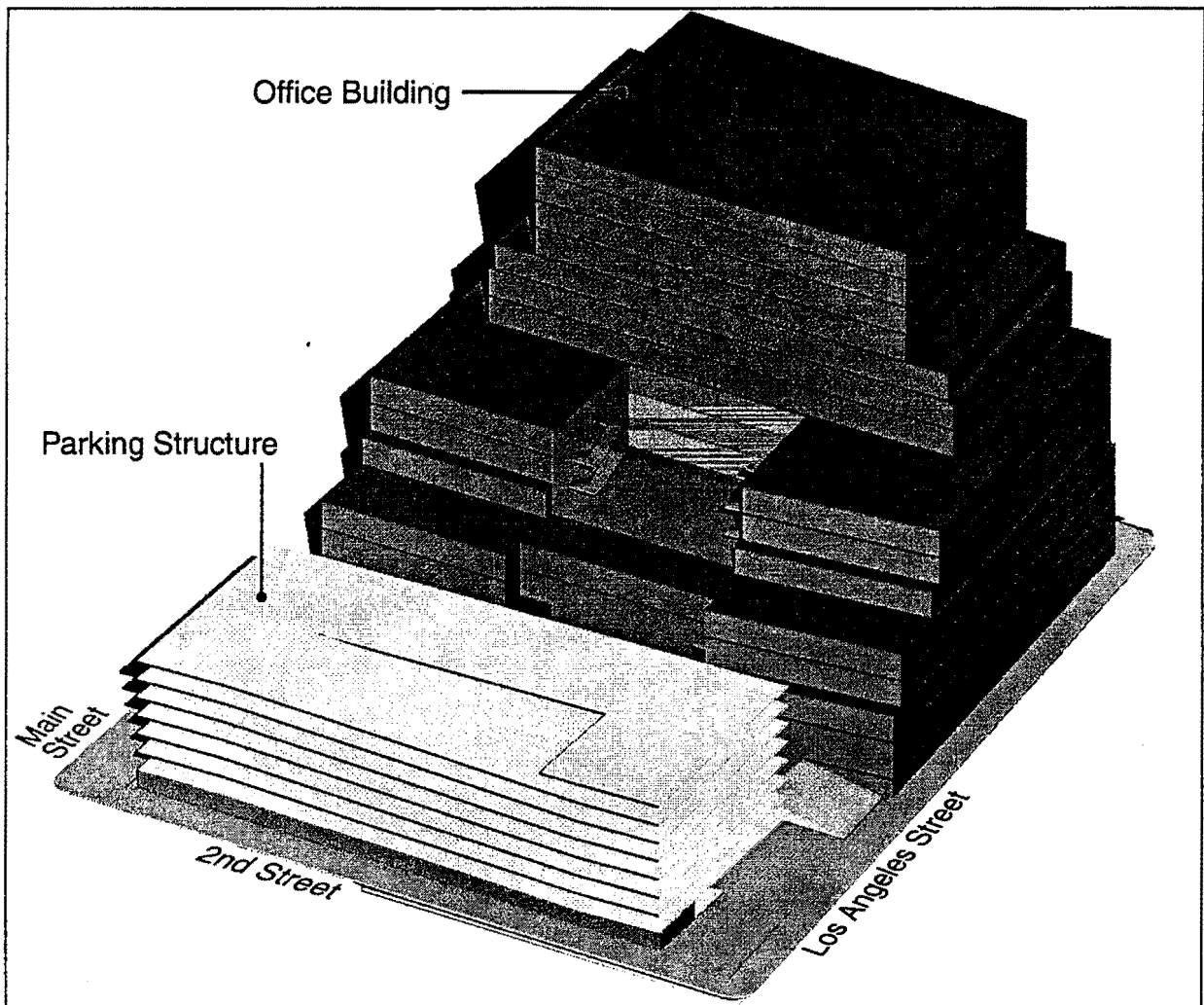
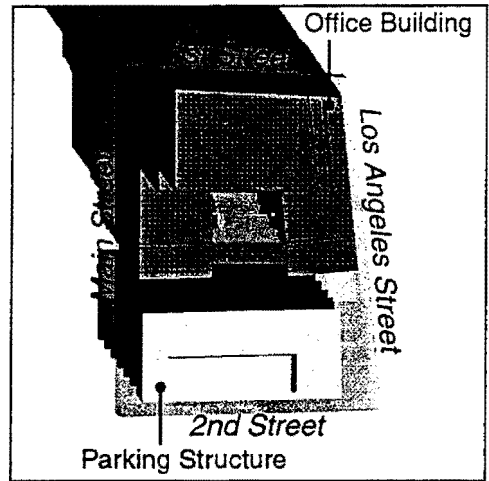


FIGURE S-6: MASSING SCHEME - ALTERNATIVE 3



- **A 603,500-gross-square-foot (gsf), 16-story (maximum) office building.** The office building would include: a 4,500-square-foot childcare facility, 5,000 sf of ground floor retail space, and a cafeteria containing 5,000 sf of space that would be available for use by the public. A play yard for the childcare facility would also be provided. The main pedestrian entrance to the office building would be located midblock on Main Street.
- **A 10-level (maximum) parking structure located along Los Angeles Street.** The parking structure may be entirely above grade or could include two below-grade levels to lessen the height of the structure. The parking structure would provide spaces for approximately 932 vehicles. Up to 5 percent of the spaces would be for Caltrans visitors. The parking structure would include a 16,500-sf auto shop for maintenance and repair of Caltrans vehicles, a 15,000-sf warehouse with a 1,000-sf loading dock, an emergency generator with associated fuel storage, and facilities for storing bicycles. The preferred access to the parking structure would be provided from Los Angeles Street.

Alternative 2 – Development of a New Headquarters Building Complex on the Entire Block

Under this alternative, the entire block bounded by 1st, Los Angeles, 2nd, and Main Streets would be used to develop the new headquarters facility (see Figure S-5 for a massing scheme). Development of this alternative is contingent upon the City and State reaching agreement upon a land exchange whereby the City would acquire the privately owned parcels on the block and exchange those properties for the existing Caltrans headquarters building property. Consequently, this alternative would result in the displacement of the existing commercial properties and Latino Museum of History, Art, and Culture and would require the demolition of the existing structures on the block. Similar to Alternative 1, this alternative would house a maximum of approximately 1,837 employees and would include the following major components.

- **A 603,500-gsf, 12-story (maximum) office building.** The new office building would include a 4,500-sf childcare facility, 5,000 sf of ground floor retail, and a 5,000-sf cafeteria that would be available for use by the public. A play yard would also be provided for the childcare facility. Pedestrian entrances to the office building would be located on Main, 1st, and Los Angeles Streets.
- **A 6-level (maximum) parking structure.** The parking structure may be located along 2nd Street between Main and Los Angeles Streets. In addition, this alternative may include two levels of underground parking that would encompass all or most of the block. The parking structure and 2 levels of underground parking would provide parking for approximately 932 vehicles with up to 5 percent of the spaces available for Caltrans visitors. Vehicular access to the parking structure would be provided from Los Angeles and Main Streets. The parking structure would include a 16,500-sf auto shop for maintenance and repair of Caltrans vehicles, a 15,000-sf warehouse with a 1,000-sf loading dock, an emergency generator with associated fuel storage facilities, and facilities for storing bicycles.

Alternative 3 – Development of an Expanded New Headquarters Building Complex on the Entire Block

Alternative 3 has been identified as the preferred alternative. Under this alternative, additional building space would be developed to accommodate approximately 564 employees of the City of Los Angeles Department of Transportation (LADOT). This alternative would be similar to Alternative 2 above with the exception of the additional building space required to accommodate LADOT. In addition to the 564 city employees, the new headquarters building would house a maximum of approximately 1,837 Caltrans employees and would include the following major components:

- **A 716,200-gsf (includes 112,700 gsf for city agency staff), 16-story (maximum) office building.** The office building would include a 4,500-sf childcare facility, 5,000 sf of ground floor retail space, and a 5,000-sf cafeteria that would be available for use by the public. A play yard for the childcare center would also be provided. Pedestrian entrances to the office building would be located on Main, 1st, and Los Angeles Streets.
- **An 8-level (maximum) parking structure.** The parking structure would be located along 2nd Street between Main and Los Angeles Streets. In addition, this alternative may include two levels of underground parking that would encompass all or most of the block. The parking structure and 2 levels of underground parking would provide parking for as many as 1,142 vehicles (932 for Caltrans and 210 for LADOT) with up to 5 percent of the 932 Caltrans spaces available for Caltrans visitors. Vehicular access to the parking structure would be provided from Los Angeles and Main Streets. The parking structure would include a 16,500-sf auto shop for maintenance and repair of Caltrans vehicles, a 15,000-sf warehouse with a 1,000-sf loading dock, an emergency generator with associated fuel storage facilities, and facilities for storing bicycles.

The massing scheme for Alternative 3 is shown on Figure S-6.

S-4.2 Project Components Common to the Build Alternatives

Cafeteria – A ground-level cafeteria occupying 5,000 square feet would be available for use by the public in addition to Caltrans employees.

Child Care Facility – State guidelines require day care facilities in state-operated buildings. The child care facility would include an approximately 4,500-sf day care center and an outdoor play area.

Caltrans Museum and Library – A total of 3,875 sf at ground level is allocated for a facility to house books, maps, historical records, drafting tools, and other memorabilia pertinent to the history of local transportation. These facilities would be accessible to the public.

Retail Facilities – Approximately 5,000 sf of ground level retail space would be incorporated into the building and parking structure.

Auto Shop – A 16,500-sf auto shop would be built within the parking structure for routine maintenance and repair of car pool vehicles, trucks, and vans used by division staff for field activities. The auto shop would be staffed by 5 mechanics and would contain 10 maintenance bays and a vehicle wash rack as well as storage for parts and lubricants.

Warehouse and Loading Dock – A 15,000-sf warehouse and 1,000-sf loading dock would also be located within the parking structure. This facility would be used for archiving office documents and for storage of field equipment.

Thermal Storage Tank and System – Under Alternatives 2 and 3, a chilled water Thermal Energy Storage system may be provided. The Thermal Energy Storage System would include a 1,000,000-gallon Thermal Storage Tank, which would be located in the parking structure.

Generators - A 1.7-megawatt emergency generator with associated fuel storage facilities would be provided in the parking structure. The generator would run on diesel fuel. The generator would be tested on a weekly basis by running it for one half hour per week.

Heliport – A new heliport/helistop would be constructed atop the proposed headquarters office building to replace the heliport on the existing Caltrans District 7 headquarters building. It is not anticipated that the proposed project would substantially increase the number or frequency of helicopters using the new heliport/helistop (note: it is estimated that there would be an average of one to two flights per month in future years). The new heliport/helistop will require the issuance of a new State Heliport Permit by the Caltrans Aeronautics Program and submittal of a Notice of Landing Area Proposal to the Federal Aviation Administration of the U.S. Department of Transportation. No fueling facilities would be provided at the proposed heliport/helistop. Additionally, helicopters would not be stored at the heliport/helistop.

Public Art – The State of California has authorized funding for a public art program. The art would be integrated into the architecture and could include art pieces in outdoor plazas or atriums and in the building lobby. All outdoor pieces would be integrated into the adjacent hardscape and landscape.

S-4.3 Sustainable Design, Design Excellence, and Landscape Requirements

In August 2000 the Governor of California issued Executive Order D-16-00, requiring that all projects built with state funds be “models of energy, water, and materials efficiency; while providing healthy, productive and comfortable indoor environments and long-term benefits to Californians.” This sustainable design goal must be implemented “in a cost effective manner.” The sustainability of the Caltrans District 7 headquarters building will be designed using the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The building will be designed to achieve the highest sustainability rating possible within cost constraints.

Energy Conservation. Because of the continuing energy crisis in the State of California, energy efficiency is of particular concern. Several additional design components are under

consideration to conserve, store, and produce energy and to shift energy demand to off-peak hours. These may include: architectural and furniture configurations that maximize daylight penetration into workspaces; high-efficiency glass; a high-efficiency ventilation system; rooftop photovoltaic cells; and a thermal storage tank and system.

Excellence in Public Buildings. This project has been selected to be a part of the State's Excellence in Public Buildings Program that seeks to establish conditions for the planning, design, and construction of public buildings that will attain the highest degree of qualities of merit. Program elements may include, but are not limited to, design excellence produced through peer interaction, use of sustainable building materials, energy efficiency and conservation, accessibility, communication and controls technology, and placement of public art, as well as cost, schedule, siting, building life span, operating efficiency, and occupant satisfaction. Post Occupancy Evaluations will be conducted at the completion of the project to evaluate whether the project goals were achieved.

The selected Design/Builder will assist the State in developing project goals that address these elements early in the design process for this project. These goals are expected to define the extent to which these elements will be incorporated into the project and to establish criteria for their evaluation.

The selected Design/Builder will assist the State in conducting the Post Occupancy Evaluation Survey at the conclusion of the project. A program of Awards of Excellence is being developed to provide recognition for firms that participate successfully in projects in the Excellence in Public Buildings Program and contribute to the creation of exemplary public facilities.

Landscape Requirements. The Landscape Design Requirements section of the *Design/Build Solicitation Package* states that all existing trees should be removed and replaced with varieties that will provide both shade and ambiance to the sidewalk environment. All streets and trees shall conform to those proposed in the 1997 *Shared Facilities and Enhancement Plan*, also known as the "Ten Minute Diamond Plan." The Ten Minute Diamond Plan calls for a double row of London Plane trees along Main Street to make a visual and functional connection to the proposed civic square to the west. A single row of Sawleaf Zelkova is recommended along Los Angeles Street and a single row of London Plane trees is recommended along Second Street. First Street is to be considered a boulevard of civic importance, the primary street of the Los Angeles Civic Center. Along 1st Street, the Ten Minute Diamond Plan recommends that a row of Jacaranda trees be planted along the curb with a row of Mexican Fan palms 5 feet in from the row of Jacarandas. If space permits, the Ten Minute Diamond Plan recommends that an additional row of Jacarandas, placed either in planting beds or tree wells, be included between the row of palms and the building face.

Construction is expected to commence in the first quarter of 2002. The building is expected to be completed and ready for occupancy by the second or third quarter of 2004.

S-5 ALTERNATIVES TO THE PROPOSED PROJECT

Chapter 3 of the Draft EIR discusses the No Project Alternative, as required by CEQA, and other alternatives that were identified during the planning process but were eliminated from further

consideration because of economic, operational, or functional reasons. These alternatives include renovating the existing Caltrans building, leasing an existing building in downtown Los Angeles, purchasing and renovating an existing building, constructing a new building on privately owned land acquired by the State, and developing a new headquarters on an alternative site that is publicly owned.

S-6 AREAS OF CONTROVERSY

Areas of concern and controversy that were identified during the Draft EIR public review period and the EIR scoping process included the acquisition and displacement of the Latino Museum of History, Art, and Culture, the displacement of existing businesses, and the potential demolition of the historic Caltrans District 7 headquarters building at 120 S. Spring Street. Concerns were expressed by some members of the public about the potential impacts of the parking structure and new office building on nearby land uses such as the New Otani Hotel and St. Vibiana's Cathedral.

S-7 ISSUES TO BE RESOLVED

As mentioned previously, implementation of the preferred alternative, Alternative 3, is contingent upon execution of a land exchange and cooperative agreement between the State and the City of Los Angeles.

The final design of the proposed new headquarters building needs to be developed by the Design/Build team that will be selected by the State. When the building design is completed, any substantial changes from the design described in this EIR will be reviewed to determine if further environmental documentation is required.

These issues and agreements would be resolved and completed after any Caltrans decision to certify the EIR and approve the proposed project.

S-8 SUMMARY OF ENVIRONMENTAL EFFECTS

Table S-2 provides a summary of the environmental effects that would result from implementation of the proposed project, potential mitigation measures, and the level of significance of the environmental impacts after implementation of the proposed mitigation.

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|----------------------------|--|--|
| Aesthetics/Light & Glare | | | |
| Potential aesthetics impacts due to construction activities include: removal of streetscape elements, storage of equipment and materials on site, and visible construction activities during the day. | Not Significant | No mitigation required. | Not Significant |
| The design of the proposed headquarters building would be aesthetically compatible with the surrounding area for each of the alternatives. | Not Significant | No Mitigation required. | Not Significant |
| Motorist and pedestrian views of City Hall, St. Vibiana's bell tower, and downtown high-rises would be obstructed or partially obscured by the proposed mid-rise headquarters building from some vantage points in the area. | Not Significant | No mitigation required. | Not Significant |
| Windows and building surfaces could reflect light and create glare impacts. The greatest potential for glare impacts could occur in the early morning hours from light reflecting off the east façade of the building. However, highly reflective or glare-producing materials would not be used extensively on the façade of the proposed building. | Not Significant | The following mitigation measure shall apply to all three alternatives. VA-1 Low-reflectivity materials shall be used on exterior building surfaces, particularly on the east side of the building where morning sun has a potential to reflect light onto traffic heading west along 1st Street. | Not Significant |
| If the existing Caltrans headquarters building site were to become a public park or plaza under Alternative 2 or 3, early morning shadows cast on this site during the Winter Solstice and Vernal and Autumnal Equinox would be significant and adverse. | Significant | No feasible physical mitigation has been identified | Significant |
| Air Quality | | | |
| Construction activities associated with all alternatives would result in less than significant emissions of CO, ROC, SOx, and PM10 in both the peak day and the peak quarter. | Not Significant | All construction contractors shall comply with SCAQMD regulations, including Rule 402, the Nuisance Rule, and Rule 403, Fugitive Dust. The project size is below the threshold whereby Rule 403 requires the applicant to submit a grading plan to the SCAQMD. However, Rule 403 does require that all grading projects, regardless of size, apply at least one of the best available control measures for fugitive dust. In addition to complying with Rule 402, which states that there will be no visible | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|---|---|
| | | <p>emissions off the site, the contractor shall do all of the following in order to assure that, after mitigation, cumulative dust emissions during grading and excavation do not exceed the amount generated on the peak day.</p> <p>AQ-1 Moisten soil not more than 15 minutes prior to moving soil or conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in any direction.</p> <p>AQ-2 At the completion of each workday, apply chemical stabilizers or additional water to disturbed surface areas sufficient to prevent visible dust emissions from blowing during the night or weekend.</p> <p>AQ-3 Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.</p> <p>AQ-4 Wash mud-covered tires and under-carriages of trucks leaving construction sites.</p> <p>AQ-5 Sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud carried off by trucks departing project site.</p> <p>AQ-6 Securely cover loads with a tight fitting tarp on any truck leaving the construction site.</p> <p>AQ-7 Cease earthwork during periods when winds exceed 25 miles per hour.</p> | |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|--|---|
| | | These measures would eliminate PM ₁₀ emissions during truck transport and reduce PM ₁₀ emissions related to grading, excavation, and demolition by 60 percent. | |
| Construction activities associated with all alternatives would result in significant emissions of NO _x in both the peak day and peak quarter. | Significant | In order to reduce NO _x emissions from equipment the contractor shall do the following: AQ-8 The contractor shall turn off equipment when not in use for longer than 5 minutes. This measure would reduce equipment emissions by 10 percent. | Significant |
| Regional operational emissions from traffic and utilities would decrease under Alternative 2 and would be less than significant under Alternatives 1 and 3. | Not Significant | No mitigation required. | Not Significant |
| Archaeological Resources | | | |
| Construction excavations associated with all alternatives have the potential to disturb, alter, or destroy archaeological resources that may be present on the site. | Potentially Significant | In order to ensure that the proposed project will not have significant impacts on important archaeological resources or traditional cultural properties, additional Phase 2 evaluation shall be undertaken where archaeological sensitivity remains high and shall be accomplished in two stages. (Phase 2 testing has been completed on the existing Caltrans employee parking lot.) As necessary a data recovery/mitigation plan shall be developed. AR-1 Additional Pre-field Archival Research. Following the pre-field archival research, a report shall be prepared to augment the site's historic context and to develop a focused research design/work plan necessary to guide the location, evaluation, and recovery of archaeological features. The testing phase shall include implementation of the actual field investigations and post-field analysis and reporting. Excavations shall focus on (1) determining if intact prehistoric and historical ground surfaces are present in the northern | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|--|---|
| | | <p>third of the project; and (2) identifying the features types, variability, and integrity represented therein.</p> <p>AR-2 Test Excavations. Selected target areas shall be tested in an effort to identify the presence and evaluate the integrity of archaeological deposits and buried eighteenth, nineteenth, and twentieth-century historical surfaces. Because there is a potential to encounter prehistoric cultural material and human remains, a Native American monitor, culturally affiliated with the site, shall be invited to be present during test excavations. If significant archaeological deposits are found during test excavations, a mitigation plan shall be developed to ensure that important archaeological data are not lost.</p> <p>AR-3 If significant resources are identified, a data recovery/mitigation plan will be developed in consultation with the California State Historic Preservation Officer, the Native American Heritage Commission (NAHC), and the culturally affiliated Native American groups identified by the NAHC. The mitigation plan shall include methods by which prehistoric, protohistoric, and historical archaeological deposits will be recovered. Specific provisions must also be made for the analysis of artifacts, report preparation and dissemination, and curation and disposition of artifacts, consistent with the State Historical Resources Commission Guidelines for the Curation of Archaeological Collections. The resulting plan would include measures concerning the treatment of unanticipated discovery of human remains and associated funerary objects, curation of cultural material, and consultation</p> | |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|--|---|
| | | <p>with the affiliated Native American group, as identified by the NAHC, on the selection of a curatorial facility.</p> <p>AR-4 Subsequent monitoring following Phase 3 data recovery shall be conducted, if necessary. Further archival research should confirm the extent of Block 24 disturbances on the west side of Main Street, which may reduce the Block 24 measures to monitoring only. As demonstrated on other urban Los Angeles projects, some resources may be buried beneath historic surfaces and defy discovery. Because Native American concerns have been established, additional monitoring shall be conducted, if warranted.</p> | |
| Paleontological Resources | | | |
| <p>Due to the depth of excavation for the proposed project, up to 35 feet, and based on the results of the geotechnical investigations, subsurface Pleistocene alluvium would be encountered, which may contain paleontological resources. Subsurface deposits of the Fernando Formation are also present at depths that are likely to be encountered during excavation; this rock unit, too, has high paleontologic sensitivity. Excavation that cuts into either of these strata could result in the destruction of any unique fossil resources that may be present, a potentially significant impact. However, it should be noted that there are currently no geotechnical data or evidence confirming the presence of significant or unique paleontological resources on the site or within the immediate vicinity of the site.</p> | <p>Potentially Significant</p> | <p>The following measures shall be implemented to ensure that potential impacts to any unique paleontological resources that may be present on the site would be reduced to a level of insignificance:</p> <p>PR-1 Monitoring of excavation by a qualified paleontologic monitor shall be conducted in areas identified as likely to contain paleontologic resources. Based upon the results of the current review of literature, areas of concern within the boundaries of the proposed project include any and all subsurface Pleistocene older alluvium and/or older Pliocene marine sediments. It is estimated that these geologic formations would be encountered at depths of 15 feet and deeper below the existing ground surface; these estimates depend upon the location of excavation within the boundaries of the property and may be revised based upon observations by qualified professional</p> | <p>Not Significant</p> |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|--|---|
| | | <p>paleontologists, as needed, of sediments unearthed during excavation. Paleontologic monitors should be equipped to salvage fossils as they are unearthed to avoid construction delays, and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Monitoring may be reduced if the potentially fossiliferous units described herein are not found to be present in the subsurface, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.</p> <p>PR-2 Recovered specimens shall be prepared to a point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.</p> <p>PR-3 Specimens shall be identified and curated into a professional, accredited museum repository with permanent retrievable storage.</p> <p>PR-4 A report of findings with an appended itemized inventory of specimens shall be prepared. The report and inventory, when submitted to the Department of General Services, would signify completion of the program to mitigate impacts to paleontologic resources.</p> | |

| TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES | | | |
|--|-----------------------------------|--|---|
| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
| Historical Resources | | | |
| Under Alternative 1, the existing Caltrans headquarters building, which appears to be eligible for the California Register of Historical Resources and National Register of Historic Places, would be declared surplus property by the State, and would not be reused. Neglect could cause damage to the building. | Significant | <p>The following measures shall be implemented to ensure impacts are minimized under Alternative 1:</p> <p>HR-1 The Caltrans headquarters building shall be properly secured (i.e., fire control, vandalism deterrence, etc.) and maintained during the period the resource of concern is to be left vacant. Exterior landscaping shall be properly maintained.</p> <p>HR-2 In the event the Caltrans District 7 headquarters building is transferred or sold, a protective covenant shall be attached to the transfer or sale, which will outline the character defining features (primarily the decorative façade elements), such as the ornamental medallions between the stories, the flattened fluted columns at the entrance, and stainless steel decorative features around the front façade, to be protected, as well as those steps necessary in order to protect the resource. The new owners of the building will protect, as prudent and feasible, these character defining features to ensure compliance with Governor's Executive Order W-26-92, PRC 5024.1, and CEQA (Title 14, Chapter 3).</p> <p>A covenantee will be assigned to inspect and regulate said transfer (or sale) and future protection of this resource. The following parties shall sign this covenant: Caltrans, the new owner, and the covenantee.</p> | Not Significant |
| Under Alternatives 2 and 3, the existing Caltrans headquarters building would be demolished. | Significant | <p>The following mitigation measures shall be implemented for Alternatives 2 and 3 prior to demolition of the original portion (1949) of the existing Caltrans headquarters building:</p> <p>HR-3 The decorative façade elements of the original portion of the existing Caltrans headquarters building, such as the ornamental medallions,</p> | Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|---|---|
| | | <p>stylized fluted columns, and stainless steel decorative entrance features, shall be removed prior to demolition. The decorative façade elements shall be used as part of the Art Program, made part of the Caltrans Museum, or used in other ways as decided by Caltrans.</p> <p>HR-4 Prior to demolition or removal of any character defining fabric, HABS/HAER-like documentation of the existing Caltrans District 7 headquarters shall be undertaken. This completed documentation shall be deposited with the Los Angeles Public Library as well as made available to the proposed Caltrans museum or other local museums.</p> | |
| <p>Four structures within a one-block radius of the proposed project site have been identified as listed on or eligible for listing in the California Register of Historical Resources: The Los Angeles City Hall, St. Vibiana's Cathedral, The Times-Mirror Building and its additions, and the Higgins Building. Under any of the proposed project alternatives, there would be no substantial adverse change in the surroundings of any of these historical resources such that their significance would be materially impaired.</p> | <p>Not Significant</p> | <p>No mitigation required.</p> | <p>Not Significant</p> |
| Geology and Soils | | | |
| <p>The project site would be excavated to a depth of approximately 18 feet under Alternative 1 and 35 feet under Alternatives 2 and 3, and would require temporary construction slopes and shoring. If proper procedures are not followed, sloughing of the surface and unstable soil zones could occur within temporary excavations. Perched groundwater could potentially affect temporary shoring and permanent foundations. Soil erosion may occur, but would be minimal.</p> | <p>Potentially Significant</p> | <p>GE-1 All earthwork and grading shall meet the requirements of State of California codes and shall be performed in accordance with the recommendations in the Geotechnical Investigation (March 2001) conducted for the proposed project or any subsequent studies deemed necessary to supplement the March 2001 report.</p> <p>GE-2 All excavation and shoring systems shall meet the minimum requirements of the Occupational Safety and Health (OSHA) standards.</p> | <p>Not Significant</p> |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|---|---|
| <p>Strong ground motion due to earthquakes on nearby faults could generate peak ground acceleration of 0.59g at the project site. This hazard would represent a less than significant impact for all alternatives, provided that construction of the proposed project conforms to all applicable building codes and provisions.</p> | <p>Not Significant</p> | <p>GE-3 A final geotechnical report shall be prepared before final design of the proposed building and the recommendations provided in this report shall be implemented, as appropriate.</p> | <p>Not Significant</p> |
| <p>Artificial fill found to depths of up to 15 feet beneath the project site would be susceptible to liquefaction during a strong earthquake, if it were saturated.</p> | <p>Potentially Significant</p> | <p>GE-4 The thin layer of loose to medium dense artificial fill present at the site shall be removed from below the buildings' foundations and replaced with engineered fill.</p> | <p>Not Significant</p> |
| <p>Hazardous Materials</p> | | | |
| <p>Construction-related excavation and handling of contaminated soil and/or water under any of the alternatives would potentially result in exposure of workers and the general public. Specifically, potential impacts would include:</p> <p><i>Listed Hazardous Material Sites</i> - Under all alternatives no sites with moderate or high potential to affect construction at the project site were identified. The lack of heavy industrial activities within the study area suggests environmental contamination is likely confined to individual or immediately adjacent properties that should be evaluated on a site-specific basis. Ten sites with low potential to affect the proposed project were identified.</p> <p><i>Potential Onsite Soil and Groundwater Contamination</i> – Excavation for project facilities may expose workers and the public to petroleum-contaminated soil. Additionally, shallow perched groundwater was noted onsite by URS (2001); however it was not tested for petroleum hydrocarbon contamination at that time. The groundwater could potentially have become contaminated by moving through the contaminated soil in the area. Contamination of onsite soil or groundwater is a potentially significant impact.</p> | <p>Potentially Significant</p> | <p>HM-1 <i>Low Potential Impact Sites</i> - Low potential sites require re-evaluation if construction parameters (excavation location and depth) vary from the proposed design. In the event project parameters are changed, "low" potential sites shall be reevaluated to determine whether they need to be reclassified as moderate or high impact potential sites. A qualified and approved environmental consultant (California registered geologist, environmental assessor, or civil engineer experienced in environmental assessments and acceptable to the State) shall perform the review and evaluation.</p> <p>HM-2 <i>Contaminated Soil & Groundwater</i> – It is anticipated that contaminated soil and groundwater will be encountered in the vicinity of the previously identified soil contamination (APEX, 1992). Sampling and testing of soil and groundwater near the previously identified contamination shall be conducted prior to the start of construction to verify and quantify contamination. Health and safety plans prepared by a qualified and approved industrial hygienist shall be developed to protect the public and all workers in the construction area.</p> | <p>Not Significant</p> |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|--|---|
| <p><i>Asbestos- and Lead-Containing Material –</i> Construction of Alternative 2 or 3 will require demolition of the existing Caltrans headquarters building and the existing buildings in the blocks bounded by 1st, Spring, Los Angeles, and 2nd Streets. Based on the age of these buildings, primarily greater than 40 to 50 years old, there is a potential that asbestos-containing material (ACM) and lead-based paint and other hazardous materials may be present in the structures. Demolition of these structures could potentially result in exposure and mobilization of ACM and/or lead-based paint contaminants.</p> | | <p>Health and safety plans shall be reviewed and approved by the appropriate agencies, such as Los Angeles County Health or California DTSC. A remediation plan for any contaminated soil or groundwater encountered shall be developed in conjunction with DTSC under their Voluntary Cleanup Program (VCP).</p> <p>During removal of the asphalt/concrete parking lot surface and during excavation for the proposed buildings the Design/Builder shall observe the exposed soil for visual evidence of contamination. If visual contamination indicators are observed during excavation, work in the vicinity of the contamination shall halt until the contamination and its impacts are understood and work can proceed safely. The contractor shall comply with all local, state, and federal requirements for sampling and testing, and subsequent removal, transport, and disposal of hazardous materials. Areas with contaminated soil determined to be hazardous waste shall be excavated by personnel who have been trained through the OSHA recommended 40-hour safety program (29CFR1910.120) with an approved plan for excavation, control of contaminant releases to the air and offsite transport or onsite treatment.</p> <p>HM-3 Construction dewatering is anticipated due to shallow perched groundwater conditions. Perched groundwater may be contaminated with petroleum hydrocarbons and should be tested prior to any construction dewatering activities. The contractor shall comply with all applicable regulations and permit requirements for construction dewatering. This may include laboratory testing, treatment of contaminated groundwater, or other disposal options. Appropriate regulatory agencies, such as</p> | |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|---|---|
| | | <p>California EPA, the Regional Water Quality Control Board, and Los Angeles County Environmental Health should be notified in advance of construction so that discharge permits identifying discharge points, quantities, and groundwater treatment (if necessary) can be identified.</p> <p>HM-4 <i>Asbestos- and Lead-Containing Material</i> - A survey of buildings and structures to be removed or demolished shall be conducted to assess the presence and extent of asbestos- and lead-containing materials.</p> <p>This study should be conducted prior to demolition by a qualified and approved environmental specialist. The investigation shall include collecting samples for laboratory analysis and quantification of contaminant levels within the buildings and structures proposed for demolition. Based on these findings, appropriate measures for handling, removal, and disposal of these materials can be developed. Regulatory agencies for the State of California, County of Los Angeles, and City of Los Angeles shall be contacted to plan handling, treatment, and/or disposal of the materials.</p> | |
| Hydrology/Water Quality | | | |
| <p>Under any of the proposed project alternatives, water quality associated with runoff from the site would continue to be affected by discharges from motor vehicle use, oil and grease residues, leaf fall, and pavement disintegration. Some additional onsite landscaping would result in an incremental increase in the use of pesticides and/or herbicides.</p> | <p>Not Significant</p> | <p>No mitigation required.</p> | <p>Not Significant</p> |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|--|---|
| Under any of the proposed project alternatives, the proposed parking structure includes an auto shop for the routine maintenance of car pool vehicles, vans, and trucks used by staff for field activities. Caltrans regulations require vehicle bays to be built with sealed concrete floors and vehicle wash racks to have wastewater treatment systems. | Not Significant | No mitigation required. | Not Significant |
| Land Use | | | |
| Construction activities associated with any of the proposed project alternatives would result in some temporary, localized, site-specific disruptions to land uses in the proposed project area primarily related to: construction-related traffic changes from trucks and equipment in the area; partial and/or complete street and lane closures, with some requiring detours; access disruptions to residences, businesses, and parking; increased noise and vibration; and changes in air emissions. | Not Significant | No mitigation required. | Not Significant |
| <p>Construction of the proposed project under two of the three alternatives would require full permanent property acquisitions and displacement of commercial uses on those parcels.</p> <p>Alt. 1: No acquisitions required.</p> <p>Alt. 2: Full permanent acquisition of 8 privately owned parcels containing 27 existing commercial uses (23 existing businesses and 4 commercial parking lots) and the Latino Museum.</p> <p>Alt. 3: Full permanent acquisition of 8 privately owned parcels containing 27 existing commercial uses (23 existing businesses and 4 commercial parking lots) and the Latino Museum.</p> | Not Significant | No mitigation required; however, relocation assistance will be provided to eligible displaced persons and businesses by the City of Los Angeles. | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|---|---|
| Noise | | | |
| <p>Demolition and construction activities associated with any of the proposed project alternatives would result in increases in ambient noise levels in the vicinity of the construction site. However, noise level increases would be limited to daytime hours and would be temporary and intermittent.</p> | Not Significant | <p>To minimize construction noise impacts and assure compliance with the City's Noise Ordinance, the following measures shall be implemented:</p> <p>N-1 Noise control devices, such as equipment mufflers, enclosures, and barriers shall be used.</p> <p>N-2 Truck haul routes shall avoid residential areas.</p> <p>N-3 All sound-reducing devices and restrictions shall be maintained throughout the construction period.</p> | Not Significant |
| <p>Operation of the proposed project under any of the alternatives would result in increased community noise levels due to project-generated traffic and onsite activities (i.e., loading dock operations and heliport).</p> <p><i>Traffic</i> - Under the proposed project alternatives, PM peak hour traffic volumes on nearby streets would increase by approximately 0 to 43 percent. The resulting noise level increases would not be substantial and would not exceed the 3-dBA significance criterion. Thus, operation of the proposed project would result in a less than significant increase in traffic noise levels at noise-sensitive uses in the project area for each of the three alternatives.</p> <p><i>Heliport</i> - Because helicopter noise would be similar to helicopter noise associated with the existing facility and would be temporary, infrequent, and would likely occur during daylight hours, it would not result in a significant impact on the environment.</p> <p><i>Loading Dock</i> - The loading dock and warehouse may be located inside the proposed parking structure and activities would be limited to daytime hours. Consequently, significant noise impacts on noise-sensitive uses in the area are not anticipated.</p> | Not Significant | No mitigation required. | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|-----------------------------------|--|---|
| Population, Employment, and Housing | | | |
| <p>Construction of Alternatives 2 and 3 would result in the displacement of 27 businesses and approximately 143 employees, as well as one museum. It is anticipated that there would be sufficient available space to relocate the majority of the businesses. The Latino Museum of History, Art, and Culture may be difficult to relocate, but it is not anticipated to be infeasible. The four affected commercial parking lots are not likely to be relocated due to lack of undeveloped space. Even if these lots cannot be relocated, it would not result in a significant impact to the affected businesses because the lots represent a small portion of the commercial parking lots owned and run by the businesses. Alternative 1 would not result in any acquisitions or displacements.</p> | <p>Not Significant</p> | <p>No mitigation required however, relocation assistance will be provided to eligible displaced persons and businesses by the City of Los Angeles.</p> | <p>Not Significant</p> |
| <p>Operation of the proposed project would result in a minor increase in employment due to the proposed retail space. Alternative 3 would result in a larger potential increase in employment due to the potential reoccupation of office space vacated by the transfer of 564 LADOT employees that would be relocated to the proposed new Caltrans offices. Neither of these increases in employment would be significant because they represent a very small portion of the total employment in the downtown area, because the housing vacancy rate in the area is more than sufficient to accommodate any increase in housing demand this employment increase could generate, and because the loss of employment due to business displacement would counteract the increased employment generated by the proposed project.</p> | <p>Not Significant.</p> | <p>No mitigation required.</p> | <p>Not Significant</p> |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|----------------------------|---|--|
| Public Services | | | |
| <p><i>Police Protection (Construction Impacts)</i> – During construction of any of the proposed project alternatives, police protection services could be occasionally adversely affected due to diminished access (as a result of possible short-term lane and street closures) and resulting increased traffic and congestion.</p> | Not Significant | <p>Although no significant impacts are anticipated, the following measure shall be implemented:</p> <p>PPS-2 Prior to implementation of any construction activities that may interfere with emergency service, the construction contractor shall consult and coordinate with the LAPD.</p> | Not Significant |
| <p><i>Fire Protection (Construction Impacts)</i> – During construction of any of the proposed project alternatives, fire protection services could be occasionally adversely affected due to diminished access (as a result of possible short-term lane and street closures) and increased traffic and congestion. There is also the possibility of temporary disruption of water service during construction activities.</p> | Not Significant | <p>Although no significant impacts are anticipated, the following measure shall be implemented:</p> <p>FPS-2 Prior to implementation of any construction activities that may interfere with emergency service, the construction contractor shall consult and coordinate with the LAFD.</p> | Not Significant |
| <p><i>Schools (Construction Impacts)</i> – Because there are no schools adjacent to the project site and the distance from the construction site to the closest school is about 0.8 miles, impacts such as noise and air quality on local schools due to construction activities are not expected to be significant.</p> | Not Significant | No mitigation required. | Not Significant |
| <p><i>Police/Fire/Schools (Operational Impacts)</i> - All of the proposed project alternatives would increase employee population in the area, however, the additional population would result in minor increases in demand for public services and have a minimal effect on emergency response times.</p> | Not Significant | <p>Although no significant impacts are anticipated, the following measures shall be implemented:</p> <p><i>Police Protection–</i></p> <p>PPS-1 The state police force stationed at the new Caltrans District 7 headquarters building shall work and cooperate with the LAPD as necessary to provide protection services to the proposed project.</p> <p><i>Fire Protection –</i></p> <p>FPS-1 The State shall comply with all applicable codes and regulations as administered by the State Fire Marshall. The State Fire Marshall shall consult with the LAFD to incorporate</p> | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|---|----------------------------|---|--|
| | | <p>appropriate response procedures and fire safety measures in the proposed project.</p> <p>FPS-3 An automatic fire sprinkler system shall be provided for the building and parking structure in accordance with state codes and regulations.</p> <p>FPS-4 A complete, electronically supervised fire detection and signaling system shall be provided, with intelligent analog alarm initiation to be device-addressable and annunciated.</p> <p>FPS-5 Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.</p> <p><i>Schools –</i> No mitigation required.</p> | |
| Traffic and Parking | | | |
| <p>Alternatives 1, 2, and 3 would result in significant traffic impacts at 2 of the 27 study intersections:</p> <ol style="list-style-type: none"> 1. Alameda St. & Temple St., PM only 2. San Pedro St. & 1st St., PM only | Significant | <p>TP-1 <u>Alameda Street and Temple Street</u> – Prohibit parking on the south side of Temple Street to accommodate the installation of dual eastbound left-turn lanes with protected left-turn signal phasing. This measure would require restriping and signal work at the intersection.</p> <p>TP-2 <u>San Pedro Street and 1st Street</u> – Install exclusive right-turn only lanes on both the northbound and southbound approaches of San Pedro Street.</p> | Not Significant |

TABLE S-2: SUMMARY OF IMPACTS AND MITIGATION MEASURES

| Potential Environmental Impacts | Significance Determination | Mitigation Measures | Level of Significance after Mitigation |
|--|-----------------------------------|---|---|
| Alternative 1 would displace 685 parking spaces and provide approximately 932 new spaces. Alternatives 2 and 3 would displace an estimated 850 spaces including approximately 165 spaces in the commercial lots on the south side of 1 st Street. However, 932 and 1,142 new spaces would be provided under Alternatives 2 and 3, respectively. | Not Significant | No mitigation required. | Not Significant |
| Public Utilities and Energy Conservation | | | |
| Construction activities could cause temporary disruption of utilities in the area, however because the disruption would be for short periods of time and temporary, the impacts would be minimal and not significant. | Not Significant | No mitigation required. | Not Significant |
| The proposed project would create an increase in demand for water and energy and would generate increased wastewater and solid waste; however, there is sufficient capacity for all utilities to handle these increases. | Not Significant | Although no significant impacts are anticipated, the following measure shall be implemented: WW-1 To reduce the wastewater generation impact on treatment and sewer facilities the proposed project shall comply with water conservation measures stipulated in Title 24. | Not Significant |

Source: Myra L. Frank & Associates, Inc., 2001.

CHAPTER 1 - RESPONSES TO COMMENTS ON DEIR

1-1 INTRODUCTION

The Draft EIR for the proposed project Caltrans District 7 Headquarters Building Replacement Project was made available for public review for a period of 45 days beginning July 5, 2001. During this review period, a number of written comments were submitted to the lead agency. In addition, a public workshop/hearing was held to receive written comments on the Draft EIR in the City of Los Angeles on August 1, 2001.

In accordance with the requirements of the California Environmental Quality Act (CEQA), each of the comment letters and transcripts of the public hearing proceedings are included in this Final EIR, as are lead agency responses to any environmental concerns raised in the comments. Each comment letter is labeled with a reference letter and number corresponding to the lists below. Individual comments are referenced in the margin and responses follow each letter.

The public agencies, organizations, and individual citizens that submitted comments on the Draft EIR during the public review period are listed below.

A. Public Agencies

| <u>No.</u> | <u>Agency</u> | <u>Name</u> | <u>Date</u> |
|------------|--|---------------|-------------|
| A1 | Los Angeles Department of Transportation | James Okazaki | 8/17/01 |
| A2 | Southern California Association of Governments | Jeffrey Smith | 8/14/01 |
| A3 | California Department of Transportation – Division of Aeronautics | Sandy Hesnard | 8/15/01 |
| A4 | Native American Heritage Commission | Rob Wood | 7/20/01 |
| A5 | State of California – Governor’s Office of Planning and Research – State Clearinghouse | Terry Roberts | 8/21/01 |

B. Businesses/Organizations

| <u>No.</u> | <u>Agency</u> | <u>Name</u> | <u>Date</u> |
|------------|---|---------------------|-------------|
| B1 | The Latino Museum of History, Art and Culture | Juan Gomez-Quinones | 8/1/01 |
| B2 | Los Angeles Conservancy | Ken Bernstein | 8/17/01 |
| B3 | Sheppard, Mullin, Richter & Hampton, LLC | Jack Rubens | 8/20/01 |
| B4 | Christopher A. Joseph & Associates | Chris Joseph | 8/20/01 |

C. Private Citizens/Individuals

| <u>No.</u> | <u>Name</u> | <u>Date</u> |
|------------|---------------|-------------|
| C1 | Ileana Landon | 8/1/2001 |

D. Public Workshop

The following individuals had their verbal comments recorded by a court reporter at the public hearing on August 1.

| <u>Name</u> | <u>Organization</u> | <u>Date</u> |
|---------------------|---|-------------|
| Jaime Cruz | National Chicano Moratorium Committee | 8/1/01 |
| Juan Gomez-Quinones | The Latino Museum of History, Art & Culture | 8/1/01 |
| Ileana Landon | Landon Agency | 8/1/01 |

Comment Letter A1

CITY OF LOS ANGELES
CALIFORNIA

FRANCEST BANERJEE
GENERAL MANAGER



JAMES K HAHN
MAYOR

DEPARTMENT OF
TRANSPORTATION
321 N FIGUEROA ST SUITE 500
LOS ANGELES CA 90017
(213) 469-1100
FAX (213) 580-1189

2nd St &
Main St

August 17, 2001

Susan Statton, Senior Environmental Planner
Department of General Services, Real Estate Services Division
1102 Q Street, Suite 5100
Sacramento, California 95814

**DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED
CALTRANS DISTRICT 7 HEADQUARTERS BUILDING REPLACEMENT PROJECT**

The Los Angeles Department of Transportation (LADOT) has reviewed the DEIR and supporting traffic study prepared by traffic consultant, Kaku Associates, for the proposed Caltrans District 7 Headquarters Building Replacement Project. The proposed project includes construction of a new headquarters building and parking structure on the block containing Caltrans' parking lot east of their existing headquarters building. The project site is located on the block bounded by Main Street on the west, Los Angeles Street on the east, 1st Street on the north and 2nd Street on the south. The DEIR analyzed traffic impacts for three project alternatives at 27 study intersections and determined that five intersection will be significantly impacted by Project Alternative 1, two intersections by Project Alternative 2 and four intersections by Project Alternative 3. The study also analyzed three Congestion Management Program (CMP) arterial monitoring intersections and determined that none of the project alternatives would result in a significant CMP impact.

Notwithstanding the results of the DEIR, LADOT believes that the traffic study had overestimated the net trip generation for the three project alternatives. If the project trip generation for the three alternatives were recalculated as suggested by LADOT in this letter, the net increase in trip generation would probably not be sufficient to trigger a significant impact at any of the impacted intersections.

A1-1

PROJECT DESCRIPTION

The proposed project consists of the demolition or abandonment of the current 398,000 square-foot (SF) Caltrans District 7 Headquarters Building located on the block bounded by 1st Street on the north, 2nd Street on the south, Spring Street on the west and Main Street on the east, and construction of a new headquarters building and parking structure on the block just east of the existing building. The new building will house approximately 1,800 Caltrans employees which will be relocated from the existing headquarters building occupied by approximately 1,630 employees and from two off site facilities with 154 employees.

The project may also include a land exchange between the City of Los Angeles and the State of

AN EQUAL EMPLOYMENT OPPORTUNITY – AFFIRMATIVE ACTION EMPLOYER

Recyclable and made from recycled waste ♻️

Susan Statton

- 2 -

August 17, 2001

California. Project Alternatives 2 and 3 are contingent on the City and State reaching an agreement whereby the City would acquire the privately owned parcels south of 1st Street and convey that property to the State. The State would demolish the existing headquarters building and convey that property to the City. The City would also transfer its interest in old State Office Building previously demolished, on the north side of 1st Street between Broadway and Spring Street.

The DEIR proposes three alternatives for the project:

Alternative 1:

This alternative consists of the construction of an approximately 603,500 square-foot (SF), 16-story building for approximately 1,800 Caltrans employees on only the portion of the block containing Caltrans' parking lot. The building will also contain approximately 4,500 SF of childcare space with an outdoor play area, approximately 5,000 SF of retail space and approximately 5,000 SF of cafeteria space which will be open to the public. This alternative also proposes to construct a 10-story building with 932 parking spaces consisting of ten above-grade parking levels or two subterranean and eight above-grade parking levels, with a 16,500 SF auto/maintenance shop, 15,000 SF of warehouse space, and 1,000 SF of loading dock space. All Caltrans employees at the current headquarters building and at the off-site facilities will be relocated to the new headquarters building after the project is completed. Vehicular access to the site will be provided from a driveway on Los Angeles Street and from a private alley to be constructed south of 1st Street along the north side of the project site connecting Main Street and Los Angeles Street. Pedestrian access will be provided from a midblock entrance on Main Street.

The study reported that the Alternative 1 project will generate approximately 143 net trips during the AM peak hour and approximately 148 net trips during the PM peak hour including trip reduction credits for existing uses and internal capture trips. The study also suggested that five intersections will be significantly impacted under this alternative.

Alternative 2:

This alternative has essentially the same elements as Alternative 1 except that the new building will be 12 stories tall instead of 16 stories and occupy the entire block. Also, the new parking structure will consist of 2 subterranean levels and six above grade levels with 932 parking spaces. Vehicular access to the site will be provided from single driveways on Main Street and on Los Angeles Street. Pedestrian access to the headquarters will be provided from a midblock entrance on Main Street.

Under this alternative, the City of Los Angeles proposes to acquire 8,160 SF of restaurant space, 12,520 SF of office space, 20,650 SF of museum space (Latino Museum of History), and the 23,690 SF of surface parking on a lot located along the south side of 1st Street between Main Street and Los Angeles Street. The City of Los Angeles would also acquire 463 SF of restaurant space, 17,344 SF of retail space, 13,364 SF of commercial/office space and 38,615 SF of surface parking on a lot on the south side of 1st Street between Spring Street and Main Street. The DEIR indicates that implementation of this alternative is contingent upon the City of Los Angeles successfully acquiring the private properties on the south side of 1st Street and exchanging the property for the existing

Susan Statton

- 3 -

August 17, 2001

Caltrans headquarters site.

The study reported that the Alternative 2 project will generate approximately 18 net trips during the AM peak hour and a net decrease of approximately 59 trips during the PM peak hour including trip reduction credits for existing uses and internal capture trips. The study also suggested that two intersections will be significantly impacted under this alternative.

Alternative 3:

This alternative consists of the construction of an approximately 716,200 SF, 16-story building for approximately 1,800 Caltrans employees and 564 LADOT employees and occupy the entire block. LADOT employees will occupy 112,700 SF of office space. The building will also contain approximately 3,875 SF of Caltrans museum/library space, 4,500 SF of childcare space with outdoor play area, approximately 5,000 SF of retail space and approximately 5,000 SF of cafeteria space which will be open to the public. This alternative also proposes to construct a 10-story building consisting of two subterranean and eight above-grade parking levels with 1,142 parking spaces (approximately 47 of which will be designated for visitor parking), 15,500 SF of auto/maintenance space, 15,000 SF of warehouse space, and 1,000 SF of loading dock space. All the Caltrans employees at the current headquarters building and at the off-site facilities along with 564 LADOT employees will be relocated to the new headquarters building after it is completed. Access to the new parking structure will be provided from driveways on Los Angeles Street and on Main Street. Additionally, this alternative also includes the acquisition of the private properties and land exchange described in Alternative 2.

The study reported that the Alternative 3 project will generate approximately 303 net trips during the AM peak hour and approximately 208 net trips during the PM peak hour including trip reduction credits for existing uses and internal capture trips. The study also suggested that four intersections will be significantly impacted under this alternative.

COMMENTS

The traffic study, which is the basis for the DEIR, has overestimated the trip generation of the proposed project as described below:

- The traffic study considered the proposed restaurant/cafeteria, retail and childcare facilities as separate facilities, and the trips generated by these facilities were added to the trips generated by the project alternatives. LADOT considers these facilities to be ancillary to the project (primary users would be building tenant employees) and that trips generated by the facilities will consist primarily of walk-ins and internal capture trips. Therefore, these facilities will not generate new trips and should be discounted.
- The proposed project site is well served by an integrated public transit network comprised of buses operated by various agencies and commuter rail services such as Metrolink and Metro Red Line. The number of trips generated by the project alternatives should be reduced

A1-2

A1-3

Susan Statton

- 4 -

August 17, 2001

to reflect the existing high level of Caltrans and LADOT use of transit.

A1-3
cont'd

- The trips should be further reduced to reflect the high level of employee carpools, vanpools and ridesharing with other employees working in other destinations in Civic Center and Downtown area. Furthermore, both Caltrans and LADOT have flexible work schedules which allow employees to start work at 7:00 AM or leave work before 4:00 PM or after 6:00 PM and outside the typical peak hour periods.

A1-4

- Also, like Caltrans, LADOT has a number of employees who would be relocating from existing offices at 205 S. Broadway which is within two blocks of the proposed site. The majority of the LADOT employees currently housed at 221 N. Figueroa Street were previously housed at Los Angeles City Hall. Therefore, the traffic study should have considered those employees as already on the existing street system, and included them in the base condition. As such these LADOT trips should not have been counted as new trips.

A1-5

The traffic study also erroneously included several related projects that have been constructed or are no longer viable. Therefore, the number of trips associated with related projects should be reduced which will lower future volume to capacity (V/C) ratios and Level of Service (LOS) at study intersections in the area.

A1-6

With regard to the City's Adaptive Traffic Control System (ATCS), the DEIR proposed a fair share contribution to the installation of ATCS at the study intersections significantly impacted by the project related trips. LADOT requires projects to fund the entire cost of a minimum size ATCS system because of the lack of a funding program in the City to upgrade existing systems operating under the older Automated Traffic Surveillance and Control (ATSAC) to ATCS. Furthermore, in order for ATCS to provide an effective improvement in signal timing and operation over the existing ATSAC system serving the Civic Center/Downtown area, LADOT has determined that a minimum of 50-signal ATCS system will be required. The approximate cost for the design and construction of ATCS for such a mini-system is in excess of one million dollars.

A1-7

DOT'S RECOMMENDED IMPROVEMENTS FOR ACCESS AND CIRCULATION

Notwithstanding the conclusion regarding trip generation and significant impacts, there are a number of arterial improvements that are recommended to improve local access and circulation to the proposed building site. Implementation of the City's Transportation Element of the General Plan requires property line setbacks (dedication) and where necessary roadway widenings.

Highway Dedication and Street Widening Requirements

Los Angeles Street Between 1st Street and 2nd Street- Los Angeles Street is classified as a Secondary Highway which requires a 35-foot half width roadway on a 45-foot half width right-of-way. Los Angeles Street is presently improved to a 34-foot half width roadway on a 42-foot half

A1-8

Susan Statton

- 5 -

August 17, 2001

width right-of-way along the project frontage. LADOT recommends a 3-foot dedication on the west side of Los Angeles Street along the project frontage, but no widening at this time. LADOT also recommends that a minimum 11-foot wide sidewalk be constructed on the west side of Los Angeles Street along the project frontage. In addition, shortening the left-turn pockets for northbound and southbound traffic on Los Angeles Street at 1st Street and 2nd Street respectively, will provide for installation a two-way left turn lane on Los Angeles Street. This would provide for better access in and out of the proposed driveways for the project alternatives.

A1-8
cont'd

A1-9

Second Street between Los Angeles Street and Main Street- Second Street is classified as a Secondary Highway which requires a 35-foot half width roadway on a 45-foot half width right-of-way. Second Street is presently improved to a 20-foot half width roadway on a 30-foot half width right-of-way. LADOT recommends a 15-foot dedication on the north side of 2nd Street along the project frontage and a 5-foot widening and restriping of Second Street for 12-foot curb lanes. The project should also provide 25-foot radius return on the northeast corner of Second Street and Main Street and on the northwest corner of Second Street and Los Angeles Street.

A1-10

Main Street between 1st Street and 2nd Street - Main Street is classified as a Secondary Highway which requires a 35-foot half width roadway on a 45-foot half width right-of-way. Main Street is presently a one-way northbound street, striped for three through lanes and improved to a 26-foot half width roadway on a 40-foot half width right-of-way along the project frontage. LADOT does not recommend any additional dedication or widening on Main Street at this time. The DEIR also indicated that access to the parking structure would be controlled by gates and recommend one entry lane, one exit lane and a reversible lane. Therefore, LADOT recommends that Main Street be restriped to add a separate right turn lane for the project driveway on Main Street. The right turn lane is necessary to accommodate the high volume of vehicles entering the project driveway from Main Street during peak hours and to prevent the inbound vehicle queue from blocking through traffic lanes on Main Street.

A1-11

There is an existing midblock pedestrian crosswalk signal on Main Street between First Street and Second Street. It is not clear from the DEIR or traffic study if the crosswalk signal will be retained. If the existing crosswalk signal is retained, then the proposed driveway on Main Street should be located south of the crosswalk signal or a minimum of 150 feet north of the crosswalk signal to prevent vehicles entering the driveway from blocking the crosswalk.

A1-12

First Street between Main Street and Spring Street- First Street is classified a Class II Major Highway which requires a 40-foot half width roadway on a 52-foot half width right-of-way. First Street is presently improved to a 40-foot half width roadway on a 55-foot half width right-of-way along the project frontage. LADOT does not recommend any additional dedication or widening on 1st Street at this time.

A1-13

The developer should also check with the Bureau of Engineering (BOE) Land Development Group on any additional highway dedication or street widening requirements.

A1-14

Susan Statton

- 6 -

August 17, 2001

Intersectional Improvements

If the reassessment of trip generation still results in significant impact, the following comments reflect feasible traffic mitigation measures to be considered.

A1-15

Alameda Street and Temple Street - Prohibiting parking on the south side of Temple Street at Alameda Street will provide for installation of an eastbound right-turn only lane or dual eastbound left-turn lanes with protected left-turn signal phasing. Implementation of these changes will require restriping and signal work at the intersection.

First Street and Los Angeles Street - Prohibiting parking during the PM peak hours on the east side of Los Angeles Street south of 1st Street for a 40-foot distance within a designated sight seeing bus zone will provide for installation of a shared through/right turn lane for northbound traffic. Also, the existing "Tow Away No Stopping" parking prohibition on the north side of the 1st Street at Los Angeles provides for installation of a westbound right-turn only lane.

A1-16

First Street and San Pedro Street - The existence of parking prohibition on the east and west sides of San Pedro Street at 1st Street provides for installation of right-turn only lanes for the northbound and southbound traffic.

A1-17

Second Street and Los Angeles Street - Prohibiting parking on the east and west sides of Los Angeles Street south of 2nd Street will provide for installation of a northbound left-turn lane.

A1-18

Improvements Permit Process

Unless otherwise specified, the proposed improvements shall be implemented through the Bureau of Engineering (BOE) B-Permit process. Construction of the improvements to the satisfaction of LADOT and BOE must be completed before issuance of any certificate of occupancy. In the event the developer is unable to obtain necessary construction permits from the concerned agencies in a timely fashion, a temporary certificate of occupancy may be granted by the City provided the developer has demonstrated reasonable efforts to complete the necessary designs and improvements to the satisfaction of LADOT. Should any improvement not receive required approval, the City may substitute an alternative measure of an equivalent cost and effectiveness. Prior to setting the bond amount, BOE shall require that the developer's engineer or contractor contact LADOT's B-Permit Coordinator, telephone (213) 580-5336, to arrange a pre-design meeting to finalize the proposed design needed for the project.

A1-19

CONSTRUCTION MANAGEMENT PLAN

LADOT recommends that a Traffic Construction Management Plan be submitted to LADOT for review and approval prior to the start of any construction work. The plan should show the location of any roadway or lane closures, traffic detours, haul routes, hours of operation, flagmen, protective devices, warning signs, and access to abutting property.

A1-20

Susan Statton

- 7 -

August 17, 2001

PARKING ANALYSIS

The DEIR indicates that Alternatives 1 and 2 will each provide 932 parking spaces while Alternative 3 will provide 1,142 parking spaces and that up to five percent of the spaces will be for visitors. Since both Caltrans and LADOT also have large number of fleet vehicles, the project should verify that the proposed parking supply is adequate to meet the parking needs of both agencies' employees, visitors and fleet vehicles.

A1-21

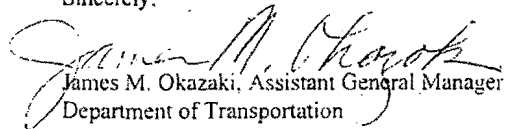
DRIVEWAY ACCESS

The review of this study does not constitute approval of the driveway access and circulation scheme. Those require separate review and approval and should be coordinated as soon as possible with DOT's Citywide Planning Coordination Section (201 N. Figueroa St., 5rd Floor, Station 23). All project driveways on should be Case 2 driveways with a maximum width of 36 feet. The driveway can flare to a wider width inside the parking structure to accommodate the gate operation. All gates should provide a minimum storage distance for three cars between the gate and the back of sidewalk. The loading docks should be designed so that no trucks have to back into or out of the loading docks from the street.

A1-22

Thank you for the opportunity to comment on this important project. If you should have any questions, please contact Robert Takasaki of my staff at (213) 580-5209.

Sincerely,


James M. Okazaki, Assistant General Manager
Department of Transportation

c: Council District No. 9
Central District, LADOT
Design Division, LADOT
Citywide Planning Coordination Section, LADOT
Land Development Group, BOE
Hadar Plafkin, Department of City Planning
Kaku Associates
Steve Buswell, Caltrans
Myra L. Frank & Associates

p:\caltrans.eir.wpd

Response to Comment A1-1

Comment noted. Requests for clarification of the trip generation revision comments resulted in additional meetings with LADOT staff, and subsequently, additional information from LADOT and Caltrans regarding specific trip recalculation assumptions and methodologies. This information is summarized in an October 11, 2001 memorandum from LADOT to Susan Stratton, Senior Environmental Planner for the State of California Department of General Services, Real Estate Services Division. A copy of that memorandum, along with a copy of the August 17, 2001 initial LADOT comment letter on the project traffic impact analysis, is contained in the appendix of the Supplemental Traffic and Circulation Study (Kaku Associates, October 2001) for the proposed project (see Appendix A of this Final EIR).

The results of the requested reanalysis of project traffic indicate that the trip modifications described by LADOT would reduce the number of significant impacts for all of the three project alternatives, but that two locations, Alameda Street and Temple Street, and San Pedro Street and First Street, would continue to experience significant project-related impacts.

Response to Comment A1-2

The October 11, 2001 LADOT memorandum clarified the assumption of the “ancillary” nature of the proposed restaurant/cafeteria, retail, and childcare facilities components of the project. The original assumptions regarding “internal capture” trips remained unchanged, with the exception of the childcare facility. This component is anticipated to exhibit a 95 percent internal capture rate, based on information supplied by LADOT, based on the current use of the Joy Picus Day Care Center.

Response to Comments A1-3 and A1-4

Subsequent to the submittal of the August 17, 2001 Draft EIR comment letter, an investigation by LADOT of its employee trip patterns found that approximately 15 percent of the employees carpool or vanpool, and another 15 percent use transit facilities to travel to and from work. Approximately one-third of the employees are on a “4/10” work schedule, meaning they work four, 10-hour days per week. This schedule puts many employee trips outside the typical AM and PM peak hour traffic patterns. As further clarified in the October 11, 2001 memorandum, specific trip generation rate data was supplied by LADOT regarding the trip-making characteristics of its employees. Based on these findings, LADOT calculated that its employees generate an average of 0.36 inbound trips per employee during the AM peak hour. This data was used to estimate total AM and PM peak trip generation rates, based on comparisons to Institute of Transportation Engineers (ITE) data, as noted in the October 11th memo. These rates were used to estimate LADOT trip generation for Alternative 3.

Additional trip generation characteristics for Caltrans employees were provided through the Caltrans South Coast Air Quality Management District (SCAQMD) employee rideshare surveys. These recent surveys indicated that Caltrans employees exhibit a far higher average vehicle ridership (AVR) than is typical for Southern California. The ITE trip generation rates used to calculate the Caltrans office trips were based on AVR’s of approximately 1.2 persons per vehicle, which is an average ridership figure widely recognized and used in the estimation of

traffic volumes for “typical” office developments. The Caltrans AVR of 2.03 is approximately 40 percent higher than this average AVR, and therefore, the estimated Caltrans trips generation for both the proposed project and the new facilities were reduced by 40 percent to account for this factor. These reductions are still considered conservative, since they do not account for Caltrans’ flexible work schedules, which remove many employee trips from the peak hours of traffic. No adjustments to Caltrans trip generation estimates were made based on this factor since no specific information was available to quantify its effects.

Response to Comment A1-5

As noted in the October 11, 2001 LADOT memorandum, although the LADOT offices proposed as part of Alternative 3 are anticipated to house up to 564 employees, the trip generation should be calculated based on 130 employees. This is due to the fact that, although all 564 LADOT employees would relocate to the new facility from various locations throughout the downtown vicinity (mostly from 221 N. Figueroa Street), a total of 434 of the employees would continue to park their vehicles in parking facilities in the immediate project vicinity and walk or use transit or shuttles to reach their office locations. As such, the trips generated by these 434 employees were already accounted for in the baseline traffic counts performed for the traffic study. The proposed LADOT employee relocations of these employees would not add new traffic to the project vicinity, and therefore were “double counted” in the original analyses

No changes were made for the Caltrans employees, since they currently use the project site and/or other nearby parking locations, which will not change substantially following development of the new facilities.

Response to Comment A1-6

Comment noted. Discussions with LADOT staff subsequent to the issuance of the comment letter identified several related projects that have been completed. However, many of these projects are minimal traffic generators, located at some distance from the study area. Removal of these projects would have an insignificant effect on the conclusions of the traffic study.

The discussions with LADOT further indicated several additional projects included in the traffic study projects list may substantially overestimate traffic additions for the year 2005. Notably, these projects include the First Street South Plaza project (No. 5), the Alameda District Plan (No. 17), Metropolis (No. 18), and Mangrove Estate (No. 15), which generate a combined PM peak hour trip total of nearly 13,000 trips. LADOT estimates a more realistic build-out for the next 5 years would result in trip estimates of approximately 4,000 to 5,000 PM peak hour trips. Although this is a substantial reduction in trip generation for the cumulative base traffic estimates for the year 2005, it is important to note that each of the projects identified has received its environmental clearances, and despite LADOT’s speculation that these projects would not likely proceed to full development within the study timeframe, each could foreseeably be constructed and occupied to its proposed limits within that period. The cumulative traffic analyses prepared for the Caltrans Headquarters Building Replacement Project assumes the full development and occupancy of these projects, and therefore reflects a potential “worst-case” traffic scenario in the study area.

However, LADOT noted that two additional related projects should be identified and included in the analyses. These projects are the reoccupancy of City Hall following its seismic retrofit, and Phase 1 of the recently approved Staples Entertainment District. These two projects are included in the supplemental traffic analysis.

The City Hall project is essentially a rehabilitation project, and although the building has been essentially vacant and will now be occupied, most of the building staff did not relocate their parking spaces. Former (and now current) employees at City Hall, in addition to LADOT employees relocated to 221 North Figueroa Street (See Response A1-5), generally retained their parking locations near City Hall during the seismic retrofit project, and walked or took buses or shuttles to their new, temporary office locations. Therefore, although a sizeable number of employees relocated during the City Hall rehabilitation, their trips continued to occur in the study area as before, and the employee relocations resulted in only nominal effects on travel patterns or traffic volumes at the study intersections. As such, inclusion of “new” trips to account for the recent reoccupation of City Hall would result in “double counting” of this traffic, and an overestimation of cumulative traffic. The actual effects of the reoccupancy of City Hall will not alter the results or conclusions of the study.

Discussions with LADOT staff indicate that a realistic estimate of development over the next 5 years for the Staples Entertainment District first phase would be limited to an approximately 1,200-room hotel and ancillary retail. This level of development would generate approximately 10,704 daily trips, 908 AM peak hour trips, and 991 PM peak hour trips.

The supplemental traffic study was revised to include this new related project in the analysis. Although the project is anticipated to be a substantial traffic generator, its location at the extreme southwest corner of the study area, and its excellent access to and from the I-10 (Santa Monica) and U.S.101 (Harbor) Freeways would limit its expected traffic additions to any of the 27 selected study intersections. Traffic additions to the study area during either of the peak hours would likely be less than 10 to 20 vehicles at any individual location. This amount of additional traffic is nominal, and would not affect the LOS at any of the 27 intersections. Inclusion of this project would not change any of the results or conclusions of the traffic analyses.

Response to Comment A1-7

Comment noted. The reanalysis of project traffic impacts based on the revised trip generation assumptions noted by LADOT in the August 17, 2001 comment letter and later clarified in the October 11, 2001 memorandum indicates that the revisions will result in only two significant intersection impacts for each of the three project alternatives. Funding for an entire 50-plus intersection traffic signal upgrade system to mitigate two impacts is not cost effective. Additionally, LADOT currently has no immediate plans to implement such improvements. Alternative mitigation measures, designed to address the specific traffic impacts of the proposed project through physical intersection capacity enhancements, are recommended by LADOT, and are discussed in the response to Comment A1-15 below.

Response to Comments A1-8 through A1-14

Comments noted. The project will provide street dedications and/or roadway improvements to the project frontage streets as acceptable to LADOT and the City of Los Angeles.

Response to Comment A1-15

The supplemental traffic analysis using the reduced trip generation scenarios indicated that only two of the study intersections would be significantly affected: Alameda Street and Temple Street, and San Pedro Street and First Street. Based on these results, and in response to LADOT's recommendation that any remaining significant impacts be addressed through mitigation measures other than ATCS, both of the alternative mitigation measures were evaluated for effectiveness. As described in Table 5 of the Supplemental Traffic Study (see Appendix A of this Final EIR), the recommendation to install dual eastbound right-turn lanes on Temple Street is effective in mitigating the project impacts at this intersection to less than significant levels, and is the preferred mitigation measure. The second option, installation of an exclusive right-turn lane for eastbound traffic, is not effective, and actually creates a significant impact during the AM peak hour. This measure is not acceptable as mitigation for the impact at this location.

Response to Comment A1-16

As summarized in the supplemental traffic impact analysis, this intersection is no longer significantly affected by the proposed project alternatives. Therefore, mitigation measures are not warranted for this location.

Response to Comment A1-17

Comment noted. The results of the supplemental traffic analysis indicate that this location would not be significantly affected by any of the project alternatives. As shown in Table 5 of the Supplemental Traffic Study, the mitigation recommended by LADOT would be effective in reducing these impacts to less than significant for each of the project alternatives.

Response to Comment A1-18

Comment noted. Please see the response to Comment A1-16.

Response to Comment A1-19

Comment noted. Implementation of the physical mitigation measures recommended by LADOT (See responses to Comments A1-15 and A1-17) will require a B-Permit. The developer will comply with all City processes in obtaining and satisfying the permit process.

Response to Comment A1-20

Comment noted.

Response to Comment A1-21

Comment noted. The number of project parking spaces proposed would meet Caltrans needs and is similar to the amount of onsite parking currently provided for both agencies. Approximately 1 parking space (excluding parking spaces for fleet and emergency vehicles) would be provided per 1,000 gross square feet of floor space. Since the project is proposed essentially as a one-for-one replacement for the existing facilities, the number of existing parking spaces was compared to the proposed amount as an indication of adequacy of the proposed supply. As noted in the original June 2001 traffic study, many Caltrans employees currently park at offsite locations and would continue to do so following development of the new headquarter facilities. The same is true of LADOT employees, as applicable to project Alternative 3 (see the response to Comment A1-5). The number of onsite parking spaces would supplement the existing offsite parking spaces. These parking resources together are expected to be sufficient to accommodate the parking demands of the project.

Response to Comment A1-22

Comment noted. Driveway locations and designs and internal parking structure layouts will be reviewed by the project development team for consistency with City standards and will be submitted for review and approval by appropriate City agencies.

Comment Letter A2

RECEIVED
AUG 20 2001
GENERAL SERVICES
REAL ESTATE SERVICES DIVISION



ASSOCIATION of GOVERNMENTS

Main Office

818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435

T (213) 236-1800
T (213) 236-1825

www.scag.ca.gov

Officers: President: Supervisor Jon Mikels, County of San Bernardino; First Vice President: Commissioner: Hal Beaman, Los Angeles; Second Vice President: Commissioner: Joe Perry, Kern; Immediate Past President: Mayor Pro Tem: Ron Bates, Los Alamitos

Imperial County: Hans Touper, Imperial County; Clerk: Division: El Centro

Los Angeles County: Thomas Bralwart, North Los Angeles County; Zev Turovsky, Los Angeles County; Harry Baldwin, San Gabriel; Bruce Barrows, Cerritos; George Bass, Bell; Hal Brisson, Los Angeles; Robert Bruech, Rosemead; Gene Conroy, Pasadena; Jo Anne Dancy, Santa Clara; Ruth Calvert, Los Angeles; Eric Givens, Los Angeles; Ray Gradoski, Long Beach; James Hahn, Los Angeles; Bruce Hahn, Los Angeles; Dee Hardison, Torrance; Nate Holden, Los Angeles; Sandra Jacob, El Segundo; Lawrence Kitzley, Inglewood; Joanne Lowenthal, Long Beach; Keith McCarthy, Downey; Emily Musickowski, Los Angeles; Nancy Murphy, Burbank; Pam O'Connor, Santa Monica; Nick Pacheco, Los Angeles; Alex Paila, Los Angeles; Ian Peris, Los Angeles; Heather Price, Pomona; Mark Priddy, Thousand Oaks; Ed Reyes, Los Angeles; Karen Rosenbald, Claremont; Dick Stanford, Azusa; Tom Sirok, Walnut; Paul Talbot, Altadena; Jeffrey Teim, H. Pasadena; Joel Wurdin, Los Angeles; Deane Washburn, Calabasas; Jack Weiss, Los Angeles; Dennis P. Zink, Los Angeles

Orange County: Charles Smith, Orange County; Ron Barr, Los Alamitos; Ralph Bassett, Huntington Beach; Art Brown, Buena Park; Lou Moss, Tustin; Elizabeth Cowan, Costa Mesa; Cathryn LeTrotter, Laguna Hills; Richard Dixon, Lake Forest; Alan Dink, La Palma; Sheryl McCracken, Anaheim; Ben Perry, Brea; Joel Kogewitz, Newport Beach

Riverside County: Bill Baker, Riverside County; Ron Lonsinger, Riverside; Greg Potts, Cathedral City; Bob Roberts, Yucca Valley; Jim Rosenthal, Corona; Charles White, Moreno Valley

San Bernardino County: Jon Mikels, San Bernardino County; Bill Alexander, Rancho Cucamonga; David Millerman, Fontana; Lee Ann Garcia, Grand Terrace; Bob Houston, Victorville; Lewisa Newton-Perry, Chino Hills; Judith Valdes, San Bernardino

Ventura County: Judi Mikels, Ventura County; Cien Becerra, Santa Valer; Donna De Paula, San Buenaventura; Tom Young, Port Pineda

Riverside County Transportation Commission: Robert Lowe, Menifee

Ventura County Transportation Commission: Bill Davis, San Valer

Printed on Recycled Paper SSN: 772200

August 14, 2001

Ms. Susan Stratton
Senior Environmental Planner
State of California Department of General Services
Real Estate Services Division
Environmental Services Section
1102 Q Street, Suite 5100
Sacramento, CA 95814

RE: Comments on the Draft Environmental Impact Report for the Caltrans District 7 Headquarters Building Replacement Project – SCAG No. I 20010377

Dear Ms. Stratton:

Thank you for submitting the Draft Environmental Impact Report for the Caltrans District 7 Headquarters Building Replacement Project to SCAG for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

If you have any questions regarding the attached comments, please contact me at (213) 236-1867. Thank you.

Sincerely,

JEFFREY M. SMITH, AICP
Senior Planner
Intergovernmental Review

August 14, 2001
Ms. Susan Stratton
Page 2

**COMMENTS ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE
CALTRANS DISTRICT 7
BUILDING REPLACEMENT PROJECT
SCAG NO. I 20010377**

PROJECT DESCRIPTION

The proposed Project considers the development of a new headquarters facility, for Caltrans, on the site of an existing state-owned, employee parking lot that occupies the southern two-thirds of the block bounded by 2nd, Los Angeles, Main and 1st Streets. Three alternatives are under consideration, ranging from 603,500-sq. ft. to 716,200-sq. ft. of building space, along with a parking structure. The proposed Project is located downtown Los Angeles.

INTRODUCTION TO SCAG REVIEW PROCESS

The document that provides the primary reference for SCAG's project review activity is the Regional Comprehensive Plan and Guide (RCPG). The RCPG chapters fall into three categories: core, ancillary, and bridge. The Growth Management (adopted June 1994), Regional Transportation Plan (adopted April 2001), Air Quality (adopted October 1995), Hazardous Waste Management (adopted November 1994), and Water Quality (adopted January 1995) chapters constitute the core chapters. These core chapters respond directly to federal and state planning requirements. The core chapters constitute the base on which local governments ensure consistency of their plans with applicable regional plans under CEQA. The Air Quality and Growth Management chapters contain both core and ancillary policies, which are differentiated in the comment portion of this letter. The Regional Transportation Plan (RTP) constitutes the region's Transportation Plan. The RTP policies are incorporated into the RCPG.

Ancillary chapters are those on the Economy, Housing, Human Resources and Services, Finance, Open Space and Conservation, Water Resources, Energy, and Integrated Solid Waste Management. These chapters address important issues facing the region and may reflect other regional plans. Ancillary chapters, however, do not contain actions or policies required of local government. Hence, they are entirely advisory and establish no new mandates or policies for the region.

Bridge chapters include the Strategy and Implementation chapters, functioning as links between the Core and Ancillary chapters of the RCPG.

August 14, 2001
Ms. Susan Stratton
Page 3

Each of the applicable policies related to the proposed project are identified by number and reproduced below in italics followed by SCAG staff comments regarding the consistency of the Project with those policies.

SUMMARY OF SCAG STAFF COMMENTS

1. The Draft EIR, provides a discussion on the relationship of the proposed project to **applicable regional plans** as required by Section 15125 [d] of *Guidelines for Implementation of the California Environmental Quality Act*.
2. The Draft EIR, on page 4-126, includes SCAG policies that are relevant to the proposed Project. The discussion does not include an analysis of each SCAG policy, to determine consistency or support.
3. The Final EIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide, utilizing commentary from the following detailed SCAG staff comments. The response should also discuss any inconsistencies between the proposed project and applicable regional plans. We suggest that you identify the specific policies, by policy number, with a discussion of consistency or support with each policy.

A2-1

A2-2

CONSISTENCY WITH REGIONAL COMPREHENSIVE PLAN AND GUIDE POLICIES

The **Growth Management Chapter (GMC)** of the Regional Comprehensive Plan and Guide contains a number of policies that are particularly applicable to the Caltrans District 7 Building Replacement Project.

Core Growth Management Policies

- 3.01 *The population, housing, and jobs forecasts, which are adopted by SCAG's Regional Council and that reflect local plans and policies, shall be used by SCAG in all phases of implementation and review.*

SCAG staff comments. The Draft EIR, in Section 4-12 (Population, Housing, and Employment), references SCAG's population and employment forecasts for the City and County of Los Angeles. The Project is consistent with this core RCPG policy.

August 14, 2001
Ms. Susan Stratton
Page 4

3.03 *The timing, financing, and location of public facilities, utility systems, and transportation systems shall be used by SCAG to implement the region's growth policies.*

SCAG staff comments. The Draft EIR, on page 2-15, includes a discussion on demolition and construction activities for the proposed Project. Construction of the proposed Project would start in the first quarter of 2002, with completion in the second or third quarter of 2004. The Project is consistent with this core RCPG policy.

The **Regional Transportation Plan (RTP)** also has goals, objectives, policies and actions pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. Among the relevant goals, objectives, policies and actions of the RTP are the following:

Core Regional Transportation Plan Policies

4.01 *Transportation investments shall be based on SCAG's adopted Regional Performance Indicators.*

SCAG staff comments. The Draft EIR does not address Transportation Investments based on the following SCAG adopted Regional Performance Indicators:

Mobility - *Transportation Systems should meet the public need for improved access, and for safe, comfortable, convenient, faster and economical movements of people and goods.*

- *Average Work Trip Travel Time in Minutes – 25 minutes (Auto)*
- *PM Peak Freeway Travel Speed – 45 minutes (Transit)*
- *PM Peak Non-Freeway Travel Speed*
- *Percent of PM Peak Travel in Delay (Fwy)*
- *Percent of PM Peak Travel in Delay (Non-Fwy)*

Accessibility - *Transportation system should ensure the ease with which opportunities are reached. Transportation and land use measures should be employed to ensure minimal time and cost.*

- *Work Opportunities within 45 Minutes door to door travel time (Mode Neutral)*

A2-3

August 14, 2001
Ms. Susan Stratton
Page 5

- Average transit access time

Environment - Transportation system should sustain development and preservation of the existing system and the environment. (All Trips)

- CO, ROG, NOx, PM10, PM2.5 – Meet the applicable SIP Emission Budget and the Transportation Conformity requirements

Reliability – Transportation system should have reasonable and dependable levels of service by mode. (All Trips)

- Transit – 63%
- Highway – 76%

Safety - Transportation systems should provide minimal accident, death and injury. (All Trips)

- Fatalities Per Million Passenger Miles – 0
- Injury Accidents – 0

Equity/Environmental Justice - The benefits of transportation investments should be equitably distributed among all ethnic, age and income groups. (All trips)

- By Income Groups Share of Net Benefits – Equitable Distribution of Benefits among all Income Quintiles

Cost-Effectiveness - Maximize return on transportation investment (All Trips). Air Quality, Mobility, Accessibility and Safety

- Return on Total Investment – Optimize return on Transportation Investments

The Final EIR should address the manner in which the Project is supportive of or detracts from the achievement of the eight core RTP objectives. Based on the information provided in the Draft EIR, we are unable to determine whether the Project is consistent with this core RCPG policy.

- 4.02 *Transportation investments shall mitigate environmental impacts to an acceptable level.*

SCAG staff comments. The Draft EIR in Section 4-14 (Traffic and Parking) identifies traffic impacts, for three site alternatives, and details the measures to mitigate these impacts. The installation of an Adaptive Traffic Control System and the design and location of garage entrances are identified in the Draft EIR to mitigate traffic impacts of the proposed Project. The Project is consistent with this core RCPG policy.

A2-3
cont'd

August 14, 2001
Ms. Susan Stratton
Page 6

4.04 *Transportation Control Measures shall be a priority.*

SCAG staff comments. The Draft EIR does not provide a discussion on transportation control measures. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy.

A2-4

4.16 *Maintaining and operating the existing transportation system will be a priority over expanding capacity*

SCAG staff comments. The Draft EIS, in Section 4-14 (Traffic and Parking) includes mitigation measures that address traffic related impacts. The existing transportation system will be maintained and improved. The Project is consistent with this core RTP policy.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE REGIONAL STANDARD OF LIVING

The Growth Management goals to develop urban forms that enable individuals to spend less income on housing cost, that minimize public and private development costs, and that enable firms to be competitive, strengthen the regional strategic goal to stimulate the regional economy. The evaluation of the proposed project in relation to the following policies would be intended to guide efforts toward achievement of such goals and does not infer regional interference with local land use powers

3.05 *Encourage patterns of urban development and land use, which reduce costs on infrastructure construction and make better use of existing facilities.*

SCAG staff comments. The Draft EIS in Section 4-15 (Public Utilities and Energy Conservation) acknowledges that no significant impacts would occur and no mitigation measures are required. The Project is supportive of this ancillary RCPG policy.

3.09 *Support local jurisdictions' efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.*

SCAG staff comments. See SCAG staff comments on policy 3.05. The Project is

August 14, 2001
Ms. Susan Stratton
Page 7

supportive of this ancillary RCPG policy.

- 3.10 *Support local jurisdictions' actions to minimize red tape and expedite the permitting process to maintain economic vitality and competitiveness.*

SCAG staff comments. The Draft EIR only addresses subjects that may have environmental impacts. It is written in a concise manner, where all possible impacts are mitigated this will help minimize red tape, and help maintain economic vitality and competitiveness. In addition, the Draft EIR, on page S-1 includes a discussion on project objectives, which will also help to minimize red tape, and help to maintain economic vitality and competitiveness. The Project is supportive of this ancillary RCPG policy.

GMC POLICIES RELATED TO THE RCPG GOAL TO IMPROVE THE REGIONAL QUALITY OF LIFE

The Growth Management goals to attain mobility and clean air goals and to develop urban forms that enhance quality of life, that accommodate a diversity of life styles, that preserve open space and natural resources, and that are aesthetically pleasing and preserve the character of communities, enhance the regional strategic goal of maintaining the regional quality of life. The evaluation of the proposed project in relation to the following policies would be intended to provide direction for plan implementation, and does not allude to regional mandates.

- 3.12 *Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunities for residents to walk and bike.*

SCAG staff comments. The Draft EIR does not provide a discussion on the proposed Projects' accessibility to transit. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIS, we are unable to determine if the Project is supportive of with this ancillary RCPG policy.

A2-5

- 3.13 *Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.*

SCAG staff comments. The proposed Project is an example of infill development, however, the Draft EIR does not mention accessibility to transit. The Project is

A2-6

August 14, 2001
Ms. Susan Stratton
Page 8

partially supportive of this ancillary RCPG policy.

- 3.14 *Support local plans to increase density of future development located at strategic points along the regional commuter rail, transit systems, and activity centers.*

SCAG staff comments. The proposed Project is an example of a major activity center use with access to a regional transportation system and major surface streets. The Project is supportive of this ancillary RCPG policy.

- 3.16 *Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.*

SCAG staff comments. See SCAG staff comments on policies 3.13 and 3.14. The Project is supportive of this ancillary RCPG policy.

- 3.18 *Encourage planned development in locations least likely to cause adverse environmental impact.*

SCAG staff comments. The Project is proposed in a manner that will minimize environmental impacts. Mitigation measures included in the Draft EIR have been recommended to address identified environmental impacts. The adequacy of the recommended mitigation measures should be carefully considered. The Project is supportive of this ancillary RCPG policy.

- 3.21 *Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.*

SCAG staff comments. The Draft EIR in Sections 4-4 (Archaeological Resources), 4-5 (Paleontological Resources) and 4-6 (Historical Resources) identifies potential impacts related to archaeological, paleontological and historic resources. Mitigation measures recommended include monitoring for resources during excavation, halting work if resources are found, testing and recovery. The Project is supportive of this ancillary RCPG policy.

- 3.22 *Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.*

SCAG staff comments. The Draft EIS in Section 4-7 (Geology and Soils) identifies potential impacts related to unstable slopes, perched groundwater, accelerated erosion, ground motion, liquefaction and lateral spreading. Mitigation measures recommended include the implementation of building codes, specific requirements

August 14, 2001
Ms. Susan Stratton
Page 9

and/or project design. The Project is supportive of this ancillary RCPG policy.

- 3.23 *Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans*

SCAG staff comments. See SCAG staff comments on policies 3.18 and 3.22. The Draft EIS in Section 4.1.6 (Noise), identifies impacts due to construction and operations. Impacts have been determined to be not significant and no mitigation is required. The Project is supportive of this ancillary RCPG policy.

GMC POLICIES RELATED TO THE RCPG GOAL TO PROVIDE SOCIAL, POLITICAL, AND CULTURAL EQUITY

The Growth Management Goal to develop urban forms that avoid economic and social polarization promotes the regional strategic goal of minimizing social and geographic disparities and of reaching equity among all segments of society. The evaluation of the proposed project in relation to the policy stated below is intended guide direction for the accomplishment of this goal, and does not infer regional mandates and interference with local land use powers.

- 3.27 *Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.*

SCAG staff comments. See SCAG staff comments on policy 3.05. The Draft EIR in Section 4-13 (Public Services) that the proposed project will not have any impacts on police and fire services, however, mitigation measures have been recommended to ensure that anticipated impacts remain below a level of significance. The Project is supportive of this ancillary RCPG policy.

AIR QUALITY CHAPTER CORE ACTIONS

The Air Quality Chapter (AQC) core actions that are generally applicable to the Project are as follows:

- 5.07 *Determine specific programs and associated actions needed (e.g., indirect source rules, enhanced use of telecommunications, provision of community based shuttle*

August 14, 2001
Ms. Susan Stratton
Page 10

services, provision of demand management based programs, or vehicle-miles-traveled/emission fees) so that options to command and control regulations can be assessed.

SCAG staff comments. See SCAG staff comments on policy 4.04. The Draft EIR does not provide a discussion on specific programs and actions. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy.

A2-7

- 5.11 *Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.*

SCAG staff comments. The Draft EIR, in Section 4.3 (Air Quality), addresses consistency of the proposed Project with regional air quality regulations and includes mitigation measures for impacts to air quality. The Project is consistent with this core RCPG policy.

WATER QUALITY CHAPTER RECOMMENDATIONS AND POLICY OPTIONS

The Water Quality Chapter core recommendations and policy options relate to the two water quality goals: to restore and maintain the chemical, physical and biological integrity of the nation's water; and, to achieve and maintain water quality objectives that are necessary to protect all beneficial uses of all waters.

- 11.07 *Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.*

SCAG staff comments. The Draft EIR does not include a discussion on water reclamation. It would be helpful if the Final EIR would provide a discussion and address the manner in which the Project is supportive or detracts from the achievement of this policy. Based on the information provided in the Draft EIR, we are unable to determine if the Project is consistent with this core RCPG policy.

A2-8

August 14, 2001
Ms Susan Stratton
Page 11

CONCLUSIONS

1. As noted in the staff comments, the proposed Draft Environmental Impact Report for the Caltrans District 7 Building Replacement Project is consistent with or supports many of the core and ancillary policies in the Regional Comprehensive Plan and Guide.

Based on the information in the Draft EIR, we are unable to determine whether the Project is consistent with core policies 4.01, 4.04, 5.07 and 11.07. Based on the information in the Draft EIR, we are unable to determine whether the Project is supportive of ancillary policy 3.12. In addition, the Project is partially supportive of ancillary policy 3.13.

A2-9

2. As noted in the General Staff Comments, the Final EIR should address the relationships (consistency with core policies and support of ancillary policies) to SCAG's Regional Comprehensive Plan and Guide and discuss any inconsistencies between the proposed project and applicable regional plans.

A2-10

3. All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA.

A2-11

August 14, 2001
Ms. Susan Stratton
Page 12

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

Roles and Authorities

THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) is a *Joint Powers Agency* established under California Government Code Section 6502 et seq. Under federal and state law, SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). SCAG's mandated roles and responsibilities include the following:

SCAG is designated by the federal government as the Region's *Metropolitan Planning Organization* and mandated to maintain a continuing, cooperative, and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program pursuant to 23 U.S.C. '134, 49 U.S.C. '5301 et seq., 23 C.F.R. '450, and 49 C.F.R. '613. SCAG is also the designated *Regional Transportation Planning Agency*, and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Program (RTIP) under California Government Code Section 65080 and 65082 respectively.

SCAG is responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the *South Coast Air Quality Management Plan*, pursuant to California Health and Safety Code Section 40460(b)-(c). SCAG is also designated under 42 U.S.C. '7504(a) as a *Co-Lead Agency* for air quality planning for the Central Coast and Southeast Desert Air Basin District.

SCAG is responsible under the Federal Clean Air Act for determining *Conformity* of Projects, Plans and Programs to the State Implementation Plan, pursuant to 42 U.S.C. '7506.

Pursuant to California Government Code Section 65089.2, SCAG is responsible for *reviewing all Congestion Management Plans (CMPs) for consistency with regional transportation plans* required by Section 65080 of the Government Code. SCAG must also evaluate the consistency and compatibility of such programs within the region.

SCAG is the authorized regional agency for *Inter-Governmental Review* of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12,372 (replacing A-95 Review).

SCAG reviews, pursuant to Public Resources Code Sections 21083 and 21087, Environmental Impacts Reports of projects of regional significance for consistency with regional plans [California Environmental Quality Act Guidelines Sections 15206 and 15125(b)].

Pursuant to 33 U.S.C. '1288(a)(2) (Section 208 of the Federal Water Pollution Control Act), SCAG is the authorized *Areawide Waste Treatment Management Planning Agency*.

SCAG is responsible for preparation of the *Regional Housing Needs Assessment*, pursuant to California Government Code Section 65584(a).

SCAG is responsible (with the Association of Bay Area Governments, the Sacramento Area Council of Governments, and the Association of Monterey Bay Area Governments) for preparing the *Southern California Hazardous Waste Management Plan* pursuant to California Health and Safety Code Section 25135.3.

Revised July 2001

Response to Comment A2-1

The comment notes that the Draft EIR does not include an analysis of the project's consistency with each SCAG policy. Please see the responses below to Comments A2-3 through A2-8 for a discussion of the proposed project's consistency with specific SCAG policies.

Response to Comment A2-2

Please see the responses to Comments A2-3 through A2-8 for a discussion of the proposed project's consistency with SCAG's Regional Comprehensive Plan and Guide.

Response to Comment A2-3

The proposed project is not expected to detract from SCAG's Regional Performance Indicators (i.e., mobility, accessibility, environment, reliability, safety, livable communities, equity, and cost-effectiveness). The proposed project does not involve any major transportation investments since it is an office building that would be constructed across the street from the office building it is replacing. Traffic mitigation measures have been identified to mitigate specific project-related traffic impacts and to maintain mobility in the project study area. Improvements include the installation of additional turn lanes or parking prohibitions at the affected intersections. These improvements are designed to preserve the existing roadway system and maintain safety, and are equitably distributed and cost effective. This project is neutral with respect to core Regional Transportation Policies.

Response to Comment A2-4

The proposed project would be located in downtown Los Angeles in the vicinity of a number of transit lines and facilities. The project's proximity to transit would encourage employee use of alternatives to the automobile, which would result in a reduction in vehicle trips and motor vehicle emissions. Caltrans has also implemented policies to encourage use of carpools, vanpools, and transit. Furthermore, according to a recent SCAQMD Commute Survey, Caltrans District 7 achieved an average vehicle ridership (AVR) of 2.03, which exceeded the AVR target of 1.75. The project, therefore, would be consistent with the core RCPG policy.

Response to Comment A2-5

A description of existing transit service in the project area is provided on pages 4-176 and 4-177 of the Draft EIR. In addition to the numerous bus lines that serve the project area, Metrolink provides commuter passenger rail service to Union Station, which is located approximately five blocks to the northeast. The Metro Red Line, which can also be accessed from Union Station, includes a station located at 2nd Street and Hill Street, four blocks from the project site. Additionally, several MTA bus lines provide bus service connections between the immediate project vicinity and Union Station. Locating this replacement building in the downtown core, which is already supplied with extensive transit facilities, is supportive of this ancillary RCPG policy.

Response to Comment A2-6

Please see the response to A2-5 above for a discussion of the project's accessibility to transit.

Response to Comment A2-7

Please see the response to Comment A2-5.

Response to Comment A2-8

There are currently no plans to use reclaimed water or gray water. However, the proposed project will comply with Executive Order D-16-00, issued by the Governor of California in August 2000, which requires that all projects built with state funds be “models of energy, water, and materials efficiency; while providing healthy, productive and comfortable indoor environments and long-term benefits to Californians.” To meet these requirements and to conserve water, the project will include water efficient landscaping as well as plumbing fixtures that meet or exceed the water efficiency standards in the Energy Policy Act of 1992. In these respects, the project is consistent with this core RCPG policy.

Response to Comment A2-9

Please see the responses to Comments A2-3 through A2-8 above.

Response to Comment A2-10

Please see the responses to Comments A2-3 through A2-8 above.

Response to Comment A2-11

Comment noted. As required by CEQA, all feasible measures to mitigate the project's potentially significant impacts will be implemented and monitored to ensure their implementation.

Comment Letter A3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
 DIVISION OF AERONAUTICS – M.S.#40
 1120 N STREET
 P. O. BOX 942873
 SACRAMENTO, CA 94273-0001
 PHONE (916) 654-4959
 FAX (916) 653-9531

RECEIVED
 PROJECT MANAGEMENT
 BRANCH



2001 AUG 17 P 3 55

August 15, 2001

Ms. Sue Oppenheimer
 Department of General Services
 Real Estate Services Division
 Professional Services Branch
 1102 Q Street, Suite
 Sacramento, CA 95814

Dear Ms. Oppenheimer:

Re: *Caltrans District 7 Headquarters Building Replacement Project: SCH# 2001011098*

The California Department of Transportation Division of Aeronautics has reviewed the Draft EIR for the above-referenced project. The proposal includes relocating the existing heliport, which currently operates with a State Heliport Permit. As discussed in the Draft EIR, the relocated heliport will require the issuance of a new state heliport permit from the Division of Aeronautics. For assistance with the state permit requirements, please contact our Aviation Consultant for Los Angeles County, Kurt O. Haukohl, at 916/654-5284 or email to: Kurt.O.Haukohl@dot.ca.gov.

As part of the permit process, we are required to ensure that the proposed new heliport is in full compliance with CEQA. In addition to reviewing the Draft EIR, we will need copies of the Final EIR and the Notice of Determination when the project has been approved. We do recommend that the Final EIR include site plans of the new heliport showing the helicopter approach/departure flight paths. The site plan should also include the flight paths for the existing heliport.

A3-1

A3-2

Thank you for the opportunity to review and comment on this proposal.

Sincerely,

Sandy Hesnard
 SANDY HESNARD
 Environmental Planner

c: State Clearinghouse, Los Angeles County ALUC

| | | | |
|-------------------|--------------|------|--------------|
| Post-Net Fax Note | 7671 | Date | # of Pages |
| To | <i>Lee J</i> | From | <i>NANCY</i> |
| Co./Dept. | | Co. | |
| | | | TOTAL P. 01 |

Response to Comment A3-1

Copies of the Final EIR and Notice of Determination will be provided to the Division of Aeronautics as requested in the comment.

Response to Comment A3-2

The flight paths for the proposed heliport will be provided to the Division of Aeronautics after selection of a final design. The existing heliport permit is included in Appendix B of this Final EIR.

Comment Letter A4

STATE OF CALIFORNIA

Gray Davis, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



July 20, 2001

Ms. Susan Stratton
State of California, Department of General Services
Real Estate Services Division
Environmental Services Section
1102 Q Street, Suite 5100
Sacramento, CA 95814

RECEIVED
JUL 26 2001
STATE CLEARINGHOUSE

Clear
8/20/01
e

RE: Caltrans District 7 Headquarters Building Replacement Project – SCH# 2001011096

Dear Ms. Stratton,

The Native American Heritage Commission (NAHC) has reviewed the above draft environmental impact report. The document notes that there is the potential for archeological resources within the area of potential effect (APE). The draft report contains mitigation measures to address that contingency (section 4-4.3, pages 4-79 and 4-80). The measures describe additional pre-field archival research, test excavations, and the development of a data recovery/mitigation plan based on the results of the testing program. It states on page 4-80, "Because Native American concerns have been established, additional monitoring shall be conducted, if warranted." However, there are no specific provisions noted for Native American monitors during the test excavations. The NAHC requests that Native American monitors, culturally affiliated with the site, are present during test excavations. The potential for redesign to avoid impacts to Native American cultural resources is not discussed. "Avoidance" is the mitigation measure primary favored by the NAHC.

A4-1

A4-2

The NAHC request that if a data recovery/mitigation plan is developed that it be done in consultation with the culturally affiliated Native American groups. It is requested that the plan include measures to be taken in the case of the accidental discovery of Native American cultural materials and human remains. The curation of cultural materials recovered during testing and any subsequent data recovery activities should be addressed. The culturally affiliated Native American groups should participate in decisions regarding the selection of the appropriate curatorial facility. The mitigation plan should also state that Native American human remains will be treated in compliance with Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98.

A4-3

If you have any questions, please contact me at (916) 653-4040.

Sincerely,

Rob Wood
Associate Governmental Program Analyst

CC. State Clearinghouse

TOTAL P.05

Response to Comment A4-1

The Native American Heritage Commission (NAHC) has been contacted and a list of affiliated Native American monitors has been provided. Native American monitors will be selected from this list in consultation with the NAHC. They will be invited to be present during all archaeological testing efforts undertaken in conjunction with this project.

Response to Comment A4-2

The preferred location for the new Caltrans headquarters is downtown Los Angeles. Because development sites are limited in the downtown area and because urban expansion and reuse of previously developed lots within the City's environment is desirable, avoidance is not a feasible mitigation option.

Response to Comment A4-3

If significant Native American cultural materials or human remains are encountered during testing or data recovery efforts, a treatment plan will be developed, based on strategies previously identified, to take into account the types of prehistoric resources encountered, their integrity, and a recovery strategy. This treatment/data recovery/ mitigation plan will be developed in consultation with culturally affiliated Native American groups. The mitigation plan will also consider curation issues and state that Native American human remains will be treated in compliance with Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98.

Comment Letter A5



Gray Davis
GOVERNOR

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse



Steve Nissen
DIRECTOR

RECEIVED
AUG 24 2001
GENERAL SERVICES
REAL ESTATE SERVICES DIVISION

August 21, 2001

Susan K Stratton
California Department of Transportation
1102 Q Street, Suite 5100
Sacramento, CA 95814

Subject: Caltrans District 7 Headquarters Building Replacement Project
SCH# 2001011098

Dear Susan K. Stratton:

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 August 20, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

| | | | | | |
|-------------------|--------------|---------|----------------|------------|---|
| Post-It® Fax Note | 7671 | Date | 8-27 | # of pages | 5 |
| To | LEE LISBECKI | From | SUSAN STRATTON | | |
| Co./Dept. | MFA | Co. | DAS | | |
| Phone # | | Phone # | 916 323-6951 | | |
| Fax # | 213 627 6853 | Fax # | | | |

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
916-445-0611 FAX 916-323-3018 WWW.OPR.CA.GOV/CLEARINGHOUSE.HTM

Document Details Report
State Clearinghouse Data Base

SCH# 2001011098
Project Title Caltrans District 7 Headquarters Building Replacement Project
Lead Agency Caltrans #7

Type EIR Draft EIR

Description The California Department of Transportation (Caltrans) is seeking to consolidate and centralize its Los Angeles based personnel in a new headquarters facility. The existing Caltrans District 7 headquarters building at 120 South Spring Street in downtown Los Angeles was originally designed in 1939 and constructed in 1949 (an adjoining annex was built in 1960) and is physically and functionally obsolete. Currently, approximately 1,400 employees are accommodated in 340,000 square feet (sf) of space in the existing building. Another 250 employees are located in leased space at various locations in downtown Los Angeles. The proposed project consists of the development of a new 603,500 sf District 7 headquarters building on the state-owned, employee parking lot bordered on the south by Second Street and the east and west by Los Angeles and Main Streets, respectively. Alternatives are under consideration that would use the full block bounded by First, Second, Los Angeles, and Main Streets. An alternative that would provide an additional 112,700 sf to accommodate City agency offices or a total of 716,200 sf is also under consideration. Use of the full block would displace existing commercial uses located on the north end of the block. Acquisition of privately owned commercial parcels on the south side of First Street between Spring and Main Streets is also under consideration. The privately owned parcels would be acquired by the City of Los Angeles and exchanged for the existing state owned existing Caltrans property.

Lead Agency Contact

Name Susan K. Stratton
Agency California Department of Transportation
Phone 916 323-6951 **Fax**
email
Address 1102 Q Street, Suite 5100
City Sacramento **State** CA **Zip** 95814

Project Location

County Los Angeles
City
Region
Cross Streets First, Second, Los Angeles, and Main Streets
Parcel No. 5181-015-901
Township 1S **Range** 13W **Section** 28 **Base** SBM

Proximity to:

Highways 101
Airports
Railways Amtrak
Waterways Los Angeles River
Schools
Land Use C2-4D: General Commercial is height district 4. Height district 4 restricts allowable floor to lot area to 13:1. "D" identifies specific guidelines for the parcels on this block. None of these guidelines restrict the design of the building. The site is an existing state-owned parking lot. Commercial uses are located at the north end of the block.

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Toxic/Hazardous; Traffic/Circulation; Landuse

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

**Document Details Report
State Clearinghouse Data Base**

Reviewing Agencies Resources Agency: Caltrans, District 1; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; California Highway Patrol; Department of General Services; Regional Water Quality Control Board, Region 4; Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Caltrans, Division of Aeronautics; Department of Conservation

Date Received 07/05/2001 **Start of Review** 07/05/2001 **End of Review** 08/20/2001

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

Response to Comment Letter A5

This letter simply acknowledges that the State Clearinghouse received and distributed copies of the Draft EIR to selected state agencies for review and that the lead agency has complied with the State Clearinghouse review requirements for draft environmental documents. No response is required.

Comment Letter B1



Members of the "Hearing" Committee for August 1st
Attn: Ron Kosinski
Caltrans District 7 Headquarters
Building Replacement Project

August 1, 2001

Dear Caltrans Representative Kosinski:

This letter is to inform the hearing Committee that a member of the Board of Trustees of the Latino Museum did not receive one copy of the Draft Environmental Impact Report until only two weeks ago and that only two members received a postcard on this "hearing" July 27. Frankly we would expect more attention from such a large and well founded agency such as Caltrans. Obviously given the complexity of the report and the serious objections that the Latino Museum Board has to this project, we must have more time to consider and respond to the issues that the report presents.

The Latino Museum is a vital cultural institution located in the heart of Los Angeles and serves a constituency that reflects the whole area of Los Angeles, but most importantly, the Latino population of Los Angeles. This location (a part of the "Los Angeles Cultural Corridor") is essential to the mission of the Museum, the only institution of its kind in the Los Angeles area.

We are totally opposed to any project or alternative plans that call for the removal of the Latino Museum from its present location at 112 S. Main Street, Los Angeles. We ask of you, Ron Kosinski and Caltrans representatives, a public meeting specifically to address the interest and preferences of the Latino Museum of History, Art and Culture during the month of September. Moreover, we ask for an adequate time of 6-8 weeks beyond August 20th to secure legal counsel and for this attorney to prepare for our representations and research for us the consequences of Caltrans actions for the Latino Museum. We also need time to inform the public in order to consult the community. We ask further for direct communications with the executive officer of the Caltrans project to deal with us on an ongoing basis. These requests are reasonable given the matter.

The Latino Museum is a nonprofit institution. We pledge all monies to delivering services to our constituency. Consequently, we expect all our preparation costs, research, public relations, legal consultants and further expenses to be covered by Caltrans, as part of its obligations to City of Los Angeles residents. We ask that these monies be deposited in the Museum's account so that disbursement will be at the Museum's discretion.

Your reply to this letter is expected and each of its requests within 5 to 7 working days, via certified mail, to each of our Trustees.

For the Board,
Respectfully,


Juan Gómez-Quirón


Yvanitza Abauza


Stan Sosa

B1-1

THE LATINOMUSEUM OF HISTORY, ART AND CULTURE
112 SOUTH MAIN STREET, LOS ANGELES, CA 90012 PHONE: (213) 626-7600 FAX: (213) 626-2120

TOTAL P.02

Response to Comment B1-1

Please see the 8/20/01 letter from Robert Sleppy of the California Department of General Services, which is provided on the following pages, for responses to the issues raised in the Latino Museum's 8/1/01 letter.



State of California • Department of General Services • Gray Davis, Governor
REAL ESTATE SERVICES DIVISION
Professional Services Branch
1102 O Street, Suite 5000 • Sacramento, CA 95814 • (916) 445-4323

August 20, 2001

Juan Gómez-Quiñones
Yvaniza Abaunza
Stan Sosa
The Latino Museum of History, Art and Culture
112 South Main Street
Los Angeles, CA 90012

Thank you for your letter of August 1, 2001 (received August 7, 2001), requesting information and assistance in the review of the Draft Environmental Impact Report (EIR) for the California Department of Transportation (Caltrans) District 7 Headquarters Building Replacement Project. Staff in the California Department of General Services, Real Estate Services Division, are responding to your letter, which was addressed to Mr. Ron Kosinski of District 7, because the Division is managing the environmental review process for this project.

The Latino Museum of History, Art and Culture ("Museum") has been notified of all opportunities to participate in the environmental review process for this project in a timely manner. According to our records the Museum received the original and revised Notice of Preparations for this project as part of the respective initial mailings. The Museum was also sent a copy of the Draft EIR as part of the initial mailing to the public and agencies on July 5, 2001. To assure wide notification of the release of the Draft EIR, the public notice for this project was published in the Los Angeles Times, LA OPINION, Downtown News, Business Journal, LA RAFU SHIMPO, and Rapid Publishing. The address of record that all mailings have been sent to for the Museum is 112 South Main Street, Los Angeles, California, 90012, which is the same address as on your correspondence. If there is a more current address for the Museum, we will make the change in our database.

In response to your request for legal assistance in the review of the Draft EIR, neither District 7 Caltrans or the California Department of General Services provide the general public, non-profit organizations, or other public agencies with legal counsel to review a project's environmental document, or in this case, to provide funds to the Museum and its members for costs related to other aspects of the environmental review process. The state does not anticipate depositing funds into an account or otherwise reimbursing the Museum and its members for such activities.

In regard to communications, I assure you that all correspondence, minutes of public meetings, and important public inquiries are conveyed in a timely manner to the District 7 Caltrans staff, including their executive officer. While staff from the Department's Real Estate Services Division have the primary responsibility of directing the construction planning process for the proposed replacement building, we work in close partnership with District 7 staff.

Juan Gomez-Quinones
Yvaniza Abaunza
Stan Sosa

-2-

August 20, 2001

While we cannot provide reimbursement of your costs or legal representation, we recognize it is important that all concerned citizens and property owners have a full understanding of the State's environmental review process. Accordingly, staff from the Division's Environmental Services Section (ESS) are available to meet with members of the Museum to provide general assistance in the environmental review process. ESS staff is available to meet by contacting Susan Stratton at (916) 323-6951.

In regard to your other concern, the Department of General Services and District 7 Caltrans do not plan to extend the 45-day public review period for the Draft EIR. There is an urgent need to replace the existing Caltrans offices with a new facility. Any delay in the environmental review process will lengthen the time it takes to complete this critical project. The Draft EIR was distributed to the Museum at the start of the public review period, which extends from July 5, 2001 to August 20, 2001. Any comments received after August 20, 2001, will be considered at the discretion of the District 7, Department of Transportation.

If you have any questions about this information or you would like to meet to discuss the contents of the EIR, please contact either Ms. Stratton at the number provided above, or me at (916) 324-0214.

Sincerely,



ROBERT SLEPPY, Chief
Environmental Services Section

cc: Jack Barr, Jr., Chief, Professional Services Branch, Real Estate Services
Division, Department of General Services
Mike Courtney, Deputy Director, Real Estate Services Division, Department of
General Services
Margaret Hudson, Chief, Project Management Branch, Real Estate Services
Division, Department of General Services
Kevin Kaestner, Project Director, Project Management Branch, Real Estate
Services Division, Department of General Services
Ronald Kosinski, Deputy District Director, Environmental Planning, District 7,
Department of Transportation
Maria Quinonez, Chief, New Office Building, District 7, Department
of Transportation
Steve Ramos, Project Coordinator, Division of Business, Facilities, Asset
Management and Security, Department of Transportation
Glenn Yee, Division of Business, Facilities, Asset Management and Security,
Department of Transportation

Comment Letter B2

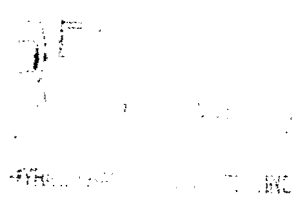


LOS ANGELES CONSERVANCY

525 W. Sixth Street • Suite 1216 • Los Angeles, California 90014 • 213/621-2485

August 17, 2001

Ms. Susan Stratton
Senior Environmental Planner
Department of General Services
Real Estate Services Division
Professional Services Branch
1102 Q Street, Suite 5100
Sacramento, CA 95814



Dear Ms. Stratton:

I am writing on behalf of the Los Angeles Conservancy to provide comments on the Draft Environmental Impact Report (DEIR) for the Caltrans District 7 Headquarters Building Replacement Project. The Conservancy appreciates the opportunity to participate in the process for this important addition to the Los Angeles Civic Center.

The Conservancy offers the following comments:

- 1) The DEIR finds the existing Caltrans District 7 headquarters building to be eligible for the National Register and the California Register, yet provides little supporting documentation for its eligibility. Without more documentation, the Conservancy cannot come to its own conclusions as to whether we concur in the DEIR's finding. Because the DEIR finds the building eligible for the National Register and California Register as an excellent example of the "Moderne Classic" style, the Final EIR should provide additional substantiation of this finding, outlining the characteristics of this style and providing any relevant information on the architect's other work. In addition, the Final EIR should, in greater detail, outline how the Caltrans building fit into a larger historic context of development within the Los Angeles Civic Center, including the nearby Times building, and the County's civic buildings from this period.
- 2) Having identified the existing Caltrans Building as an historical resource, the DEIR has an obligation to explore alternatives that would not result in a significant adverse impact on the historical resource. The alternatives identified in the DEIR are not truly alternatives designed to satisfy CEQA obligations. Rather, they are just a set of contingencies, dependent solely on what level of involvement the City of Los Angeles chooses in pursuing the land exchange or co-location of LADOT and Caltrans. That is,

B2-1

B2-2

the only alternative that does not propose demolition of the Caltrans Building (Alternative 1) is a "fallback" alternative if the land exchange cannot be completed. But should the City and State agree to the land exchange, this alternative becomes purely hypothetical.

If the Caltrans building is an historical resource, the Final EIR should contain an additional alternative examining the architectural, structural, and economic feasibility of reusing the existing building. Although there is discussion (pages 3-3 and 3-4) that this alternative was considered but rejected because it did not meet Caltrans' programmatic needs, none of the actual analysis is available in the DEIR. In addition, under Alternatives 2 and 3, Caltrans' programmatic needs are irrelevant because this property would ultimately be owned by the City of Los Angeles, which may have very different programmatic requirements. The Conservancy is not aware of any recent case in which an EIR allowing demolition of an identified historical resource was certified without analyzing a reuse alternative.

B2-2
cont'd

- 3) The DEIR seeks to side-step any analysis of the existing Caltrans Building by avoiding any real discussion of the City's future use of this property. However, there has already been considerable planning work completed for a public plaza or park on this site, a proposal first outlined in the "Ten-Minute Diamond Plan." The Conservancy generally supports the creation of new open space downtown and, indeed, sees advantages to creating a linkage between City Hall and a renovated St. Vibiana's Cathedral. But such a project should be contingent upon the completion of a reuse analysis, either in the Final EIR, or, perhaps more appropriately, as part of the City's own environmental review for its future project on this site.

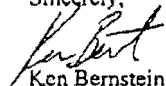
B2-3

- 4) The project, and particularly Alternative 1, will create visual impacts affecting St. Vibiana's Cathedral. The Conservancy understands that the visual context for historic buildings can appropriately change over time, and it is true that a 12-foot wall partially obscures view onto the Cathedral property. However, development of a 16-story office building and 10-level parking structure would substantially dwarf the existing historic church, blocking views of the church from the north and significantly altering views from the south. The Final EIR should more clearly state the significance thresholds being used to analyze visual impacts, and should contain a more detailed analysis of potential visual impacts on St. Vibiana's. We also request that the final project design minimize the massing along 2nd St. in order to minimize visual impacts on the church.

B2-4

If you have any questions, I may be reached at (213) 430-4203. Thank you for your consideration.

Sincerely,



Ken Bernstein
Director of Preservation Issues

Response to Comment B2-1

Provided below is additional information on the architectural style of the existing Caltrans building and the architect's other work as well as a description of how the Caltrans building fits into the larger historic context of development within the Los Angeles Civic Center.

Moderne Classic Style and Other Information Related to the Caltrans District 7 Headquarters (Caltrans Building):

“Moderne Classic,” also called “Stripped Classic,” was typically used for the design of public and municipal construction from the period of the Public Works Administration (1930s to early 1940s). This style reduced classical forms and motifs to a more simplified and stylized version of previous styles such as Art Deco. Structures built in this style were massive and made use of their monumentality to impart a sense of permanence. Elements of these buildings may take some cues from the Art Moderne and Streamline Moderne architectural styles. Tall buildings designed in this style employ bold massing and the appearance of heavy masonry to restore the effect of rootedness.¹

The Caltrans building combines elements of the Moderne style, such as the emphasis on horizontality, heavy massing, smooth surfaces, two stylized Doric columns that lack both formal pedestals and capitals, and bronze plaques and stainless steel accents around the Spring Street entrance.

The Caltrans building is primarily a rectangular reinforced concrete stacked vertical block, five stories in height, with a central pavilion and a flat roof. The general design is very simple with little ornamentation. Verticality is articulated with false indented molding above and below the window line, which is intended to give the impression that the structure was built using large concrete blocks. The fenestration consists of triple-light windows with fixed center sashes bounded by a casement-style light to either side. The central bay is set slightly off-center from its wings, so that one ell is four bays across, while the other is seven bays across. Both wings are also set back from the street so that the entrance bay projects from the main bulk of the building.

The central pavilion is five bays wide and was constructed in the manner of a temple front. This entrance bay is recessed with two Doric columns extending from the ground level to the entablature near the roofline. However, the columns are not classical but a modern variation, lacking both formal pedestals and capitals. This entrance is then enclosed by walls that appear as if constructed of thick piers. These walls have casement style windows at each story facing Spring Street as well as facing northeast and southwest. Beneath each window within the recessed area is a bas-relief bronze plaque. The main entrance is in the center of the bay. It consists of two stainless steel doors topped with a rounded, stainless steel awning. To its right is a similar stainless steel door that has been raised, cutting into the window above. This entry was remodeled to accommodate a handicap ramp. To the left of the central door is a blocked-in area. On the wings of the building, between the first and second, third and fourth stories, there are

¹ Paraphrased from Rifkind, Carole. *A Field Guide to Contemporary American Architecture*. Dutton: New York, NY: 1998, p. 107.

rectangular medallions centered over the windows. These are similar to the bronze plaques in the entry bay area.

Although the original date for the building permit is 1942, actual excavation began in 1941. However, due to restrictions on building materials and manpower during World War II, construction was not completed until 1949. Originally designed as a three-story structure with a fourth floor penthouse level, the builders later decided to add two more stories. It doesn't appear that the original exterior design was altered significantly during the 7-year interval. The final cost for the concrete and steel structure was \$1,500,000.

The Caltrans building shares many architectural elements with other departmental structures in Sacramento, as well as structures such as the Chino Penitentiary for Men, whose design was also overseen by Mr. Boyd and which bears a resemblance to the Caltrans structure. Furthermore, it was designed with the intent that it be complementary to the proposed Civic Center Plan.

Anson Boyd, State Architect:

1940: Anson Boyd succeeds George B. McDougall² to become the new State Architect.³

Mr. Boyd had previously been a prolific architect in southern California. A graduate of the School of Fine Arts at the University of Pennsylvania, Mr. Boyd came to Los Angeles in 1923 whereupon he began a career as the Board of Education's official architect. He was responsible for the design of 30 junior high schools, 18 senior high schools, and more than 200 elementary schools in the district.⁴ He was also rather productive outside the realm of the school district, designing the California Club in Los Angeles and the Pomona Progress-Bulletin Building, among others.⁵

The following is a truncated list of his career in California:

1936: Forest Lawn Mausoleum, Glendale (Permit # #18824, July 27, 1936), added 2 stories to existing 5-story building.

1941: California Institute for Men near Chino.⁶

1942-1949: State Highway Office Building (later known as the Caltrans District 7 headquarters) in Los Angeles.

² It should be noted that Mr. MacDougall was the state architect during the construction of the three state office buildings located across N Street from the state capital building in Sacramento. The buildings, constructed between 1935 and 1939 are listed individually on the California Register of Historical Places. All are designed in a Moderne style with attributes similar to those seen on the Caltrans District 7 headquarters: heavy massing, horizontality, and smooth surfaces with the majority of the decorative treatment located at the entrance and between stories.

³ "New State Architect," *Architect and Engineer*, July 1940, p.51.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ "California Institution for Men Occupies Group of Modern Style Buildings," *Southwest Builder and Contractor*, September 14, 1941, p. 8-10.

It appears that as late as 1960, Anson C. Boyd was still the State Architect.⁷ According to biographical data available on the web, a death record indicates that he was born on January 24, 1896, in Pennsylvania and died on November 17, 1975, in Sacramento.

Civic Center Plan and the Caltrans Building:

The Civic Center area boundaries are generally defined as the Hollywood Freeway (U.S. 101) on the north, 1st¹ Street to the south, Alameda Street to the east, and the Harbor Freeway (I-110) to the west. This is part of the historic core of early Los Angeles, and it is considered to be the second largest concentration of civic buildings in the United States.⁸ This designation places the Caltrans building just outside the southern edge of the Civic Center. However, due to its close proximity to the area and the fact that its architectural design was intended to respect the existing architecture of the Civic Center area, it should be considered an adjacent part of the area when looking at the integrity of the Civic Center as a whole. Moreover, many of the structures, whether they date to the 1920s or the 1950s, display elements of the PWA Moderne style with increasing inclinations towards the International Style (see list below). This further bolsters the concept that the Caltrans building fits into “the larger context of the Civic Center.” In actuality, the Caltrans building seems to bridge two periods of building construction in the Civic Center: the 1920s to 1930s and the early 1950s.

“...the building (Caltrans District 7 headquarters)...is modernized-classical (to blend in with) the buildings in the adjacent civic center.”⁹

“The structure was originally planned for a site on Bunker Hill in the Civic Center which the state abandoned to be incorporated in a new Civic Center master plan adopted by the city and county.”¹⁰

Civic Center Planning in the Los Angeles Timeline:

1907: Charles Mulford Robinson produces “City Beautiful” plan for the city.¹¹

1923: Allied Architects Association produces their version of a Civic Center plan.¹²

1940: Architect’s Committee proposed new Civic Center Master Plan.¹³

1952: Adoption of Civic Center Master Plan by City and County of Los Angeles.

⁷ Los Angeles Public Library file record: Los Angeles – State Office Building/Junipero Serra Building at 107 S. Broadway. Architects: Stanton and Stockwell under supervision of state architect Anson Boyd, 1960.

⁸ Los Angeles City Planning Department. Los Angeles Central City Community Plan Draft Text. December 1998, p.6.

⁹ “Building to House State Highway Offices In Los Angeles Given Priorities”, Southwest Building and Contractor, January 16, 1942, p. 11.

¹⁰ Ibid.

¹¹ “Grand Concourse Dominant Idea In Rare Vision Of City Beautiful”, Los Angeles Sunday Times, December 1, 1907, Part II, page 1. See also “Robinson Outlines Plans For City Beautiful”, Los Angeles Examiner, December 1, 1907, Part VI, p. 1.

¹² “Official Plan of North End Civic Center, Showing Projected New City Hall”, The Los Angeles Times, May 9, 1923, Part II, p. 1-2. See also “Group of Skyscrapers Notable Feature of Civic Center Plan for Los Angeles,” Southwest Builder and Contractor, January 9, 1925, p. 44-47.

¹³ “Beautiful and Inspiring Civic Center Assured By Master Plan proposed by A.I.A. Chapter,” Southwest Builder and Contractor, September 20, 1940, p. 8-11, 35, 36.

1996-97: Melendrez Associates, Johnson Fain Partners, RAW Architecture, Public Works Design and Landmark Partners create the Los Angeles Civic Center Share Facilities and Enhancement Plan (the “Ten Minute Diamond Plan”).¹⁴

Contributing Buildings of the Civic Center:¹⁵

1. Los Angeles County Courthouse (1958)
J.E. Stanton; Paul R. Williams; Adrian Wilson; Austin Field and Fry.
Northwest corner of Hill and 1st Streets.
Late 1950s Modern.
2. Hall of Administration Building (1956-61)
Stanton, Stockwell, Williams and Wilson; Austin, Field and Fry.
Southeast corner of Grand Avenue and Temple Street.
Late PWA Moderne.
3. Hall of Records Building (1961-62)
Richard J. Neutra; Robert Alexander; Honnold and Rex; Herman Charles; Light and James Friend.
320 W. Temple Street.
Modernist.
4. Hall of Justice Building (1925)
Allied Architects of Los Angeles.
Northeast corner of Broadway and Temple Street.
Beaux Arts/Italian Style.
5. Federal Building and Post Office – *now U.S. Federal Courthouse* (1938-40)
Louis A. Simon; Gilbert Stanley Underwood.
Northwest corner of N. Spring and Temple Streets.
PWA Moderne.
6. Los Angeles City Hall (1926-28)
John C. Austin, John and Donald Parkinson, and Albert C. Martin; Austin Whittlesey, interiors.
Southwest corner of N. Spring and Temple Streets.
Modern interpretation of Egyptian temple/“Italian Classic”
7. Times-Mirror Building (1931-35)
Gordon B. Kaufmann.
Southwest corner of S. Spring and 1st Streets.
PWA Moderne.

¹⁴ Starr, Kevin. “Government Intervention May Save City’s Heart”, Los Angeles Times, May 25, 1997, p. M-1. See also: Gordon, Larry. “Civic Center Rebirth?,” Los Angeles Times, April 7, 1996, p. B-1.

¹⁵ General data summarized from Gebhard, David and Robert Winter. Los Angeles, *An Architectural Guide*. Gibbs Smith Publishers: Salt Lake City, 1994, p. 237, 245- 248.

8. Health Administration Building – *City Hall South* (1953-54); Lunden, Hayward and O'Connor.
Northeast corner of Main and 1st Streets.
Modernism.
9. Parker Center (1955); Welton Becket and Associates, and J.E. Stanton.
Southeast corner of Temple and Los Angeles Streets.
Corporate Moderne/Modernism.

Response to Comment B2-2

In response to the comment, the discussion of the renovation or reuse alternative on pages 3-3 and 3-4 of the Draft EIR has been expanded (see Chapter 2 of this Final EIR) to provide additional information on the feasibility of reusing the existing building. Additional information has also been provided on the environmental impacts of the renovation/reuse alternative.

Response to Comment B2-3

Please see the response to Comment B2-2 above. Additionally, it should be noted that the City will be responsible for preparing the appropriate CEQA environmental documentation for any future development on the existing Caltrans headquarters block.

Response to Comment B2-4

The preferred alternative that has been identified in this Final EIR is Alternative 3. The preliminary concept developed for this alternative may include development of an eight-level parking structure (two of the eight levels may be underground) along the 2nd Street frontage. Alternative 3 would have fewer visual impacts than Alternative 1, which proposes a 16-story (maximum) office building and a 10-level (maximum) parking structure along the 2nd Street frontage.

It is acknowledged that development of a new Caltrans headquarters facility on the proposed site would change the visual setting in the immediate vicinity of St. Vibiana's Cathedral. However, as shown in Figure 4-42 in the Draft EIR, the existing 10-story Higgins Building immediately to the west of the cathedral across Main Street and the 21-story New Otani Hotel to the northeast would remain visually dominant structures in views of St. Vibiana's Cathedral from the south along Main Street. Views of St. Vibiana's from the north (see Figure 4-8 on page 4-10 of the Draft EIR) are limited by existing buildings, street trees, and the 12-foot wall on the north side of the St. Vibiana's Cathedral property.

Adherence to the design criteria and standards established in the *Design/Build Request for Proposal* (see Appendix C of this Final EIR) would ensure that the proposed project's visual/aesthetic impacts are minimized. These criteria require a high-quality design that embodies the "finest contemporary architectural thought." Furthermore, the "design should demonstrate distinction, an expression of quality and sensitivity to its neighbors and the diverse cultural community." Specifically, the criteria require that the exterior façade (including

cladding materials) of both the office building and parking structure be visually compatible with other nearby buildings and that the construction be durable and of high quality.

Additionally, the panel responsible for selecting the design/build team will consider such factors as the appropriateness and compatibility of the team's proposed design with the existing visual setting and nearby buildings.

Given the proposed project's design guidelines, criteria, goals and objectives, there is no evidence to suggest that the proposed project would substantially degrade the existing visual character or quality of the site and its surroundings or that it would have a substantial, demonstrable negative aesthetic effect.

The commenter's recommendation that the final project design minimize the massing along 2nd Street, in order to minimize visual impacts on the church, is noted by Caltrans and is, in fact, consistent with the design guidelines in the *Design/Build Request for Proposal*.

Comment Letter B3

SHEPARD, MULLIN, RICHTER & HAMPTON LLP

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

FORTY-EIGHTH FLOOR

333 SOUTH HOPE STREET

LOS ANGELES, CALIFORNIA 90071-1448

WRITER'S DIRECT LINE

TELEPHONE (213) 620-1780

OUR FILE NUMBER

(213) 617-4216

FACSIMILE (213) 620-1398

98Y-83127

jrubens@smrh.com

August 20, 2001

BY FACSIMILE AND FEDERAL EXPRESS

Ms. Susan Stratton
California Department of General Services
Real Estate Services Division
Professional Services Branch
Environmental Services Section
1102 Q Street, Suite 5100
Sacramento, California 95814

Re: Draft Environmental Impact Report for Proposed
Caltrans District 7 Headquarters Building Replacement
Project (SCH 2001011098)

Dear Ms. Stratton:

This firm represents the owners of real property and improvements located in the downtown area of the City of Los Angeles (the "City") on the south side of 1st Street between Spring Street and Los Angeles Street, including 110 and 114 E. 1st Street, 108, 110 and 130 W. 1st Street and 101 S. Main Street.

Our clients have requested our assistance in connection with the proposed Caltrans District 7 Headquarters Building Replacement Project (the "Project"). The California Department of Transportation ("Caltrans") has circulated a Draft Environmental Impact Report (the "DEIR") for the Project that was prepared by Myra L. Frank & Associates, Inc. ("MFA") on behalf of Caltrans and the California Department of General Services ("DGS").

According to the DEIR, the proposed Project actually consists of three very similar alternative projects (collectively, the "Project Alternatives"). All of the

LOS ANGELES ■ ORANGE COUNTY ■ SAN DIEGO ■ SAN FRANCISCO

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 2

alternatives include a high-rise office building (the "New Caltrans Building") that would initially house approximately 1,837 Caltrans employees and almost identical project components, including a separate multi-level parking structure (the "Parking Structure"), a 16,500 square-foot auto shop (the "Auto Shop"), a 16,000 square-foot warehouse and loading area (the "Warehouse") and a 1.7-megawatt emergency generator with fuel storage facilities (the "Emergency Generator"). The Auto Shop, the Warehouse and the Emergency Generator would be located in the Parking Structure. DEIR, p. 2-13. Most of those Caltrans employees currently work at the existing Caltrans District 7 headquarters building (the "Existing Caltrans Building"), which is located on a parcel of land (the "Existing Caltrans Site") on the southerly two-thirds of the block bounded by 1st Street, Spring Street, 2nd Street and Main Street (the "Spring/Main Block"). *Id.*, p. 4-182.

Alternative 1 ("Alternative 1") consists of a 603,500 square-foot, 16-story office building and a separate 10-level, above-grade parking structure. Alternative 1 would be constructed on a parcel of land owned by Caltrans (the "Alternative 1 Site") and located on the southerly two-thirds of the block bounded by 1st Street, Main Street, 2nd Street and Los Angeles Street (the "Main/Los Angeles Block"). *Id.*, p. 2-11. Under Alternative 1, the Existing Caltrans Building would remain standing and the Existing Caltrans Site and the Existing Caltrans Building (collectively, the "Existing Caltrans Property") would be declared "surplus property" and properly maintained and secured by Caltrans. *Id.*, p. 2-16. However, the DEIR expressly declines to describe what will happen to the Existing Caltrans Property after it becomes "surplus property" or consider any environmental impacts associated with the reuse of the Existing Caltrans Building and/or redevelopment of the Existing Caltrans Site.

B3-1

Alternative 2 ("Alternative 2") consists of a 603,500 square-foot, 12-story office building and a separate six-level parking structure. Alternative 2 would be constructed on the entire Main/Los Angeles Block. *Id.*, pp. 2-11 - 2-12.

Alternative 3 ("Alternative 3") consists of a 716,200 square-foot, 16-story office building and a separate eight-level parking structure. Alternative 3 would also be located on the entire Main/Los Angeles Block. Alternative 3 includes an additional 112,700 gross square feet of office space and a larger Parking Structure than Alternative 2 because Alternative 3 contemplates that the City will lease the

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 3

additional building space to accommodate 564 employees of the City of Los Angeles Department of Transportation ("LADOT"). *Id.*, p. 2-12.

Prior to the completion or circulation of the DEIR, Caltrans and the City commenced negotiation of a "Letter Agreement for Property Exchange" relating to Alternatives 2 and 3 (the "Land Exchange Agreement"). The Los Angeles City Council authorized the execution of the Land Exchange Agreement on May 16, 2001. The City executed the Land Exchange Agreement on August 8, 2001, and we understand that Caltrans has either executed the Land Exchange Agreement or will do so within the next few days.

Pursuant to the Land Exchange Agreement, and as discussed in the DEIR, the City has agreed to acquire all of the private property on the Main/Los Angeles Block, all of which is located along 1st Street and on the east side of Main Street just south of 1st Street (the "Main/Los Angeles Private Property") and a portion of which is owned by our clients. After the City has acquired the Main/Los Angeles Private Property, it will convey that property to Caltrans for the development of either Alternative 2 or 3. After the Project is completed, Caltrans will demolish the Existing Caltrans Building and convey the Existing Caltrans Site to the City.

The Land Exchange Agreement provides further that the City will acquire all of the private property located on the Spring/Main Block (the "Spring/Main Private Property"), all of which is owned by our clients. The DEIR has included the City's acquisition of the Spring/Main Private Property as part of the Project.

The DEIR discusses some of the actions contemplated under the Land Exchange Agreement with respect to Alternatives 2 and 3, including the demolition of the Existing Caltrans Building and all of the privately-owned buildings (collectively, the "Private Buildings") located on the Spring/Main Private Property and the Main/Los Angeles Private Property (collectively, the "Private Property") with respect to Alternatives 2 and 3. However, the DEIR expressly declines to consider any environmental impacts associated with the City's redevelopment of the Spring/Main Block if Caltrans and the City clear that site and the City acquires ownership of it under those Project Alternatives.

B3-2

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 4

It should also be noted that, for unexplained reasons, Caltrans has elected to prepare the DEIR before selecting an architect to design the New Caltrans Building and Parking Structure. Not only has the design of those structures not commenced yet, Caltrans has not yet determined their final location, configuration, height or massing. DEIR pp. S-1, S-13, S-14, 1-1, 1-2, 2-6, 4-13. As a result, the DEIR cannot properly evaluate a number of environmental impacts associated with the proposed Project, including aesthetic, light and glare and shading impacts, geologic and soils impacts, land use impacts and public utilities impacts. It appears that Caltrans elected to prepare the DEIR prematurely in order to meet its extremely aggressive timetable for the Project, pursuant to which Caltrans would commence construction no later than April 1, 2002, approximately seven months from now.

B3-3

Our clients have significant concerns regarding the adequacy of the DEIR. Perhaps most important, the DEIR implicitly, and sometimes explicitly, assumes that (1) the Existing Caltrans Building will remain in limbo and not be reused under Alternative 1 and (2) the Spring/Main Block will not be redeveloped under Alternatives 2 and 3. *Id.*, pp. 2-7, 5-11. Even more bewildering, the DEIR dramatically understates a range of environmental impacts associated with the Project by "netting out" the environmental impacts associated with the Existing Caltrans Building and, with respect to Alternatives 2 and 3, the Private Buildings on the Spring/Main Private Property. As a result, the DEIR concludes, among other things, that the development of a 603,500 square-foot office building and the commercial space in the six-level parking structure under Alternative 2 would result in a 16% decrease in daily traffic trips. *Id.*, p. 4-185. Similarly, the DEIR states that the development of Alternative 2 would decrease operational air emissions. *Id.*, p. 4-62. While this type of offset may be appropriate under certain circumstances with respect to the replacement of one building with another on the same site, it is wholly inappropriate and unlawful when the existing buildings are located on a different site.

B3-4

B3-5

In addition, the DEIR fails to analyze a reasonable range of alternatives. There is little difference between the three Project Alternatives and the DEIR rejects, without analysis, any meaningful alternative to the Project. In particular, the DEIR does not include any alternative for the rehabilitation and reuse of the Existing Caltrans Building, which the DEIR acknowledges is an "historical resource" for purposes of CEQA.

B3-6

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 5

In addition, the DEIR fails to evaluate adequately a variety of environmental impacts associated with the proposed Project, including visual, air quality, noise, construction, archeological, hazardous materials, energy, solid waste, water, wastewater, fire protection, construction and cumulative impacts.

B3-7

In sum, the DEIR discounts or entirely ignores many significant, adverse environmental impacts associated with the Project, which precludes informed public participation and decisionmaking.

The analysis set forth below includes and/or incorporates environmental analysis and information prepared and gathered by Christopher A. Joseph & Associates ("CAJA"), a reputable consulting firm which has prepared EIRs and other environmental documents for many projects throughout the City and Los Angeles County. In addition, attached as Exhibit 1 is the letter report (the "CAJA Letter") prepared by CAJA that supports the analysis in this letter and discusses numerous other significant flaws in the DEIR. Additional consultants have been retained to analyze the DEIR's traffic, noise and hazardous materials impacts, all of which will be submitted to DGS as soon as possible and, in any event, prior to the approval of the Project.

I.

SUMMARY

Against that background, our clients have the following concerns with respect to the DEIR, each of which is discussed in detail below:

1. The DEIR unlawfully fails to analyze the environmental impacts associated with the reuse of the Existing Caltrans Building and/or the redevelopment of the Spring/Main Block.

B3-8

2. The DEIR unlawfully offsets the environmental impacts associated with the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property against the environmental impacts associated with the proposed Project.

B3-9

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 6

- | | |
|---|-------|
| 3. Caltrans and the City unlawfully approved the Land Exchange Agreement prior to the certification of the final EIR for the Project. | B3-10 |
| 4. The Project unlawfully includes three related alternatives. | B3-11 |
| 5. The DEIR's analysis of alternatives is inadequate. | B3-12 |
| 6. The DEIR's analysis of the Project's aesthetic impacts is inadequate. | |
| 7. The DEIR's analysis of the Project's air quality impacts is inadequate. | |
| 8. The DEIR's analysis of the Project's archeological impacts is inadequate. | |
| 9. The DEIR's analysis of the Project's hazardous materials impacts is inadequate. | B3-13 |
| 10. The DEIR's analysis of the Project's land use impacts is inadequate. | |
| 11. The DEIR's analysis of the Project's noise impacts is inadequate. | |
| 12. The DEIR's analysis of the Project's impact on public services is inadequate. | |
| 13. The DEIR's analysis of the Project's traffic impacts is inadequate. | |
| 14. The DEIR's analysis of the Project's water supply, wastewater, solid waste and energy impacts are inadequate. | |
| 15. The DEIR's cumulative analysis of many of the Project's environmental impacts is facially inadequate. | |

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 7

II.

ANALYSIS

A. Standard Of Review.

CEQA was enacted in response to the well-documented failure of governmental agencies to consider fully the environmental implications of their actions. Selmi, The Judicial Development of the California Environmental Quality Act, 18 U.C.D. L. Rev. 197, 202 (1984).^{1/} The California Supreme Court has repeatedly affirmed that CEQA must be interpreted liberally "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Laurel Heights Improvement Assn. v. The Regents of the University of California ("Laurel Heights I"), 47 Cal. 3d 376, 390 (1988). Two of the central purposes of CEQA are to inform governmental decisionmakers and the public about the potential significant environmental effects of a proposed project and to identify ways that environmental damage can be avoided or significantly reduced. Guidelines §§ 15002(a) and (b).

An EIR must be "prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Guidelines § 15151. "The EIR must contain facts and analysis, not just the bare conclusions of a public agency. An agency's opinion concerning matters within its expertise is of obvious value, but the public and decision-makers, for whom the EIR is prepared, should also have before them the basis for that opinion so as to enable them to make an independent, reasoned judgment." Kings County Farm Bureau v. City of Hanford ("Kings County"), 221 Cal. App. 3d 692, 736 (1990), quoting from Santiago County Water Dist. v. County of Orange, 118 Cal. App. 3d 818, 831 (1981). The certification of an EIR constitutes a prejudicial abuse of discretion if the failure to include relevant information precludes informed decisionmaking and informed participation, thereby thwarting the statutory goals of the EIR process. Kings County, supra, 221 Cal. App. 3d at 712.

^{1/} The Office of Planning and Research has promulgated guidelines to implement CEQA. 14 Cal. Code of Regs. §§ 15000 et seq. (the "Guidelines").

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 8

B. The DEIR Unlawfully Fails To Analyze The Environmental Impacts Associated With The Reuse Of The Existing Caltrans Building And/Or The Redevelopment Of The Spring/Main Block.

Under CEQA, a "project" includes "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: (a) An activity directly undertaken by any public agency . . ." Cal. Pub. Res. Code § 21065; see also Guidelines § 15378(a). "CEQA compliance should be completed prior to acquisition of a site for a public project." Guidelines § 15004(b)(1). The California Supreme Court has concluded that an EIR must include an analysis of the environmental effects of an action if (1) it is a reasonably foreseeable consequence of the initial project and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Laurel Heights I, 47 Cal. 3d at 396.

The DEIR violated these requirements by failing to analyze the environmental impacts associated with the reuse and/or redevelopment of the Spring/Main Block, as follows:

1. Alternative 1. With respect to Alternative 1, Caltrans would declare the Existing Caltrans Property as "surplus state property". DEIR, p. 2-16, 4-163. The DEIR repeatedly states or implies that, after such designation, the Existing Caltrans Building will not be reused. Id., p. 5-11 ("[t]he old Caltrans building would either be demolished or declared surplus property and would not be reused"), pp. 2-7 ("the State acknowledges that it would disentitle the use of the square footage contained in the existing Caltrans building"), 2-16, 4-136, 4-183 ("[f]or all of the project alternatives, the development will be a replacement and consolidation project"), 4-211, 4-212 and 4-213.

However, as Caltrans is well aware, if Caltrans declared the Existing Caltrans Property as surplus property under Alternative 1, it is extremely likely that the Existing Caltrans Building would be reused and/or the Existing Caltrans Site would be redeveloped. Chapter 16 in the Caltrans Right-Of-Way Manual (the "Caltrans Manual") sets forth Caltrans' procedures for the disposal of "excess land" (relevant

B3-14

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 9

excerpts from Chapter 16 are attached as Exhibit 2).^{2/} Pursuant to Section 16.05.01.00, all real property declared excess land by Caltrans generally must be disposed of as soon as possible, so that the number of parcels on inventory is maintained at minimum levels. Excess land must be offered for sale within one year of becoming for sale. See also Cal. Sts. & High. Code § 118.6. Pursuant to Section 16.05.04.01, excess land must be sold in a manner designed to obtain the maximum return.

Based on these requirements, the Existing Caltrans Property would have to be sold within a relatively short period and for substantial consideration. It is highly likely that any private party who purchased the Existing Caltrans Property would either rehabilitate and reuse the Existing Caltrans Building and/or redevelop the Existing Caltrans Site in order to obtain an adequate return on his substantial investment in the property. Therefore, it is reasonably foreseeable that the development of Alternative 1 would result in physical changes in the environment with respect to the inevitable reuse of the Existing Caltrans Property.

In the event that the purchaser elected to demolish the Existing Caltrans Building and/or redevelop the Existing Caltrans Site, the environmental impacts would likely be quite significant. The current zoning for the Existing Caltrans Site was established in 1988 as part of the comprehensive rezoning of the Central City area of downtown Los Angeles. That comprehensive zoning was accomplished pursuant to Ordinance No. 164,307 (the "Rezoning Ordinance"), pertinent portions of which are attached as Exhibit 3. The Rezoning Ordinance includes a "Subarea" map that sets forth a numerical designation for each parcel of property in the Central City area. The numerical designation for the Existing Caltrans Site and the rest of the Spring/Main Block is "425" (see Exhibit 3).

Pursuant to the Rezoning Ordinance and the City's Zoning Map (the pertinent portion of which are attached as Exhibit 4), the current zoning for the Existing Caltrans Site is "C2-4-D". Comment 15 in the Rezoning Ordinance provides that the "D" limitation in the zoning designation for Subarea 425 limits the floor area

^{2/} Although the DEIR uses the term "surplus property", Section 16.01.03.01 of the Caltrans Manual defines real property owned by Caltrans that is determined and certified to be not required for rights of way or other operational purposes of Caltrans as "excess land".

B3-14
cont'd

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 10

ratio ("FAR") for the Existing Caltrans Site to 6:1, subject to limited exceptions, one of which relates to the replacement of an existing building pursuant to Section 416 of the Redevelopment Plan for the Central Business District Redevelopment Project (the "Redevelopment Plan"). See Exhibits 3 and 4 and Los Angeles Municipal Code ("LAMC") § 14.5.4B.1. Pursuant to Section 416, the FAR for the new structure cannot exceed the greater of the FAR of the replaced building or the maximum FAR set forth in Section 413 of the Redevelopment Plan.

According to the DEIR, the Existing Caltrans Building includes approximately 389,000 square feet of space. DEIR, pp. 1-1, 4-182. While the DEIR apparently does not set forth the square footage of the Existing Caltrans Site, it appears that the site includes approximately 100,000 acres of land. Therefore, the current FAR for the Existing Caltrans Property is approximately 3.89:1. That existing FAR appears to exceed the maximum FAR for the Existing Caltrans Site set forth in Section 413a of the Redevelopment Plan, which is apparently 3:1. Therefore, pursuant to Section 416 of the Redevelopment Plan, the purchaser of the Existing Caltrans Property would have the right to construct a new structure with at least approximately 389,000 square feet of space.^{3/}

B3-14
cont'd

Conversely, the purchaser could elect to expand the Existing Caltrans Building. In that case, the maximum FAR would be not less than 6:1 and not more than 13:1, as discussed above. If the square footage of the Existing Caltrans Site is approximately 100,000 square feet, the purchaser could rehabilitate the Existing Caltrans Building and construct additional space in the maximum amount of approximately 911,000 square feet (i.e., 1,300,000 - 389,000).

2. Alternatives 2 and 3. The DEIR states that Alternatives 2 and 3 include the demolition of the Existing Caltrans Building and all of the Private

B3-15

^{3/} It should also be noted that the purchaser could construct a substantially larger building or buildings by utilizing one of the other mechanisms described in Comment 15 in the Rezoning Ordinance and Section 14.5.4B of the LAMC, including the transfer of floor area from another site. By utilizing one of those mechanisms, the purchaser could construct approximately 1.3 million square feet of new improvements, based on a maximum 13:1 FAR. See LAMC § 12.21.3D.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 11

Buildings on the Spring/Main Block, as well as the City's acquisition of that entire block from Caltrans and the owners of the Spring/Main Private Property. DEIR, pp. 2-7, 2-16. The inclusion of these demolition and acquisition activities in the DEIR itself demonstrates that the City intends to redevelop the Spring/Main Block.

There are two possibilities here. First, the City may have already formulated its plans for the redevelopment of the Spring/Main Block, but has elected not to disclose those plans until the Project has been approved. In the alternative, the City may be considering alternative plans for the redevelopment of the Spring/Main Block, just as Caltrans is considering the three Project Alternatives in the DEIR.

In either case, the DEIR's failure to discuss the environmental impacts associated with the redevelopment of the Spring/Main Block is manifestly unlawful. If the City has intentionally segmented its redevelopment plans from the proposed Project, the result is unlawful "project splitting". Under CEQA, a project must be fully analyzed in a single environmental document. An agency may not split a project into two or more segments with mutually exclusive environmental documents. Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo, 172 Cal. App. 3d 151, 165 (1985). Similarly, an agency cannot overlook a project's cumulative impacts by separately focusing on isolated parts of the whole. McQueen v. Board of Directors, 202 Cal. App. 3d 1136, 1144 (1988). "Project" means "the whole of an action, which has the potential for resulting in a physical change in the environment, directly or indirectly" Guidelines § 15378(a).

B3-15
cont'd

If the City is considering alternative plans for the Spring/Main Block, CEQA requires the disclosure of the related environmental impacts in the DEIR. Drafting an EIR . . . necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." Guidelines § 15144 (emphasis added). An agency may only terminate environmental review of an impact on the grounds that it is too speculative if its conclusion is well founded and is derived from a "thorough investigation" of the circumstances. Guidelines § 15145; San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus ("San Joaquin Raptor"), 27 Cal. App. 4th 713, 726 (1994). No such thorough investigation took place here and Caltrans certainly did not use its "best efforts" to disclose all that it reasonably could regarding the City's redevelopment plans. Among other things, it is unimaginable that Caltrans and the

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 12

City did not discuss those plans in some detail in connection with the negotiation of the Land Exchange Agreement.

Under any scenario, the reuse and/or redevelopment of the Spring/Main Block is reasonably foreseeable and the DEIR unlawfully segmented a significant component of the overall Project.

C. The DEIR Unlawfully Offsets The Environmental Impacts Associated With The Existing Caltrans Building And The Private Buildings On The Spring/Main Private Property Against The Environmental Impacts Associated With The Proposed Project.

Not only does the DEIR unlawfully "split" the environmental impacts relating to the reuse and/or redevelopment of the Spring/Main Block, the DEIR goes an illegal step further and actually offsets the environmental impacts of the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property against the Project's reported environmental impacts. For example, in the traffic analysis, the DEIR estimates that Alternative 1 would generate 5,945 daily trips. However, the DEIR then reduces that estimate by 4,781 daily trips, which are the estimated daily trips with respect to the Existing Caltrans Building. The result is 1,164 net trips, less than 20% of the "gross" trips. DEIR, p. 4-184. With respect to Alternative 2, the DEIR not only netted out the 4,781 trips estimated for the Existing Caltrans Building, it also subtracted another 2,114 daily trips relating to the buildings on the Private Property. *Id.*, p. 4-185. The result is almost a 16% decrease in projected traffic. The DEIR includes a similar analysis with respect to Alternative 3, which reduces the daily traffic trips from 7,899 to 1,024, or less than 13% of the gross daily trips. *Id.*, p. 4-186.

These "net" traffic trips were also used to determine the regional emission of pollutants in connection with the operation of the Project. *Id.*, pp. 4-60 - 4-61. As a result, the projected "net operational emissions" with respect to the various pollutants have been dramatically reduced. *Id.*, pp. 4-61 - 4-63.^{4/} For example, the

^{4/} It is impossible to determine the precise reduction because the DEIR does not set forth the "gross" operational emissions.

B3-15
cont'd

B3-16

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 13

DEIR concludes that, under Alternative 2, all four measured pollutants would decrease. *Id.*, p. 4-62.

As discussed in more detail below, the DEIR also employs the offset strategy to avoid any quantified analysis of operational noise impacts and public services impacts. *Id.*, pp. 4-142, 4-163 - 4-166.

In addition, the DEIR artificially reduces the amount of potable water, wastewater, solid waste and energy that will be consumed or created with respect to the proposed Project by netting out the existing environmental impacts on the Spring/Main Block. *Id.*, pp. 4-211, 4-218.

While it may be acceptable under certain circumstances to offset the replacement of one building with another on the same site, it is manifestly unlawful to do so when the existing buildings are located on a different site. Caltrans cannot simply "assume" that the Spring/Main Block will never again be used for any productive purpose. As discussed above, the Existing Caltrans Building will remain standing under Alternative 1 and must be sold in an expeditious manner. It is equally clear that, under Alternatives 2 and 3, the City intends to reuse the Spring/Main Block in the foreseeable future, particularly given its location directly south of City Hall.

If the DEIR had not unlawfully offset the environmental impacts of the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property, many environmental impacts that the DEIR concluded were insignificant would have been quite significant. As one example, the DEIR states that the "net" operational emissions of NO_x under Alternative 3 would be 50.09 lbs./day, while the significance threshold is 55 lbs./day. Without the offset, however, projected NO_x would have significantly exceeded the 55 lb./day threshold. *Id.*, p. 4-62. As a second example, in the traffic analysis, the DEIR determined that, even after offsetting the traffic trips from the Existing Caltrans Building and the Private Buildings, two to five intersections would be significantly impacted by the respective Project Alternatives. *Id.*, pp. 4-190 - 4-192. There obviously would have been a significant impact on numerous additional intersections if the DEIR did not dramatically and illegally reduce the number of projected traffic trips.

B3-16
cont'd

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 14

While we appreciate Caltrans' interest in minimizing the identifiable significant impacts associated with the proposed Project, this attempt to shift environmental impacts from one site to another is designed to afford the least possible protection to the environment and constitutes a bald-faced violation of CEQA.

B3-16
cont'd

D. Caltrans And The City Unlawfully Approved The Land Exchange Agreement Prior To The Certification Of The Final EIR For The Project.

A public agency cannot conduct environmental review under CEQA as a post hoc rationalization for its prior decision to go forward with a project. Environmental Def. Fund, Inc. v. Coastside Cty. W. Dist., 27 Cal. App. 3d 695, 706 (1972); Rural Landowners Assn. v. City Council, 143 Cal. App. 3d 1013, 1021 (1983). A public agency cannot approve any component of a project until the final EIR for that project has been certified. Guidelines § 15092(a).

Caltrans and the City have violated these fundamental principles by approving the Land Exchange Agreement prior to certification of a final EIR for the Project. The DEIR expressly states that the City's approval of the Land Exchange Agreement is one of the approvals required with respect to the Project.^{2/} As discussed above, the Los Angeles City Council authorized the execution of the Land Exchange Agreement on May 16, 2001, prior to the circulation of the DEIR, and the City Council President executed it on August 8, 2001, during the comment period on the DEIR.

B3-17

Section 15352(a) of the Guidelines defines the "approval" of a project as "the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by a person Legislative action in regard to a project often constitutes approval. Caltrans' and the City's approval of the Land Exchange Agreement clearly commit them to a definite course of action. The Land Exchange Agreement is a binding contract between the parties to accomplish the land exchange that makes Alternative 2 possible and is necessary prerequisite for the development of Alternative 3. Section 5A provides that "the City

^{2/} Strangely, the list of required approvals omits Caltrans' approval of the Land Exchange Agreement or any other aspect of the Project, which is also required here.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 15

and the State shall negotiate and execute a more definitive exchange agreement and any other documents required to implement the transaction" The fact remains, however, that the Land Exchange Agreement is a binding agreement between the parties. In any event, Section 5A provides further that the implementation agreements must be completed and executed by September 30, 2001, well before the anticipated certification of the final EIR on November 19, 2001 (see Section 2A of the Land Exchange Agreement).

B3-17
cont'd

It is apparent that the preparation of the DEIR is little more than a post hoc rationalization for a project that Caltrans and the City have already decided to approve. In effect, they have foreclosed any meaningful options to going forward with the project or considering any viable alternative. Therefore, the Land Exchange Agreement should be rescinded and neither Caltrans nor the City should take any further action with respect to the Project unless and until Caltrans has certified the final EIR for the Project and the City has complied with its obligations under CEQA with respect to the final EIR.

E. The Project Unlawfully Includes Three Related Alternatives.

"An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 193 (1977). It is implicit within the statutory framework of CEQA and the Guidelines that a "project" consists of a single project, rather than group of alternative projects. See, e.g., Cal. Pub. Res. Code § 21002.1(a) ("the purpose of an environmental impact report is to identify the significant effects on the environment of a project"). The DEIR's inclusion of the three Project Alternatives as the Project violates those principles. In particular, and as discussed in more detail below, the failure to identify a single project makes it impossible to determine whether the DEIR includes a range of reasonable alternatives to that project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen its significant effects. See Guidelines § 15126.6(c).

B3-18

F. The DEIR's Analysis Of Alternatives Is Inadequate.

Pursuant to CEQA, a draft DEIR must include a discussion of a reasonable range of alternatives to the project, or to the location of the project, which

B3-19

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 16

would feasibly attain most of the basic objectives of the project and evaluate the comparative merits of the alternatives. Guidelines § 15126.6. This requirement compels the lead agency to (1) identify a range of feasible alternatives, including alternative sites, that could attain the project objectives, (2) identify alternatives that would avoid or substantially lessen the significant environmental impacts of the project, and (3) discuss the comparative environmental effects of the alternatives and the project. The discussion of the alternatives' environmental impacts must include adequate factual information, including quantitative data. Kings County, 221 Cal. App. 3d 692, 733-734 (1990). In essence, the alternatives analysis must be sufficient to allow informed public participation and informed decisionmaking. Guidelines § 15126.6(a); Laurel Heights I, 47 Cal. 3d 376, 404 (1988).

The careful consideration of alternatives in the DEIR is crucial here because the Project could involve the redevelopment of two entire City blocks, as well as the demolition of the historically-significant Existing Caltrans Building. The substantive analysis of the three Project Alternatives is discussed in Chapters 4 and 5 of the DEIR and reviewed elsewhere in this letter. In addition, Chapter 3 of the DEIR includes a 3½-page discussion of the "no project" alternative, four alternatives that were "considered but rejected from further consideration" and the "environmentally superior" alternative. DEIR, pp. 3-2 - 3-5.

Assuming that Caltrans has the legal right to split the Project into three related alternatives, the analysis of alternatives in the DEIR fails to comply with fundamental CEQA requirements and is legally inadequate. First, the DEIR failed to consider a reasonable range of alternatives. The alternatives actually considered in the DEIR consist solely of the three Project Alternatives and the "no project" alternative. However, the three Project Alternatives are slight variations on a single theme. As discussed in some detail in the DEIR, the components of each Project Alternative are almost identical. DEIR, pp. 2-7, 2-12 - 2-13. They include identical or similar amounts of office space and parking spaces. The only material differences between the three Project Alternatives is that Alternatives 2 and 3 involve construction on the entire Main/Los Angeles Block, while construction under Alternative 1 is limited to the Alternative 1 Site, and Alternative 3 includes additional office space and parking spaces for 564 LADOT employees.

B3-19
cont'd

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 17

In addition, none of the Project Alternatives is designed to avoid or substantially lessen one or more of the Project's significant effects. Guidelines § 15126.6(c); Citizens of Goleta Valley v. Bd. of Supervisors, 52 Cal. 553, 566 (1990). Indeed, since there is no single "project" here, it is impossible to determine the "significant effects" that could be avoided or substantially lessened under the Project Alternatives. However, while not discussed in the DEIR, it appears that Caltrans initially selected Alternative 1 as the Project. In January 2000, DGS prepared for Caltrans a "Project Proposal and Economic Analysis" (the "Caltrans Project Analysis"), in which DGS examined several alternative ways of financing construction of the Project on the Alternative 1 Site. It did not consider either Alternative 2 or 3. Those Project Alternatives were subsequently devised to reflect the general terms of the land exchange negotiated by Caltrans and the City.

Based on this chronology, neither Alternative 2 nor Alternative 3 avoid or substantiate lessen Alternative 1's environmental impacts in any material way. Both Alternatives 2 and 3 require a larger project site than Alternative 1 and both include the same or more square footage than Alternative 1. Those Project Alternatives were included as part of the Project simply because they incorporate deal terms previously agreed to by Caltrans and the City. Alternatives 2 and 3 were conceived without concern for lessening any environmental impacts and the Project Alternatives therefore do not contribute to a "reasonable range of alternatives".

Ironically, the other four alternatives mentioned in the DEIR (collectively, the "Rejected Alternatives") that Caltrans "considered but rejected from further consideration" are all environmentally superior to each Project Alternatives. Id., pp. 3-3 - 3-4. The DEIR could easily have analyzed the comparative environmental benefits and burdens of the Rejected Alternatives as compared to the three Project Alternatives. Instead, the DEIR does nothing more than summarize the purported grounds on which the Caltrans Project Analysis eliminated the Rejected Alternatives prior to the preparation of the DEIR. There is no systematic discussion of each environmental topic, no quantitative data, no informed or reasoned qualitative assessment, and no matrix showing the characteristics and environmental impacts of each Rejected Alternative in comparison to the three Project Alternatives. In short, the DEIR does not analyze any alternative other than the "no project" alternative that substantially lessens the Project's environmental impacts.

B3-19
Cont'd

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 18

In particular, it is essential that the DEIR include at least one alternative that would retain the Existing Caltrans Building. As set forth in the DEIR, the Existing Caltrans Building is eligible for listing in both the National Register of Historic Places and the California Register of Historical Resources. DEIR, pp. 4-86 - 4-87. In addition, the Existing Caltrans Building is located in the heart of one of the most distinguished groups of historic buildings in the City, which includes City Hall, St. Vibiana's Cathedral (the "Cathedral"), the Times-Mirror Building and the Higgins Building. *Id.*, pp. 4-88 - 4-91. The DEIR properly acknowledges that the demolition of the Existing Caltrans Building would constitute a substantial adverse change to an historical resource and therefore would have a significant impact on the environment. *Id.*, pp. 4-96, 4-99. Over the past 15 years, EIRs prepared for projects in the City that involve the proposed demolition of historic structures have routinely included one or more alternatives that examine the potential reuse or adaptive reuse of the applicable historical structure, including the EIRs prepared for previously proposed demolitions of the Cathedral and the Ambassador Hotel, as well as the recent EIR prepared by CAJA with respect to the proposed alteration of the character-defining features of the Cinerama Dome in Hollywood.

B3-20

The DEIR could have evaluated any number of preservation alternatives, including (1) the rehabilitation and expansion of the Existing Caltrans Building on the Existing Caltrans Site to accommodate additional employees, (2) the rehabilitation of the Existing Caltrans Building and the construction of a reduced amount of additional office space and parking on the Alternative 1 Site or (3) a different land exchange with the City in which Caltrans acquired title to the Spring/Main Private Property and then rehabilitated the Existing Caltrans Building and constructed additional office space and parking on the remainder of the Spring/Main Block. Instead, the DEIR bypasses environmental review of any preservation alternative and first claims that "given the age of the buildings and extent of the existing deficiencies, construction activities would be more substantial and costly than those that would occur under the lease alternative." *Id.*, p. 3-4. That comparison between two Rejected Alternatives, neither of which were subjected to any environmental review, is irrelevant.

The DEIR then restates the conclusion in the Caltrans Project Analysis that the rehabilitation and reuse of the Existing Caltrans Building is economically infeasible. Once again, however, the DEIR cannot simply skip the environmental

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 19

review of a meaningful alternative and merely conclude that the alternative is infeasible.

However, even if the law were otherwise, the Caltrans Project Analysis does not include substantial evidence that such rehabilitation and reuse is economically infeasible. Although the DEIR conveys the impression that the Caltrans Project Analysis includes a detailed economic (and programmatic) review of the potential reuse of the Existing Caltrans Building and the other Rejected Alternatives, it does not. The economic "analysis" with respect to the reuse of the Existing Caltrans Building is limited to 1½ pages, the first half of which references two earlier studies that estimated the construction costs for the rehabilitation of the Existing Caltrans Building. The first study was prepared in 1992 by Gensler and Associates and estimated that the total rehabilitation costs could be as high as \$40,000,000. The second and more recent study was prepared by Caltrans in 1998 and estimated total construction costs of \$33,650,000.

Interestingly, DGS concedes that the 1992 study is "outdated", but then summarily concludes that Caltrans' own \$33,650,000 cost estimate in the more recent 1998 study was "not adequately supported". *Id.* On that basis, the Caltrans Project Analysis uses the outdated 1992 study as the starting point for a one-half page economic projection in which the construction costs magically escalate from \$40,000,000 to \$175,433,749. This "analysis" includes a series of wild assumptions that are not supported by any analysis or breakdown.^{6/} In particular, the analysis retroactively assumes, without explanation, a 30% per year cost escalation between 1992 and 2000, which translates to a 270% increase for the nine-year period. *Id.*, pp. 10-11.

Second, the DEIR's discussion of the "no project" alternative is inadequate. The lead agency is required to "analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." Guidelines

^{6/} The Caltrans Project Analysis states that a more detailed economic analysis is set forth in Section 6 of the document, but the copy of the document that we received did not include any such detail.

B3-20
Cont'd

B3-21

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 20

§ 15126.6(c)(3)(C). Both the DEIR and the Caltrans Project Analysis indicate that the Existing Caltrans Building has insufficient capacity to accommodate Caltrans' space needs. Therefore, if the Project is not approved, it can be expected that Caltrans will have to acquire additional space in the downtown area, either by expanding the Existing Caltrans Building, constructing a limited amount of additional space on the Alternative 1 Site, or purchasing or leasing an existing building or a portion thereof. However, the DEIR's analysis of the no project alternative is devoid of any analysis regarding "what would reasonably be expected to occur in the foreseeable future if the project were not approved," and therefore violates CEQA.

B3-21
Cont'd

Third, the DEIR's discussion of the "environmentally superior" alternative is wholly inadequate. Under CEQA, if the environmentally superior alternative is the "no project" alternative, the DEIR must identify an environmentally superior alternative among the other alternatives. Guidelines § 15126.6(e)(2). The DEIR claims that "[t]he Lease Alternative would be the environmentally superior alternative among all of the other alternatives considered during the planning process." DEIR, p. 3-5. However, the DEIR does not analyze the environmental impacts of the lease alternative because it was eliminated from further consideration prior to the preparation of the DEIR. *Id.*, p. 3-3. Therefore, Caltrans' selection of the lease alternative as the environmentally superior alternative is facially unlawful and, in any event, unsupported by any environmental analysis in the DEIR.

B3-22

In sum, the DEIR's approach to the alternative analysis has subverted the legal requirement that an EIR must contain sufficient information about the environmental aspects of the alternatives to permit the decisionmakers a reasonable choice of alternatives. *Kings County*, 221 Cal. App. 3d at 733. A discussion of alternatives that is "devoid of substantive factual information from which one could reach an intelligent decision as to the environmental consequences and relative merits of the available alternatives to the proposed project" is legally inadequate. *San Joaquin Raptor*, *supra*, 27 Cal App. 4th 713, 738 (1994).

G. The DEIR's Analysis Of The Project's Aesthetic Impacts Is Inadequate.

The DEIR states that the proposed Project would have a significant impact if it "substantially degrades the existing visual character or quality of the site and its surroundings" or "would have a substantial adverse effect on a scenic vista or

B3-23

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 21

obstruct scenic views." DEIR, p. 4-12. Based on those thresholds, the DEIR concludes that, with one minor exception, none of the Project Alternatives would have a significant adverse aesthetic impact.

B3-23
Cont'd

The DEIR's analysis of aesthetic impacts is deficient in a number of respects. First, the DEIR determines that the design of the proposed Project will be aesthetically compatible with the surrounding area, notwithstanding that the proposed structures have not been designed yet. The DEIR acknowledges that "designs of the proposed structures are not available at this time" and that the massing studies "do not necessarily represent the final building configuration." *Id.*, p. 4-13. The DEIR also repeatedly indicates that the design of the structures may be inconsistent with the "Design/Build Solicitation Package" (the "Design Package") sent to interested developers. The DEIR states that (1) the Design Package "recommends" that the building have a stepped profile, (2) planting beds would be "encouraged", (3) the Design Package "suggests" a high-quality design, (4) it is "anticipated" that the proposed Project would be aesthetically compatible with the surrounding area, and (5) it is "expected" that the final design would conform to the character of the neighborhood. *Id.*, pp. 4-14 - 4-15. It is quite clear from these and numerous other statements in the DEIR that Caltrans does not have adequate information to determine whether or not the design of the proposed buildings will detrimentally impact the surrounding area.

Second, the DEIR claims that the height and massing of the proposed Project would not have a significant visual impact on St. Vibiana's Cathedral (the "Cathedral"), which is located directly south of the Main/Los Angeles Block and is one of the most historically significant structures in the City (see Exhibit 5). The DEIR claims that, "[s]ince St. Vibiana's Cathedral is oriented toward Main Street and a 12-foot wall partially obscures the north facade of the cathedral, development of a 16-story office building and a 10-level parking structure would not substantially detract from the [sic] St. Vibiana's visual setting." *Id.*, p. 4-15.

B3-24

This reasoning strains credibility. It is evident that the tentative scale, massing and height of the two structures that comprise the Project will overwhelm the Cathedral. According to the DEIR, the tallest point on the Cathedral (the bell tower) is only 83-feet high. *Id.*, p. 4-4. On the other hand, the proposed New Caltrans Building will be up to 16-stories high, at least twice the height of the Cathedral and far more

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 22

solidly massed. In particular, Alternative 1 would mass the New Caltrans Building and Parking structure right on 2nd Street and both structures would loom over the Cathedral, as dramatically shown in the DEIR. *Id.*, pp. S-8, 4-19.

B3-24
Cont'd

The fact that the main entrance to the Cathedral is on Main Street is irrelevant. To the contrary, as shown in Figure 4-14 of the DEIR, it appears that the proposed New Caltrans Building and Parking Structure would most negatively impact the Cathedral from southerly viewpoints, where both the Main Street entrance and the bell tower would be dwarfed by the new structures. *Id.*, p. 4-19. The DEIR's reference to the 12-foot wall on north facade is similarly unpersuasive, particularly since the great majority of the Cathedral's character-defining features are not obscured by the wall (contrary to the implication in the DEIR). *Id.*, p. 4-15. The proposed Project obviously would "substantially detract" from the Cathedral's visual setting and the DEIR's failure to meaningfully analyze the Project's impact on the Cathedral precludes informed public participation and decisionmaking.

Third, the DEIR claims that none of the Project Alternatives would have any significant view impacts, notwithstanding that all of the evidence in the DEIR supports the opposite conclusion. The DEIR acknowledges that the Project Alternatives would obstruct views of the Cathedral to the south and City Hall to the north, two of the City's most famous historic buildings. In addition, the Project Alternatives would obstruct all or a significant portion of the downtown skyline to the west. *Id.*, pp. 4-16 - 4-19, 4-28 - 4-32, 4-39 - 4-43.

B3-25

However, the DEIR claims that obstruction of City Hall and the Cathedral are insignificant because they would only "temporarily" obstruct the views of motorists and pedestrians. *Id.*, pp. 4-16 - 4-18. This reasoning is not credible. All visual obstructions are "temporary" in the sense that a motorist or pedestrian will eventually move past that obstruction. Based on this standard, no visual obstruction would ever be significant. The threshold of significance is simply whether a project "would have a substantial adverse effect on a scenic vista or obstruct scenic views." *Id.*, p. 4-12. Here, Caltrans proposes to construct two significant structures on an entire City block in a manner that will obstruct very significant views in at least three directions. The DEIR misleads the reader into thinking that these impacts are insignificant simply because they are "temporary".

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 23

Ironically, the DEIR then concedes that the visual obstruction of the downtown skyline to the west could be significant even though it too is "temporary". However, the DEIR then summarily concludes that the visual impact on the downtown panorama is also insignificant because it is not "considered to be a significant visual resource." *Id.*, p. 4-16. However, the DEIR never explains why the dramatic view of the downtown skyscrapers to the west, which is perhaps the most striking visual image in downtown Los Angeles, is not "considered to be a significant visual resource".

B3-25
Cont'd

H. The DEIR's Analysis Of The Project's Air Quality Impacts Is Inadequate.

B3-26

As discussed above, the air quality analysis in the DEIR is fundamentally flawed because air quality impacts associated with the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property were unlawfully offset against the Project's air quality impacts.

In addition, the DEIR failed to analyze the air quality impacts, or any other impacts for that matter, relating to the demolition of the Existing Caltrans Building and the Private Buildings. *Id.*, p. 4-56.

B3-27

I. The DEIR's Analysis Of The Project's Archeological Impacts Is Inadequate.

The DEIR concludes that, with mitigation, the Project's impact on archeological resources would be insignificant. That conclusion, and the underlying analysis, violates CEQA in a variety of ways. The DEIR immediately sets off on the wrong course by misstating the principal threshold of significance. The DEIR claims that the threshold is "[a] substantial adverse change in the significance criteria of an archeological resource pursuant to Section 15064.5 of the CEQA Guidelines." *Id.*, p. 4-76.

B3-28

That is inaccurate, to say the least. Pursuant to Section 21083.2(a) of the California Public Resources Code, the lead agency must first determine whether a proposed project may have a significant effect on a "unique archeological resource". If that determination is made, the EIR for the project must identify the unique archeological resources and determine whether the proposed project will have a significant impact on them. If the EIR determines that the project will have a

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 24

significant impact on unique archeological resources, other provisions in Section 21083.2 describe the permitted mitigation with respect to those impacts.^{2/}

B3-28
Cont'd

The EIR abjectly failed to comply with those requirements. First, the DEIR does not include any analysis or conclusion as to whether any "unique archeological resources" are located on Main/Los Angeles Block.

Second, there is insufficient data in the DEIR and the Archeological Report to determine whether, and to what extent, unique archeological resources are present on the Main/Los Angeles Block (which the DEIR refers to in the archeological analysis as "Block 26"). Archeological Report, pp. 7, 50, 56-57. This is particularly troublesome because Applied EarthWorks' limited archival research demonstrated a high potential for archeological deposits to remain onsite. DEIR, p. 4-77; Archeological Report, pp. ii, 4, 52.

In the Archeological Report, Applied EarthWorks states, for the most part correctly, that as set forth in Section 21083.2, CEQA "generally entails three phases of field work: (1) discovery and identification of potentially important

^{2/} The DEIR's misstatement of the appropriate threshold of significance can be traced back to the archeological report prepared for the Project by Applied EarthWorks, Inc. ("Applied EarthWorks"), which is titled "Assessment of Archeological and Paleontological Sensitivity on the Proposed California Department of Transportation District 7 Headquarters Replacement Project" (the "Archeological Report") and dated July 2, 2001. The Archeological Report erroneously states that the applicable threshold of significance is whether the project "may cause a substantial [adverse] change in the significance of an historical resource," as set forth in Section 21084.1 of the California Public Resources Code. Archeological Report, p. 3. However, Section 21084.1 describes the threshold of significance with respect to historic resources, not archeological resources. The Archeological Report then compounds its error by framing its analysis in terms of additional criteria set forth in Section 15064.5(a) of the Guidelines, all of which relate to historical resources and not archeological resources. *Id.*, pp. 3-4. The result, among other things, is a nonsensical threshold of significance in the DEIR.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 25

resources; (2) evaluation of the importance of the resources and assessment of impacts of the proposed project on the important elements of the resource; and (3) treatment to mitigate significant impacts." The Archeological Report then states that "[b]ecause potential for archeological resources is considered high, a Phase 2 archeological testing program currently is recommended to complete the first and second steps in the CEQA compliance process." Archeological Report, p. 4.

B3-28
Cont'd

The Archeological Report then recommends a detailed, combined program of extended archival research and subsurface test excavation to identify the location, and determine the significance, of potentially significant prehistoric, proto-historic and historical archeological deposits. Archeological Report, pp. 56-57; DEIR, p. 4-79. As noted in the Archeological Report, "[u]ntil lot-specific archival research and site testing are completed, it is not possible to provide a detailed plan for mitigating impacts to archeological remains." Archeological Report, p. 6.

However, instead of performing that additional archival research and site testing prior to the completion of the DEIR in order to devise appropriate mitigation measures, and including that information in the DEIR, the DEIR instead recommends that such research and testing be required as the mitigation for the Project's archeological impacts. This strategy not only runs counter to Applied EarthWorks' express recommendation that the additional archeological studies be prepared in order to formulate appropriate mitigation measures, it violates black-letter CEQA law.

CEQA requires that environmental review and the formulation of appropriate mitigation measures occur at the earliest possible stage in the planning process. Cal. Pub. Res. Code § 21003.1. For example, in Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988), the public agency approved a use permit for a motel and restaurant that included a private sewage treatment plant. The initial study did not analyze the environmental impacts of the treatment plant, but instead required that the developer prepare a hydrological study after the approval of the mitigated negative declaration for the project. The study was to provide a basis for establishing additional mitigation measures for the project.

The court held that the public agency violated CEQA by including a condition that contemplated revisions to the project after the final adoption of the mitigated negative declaration. The court further held that the deferral of

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 26

environmental review for the treatment plant ran counter to CEQA policy, which required environmental review at the earliest stage in the planning process. The court also noted that any mitigation measures added by administrative agencies as a result of this study would be exempt from public scrutiny since the public agency had already approved the mitigated negative declaration. 202 Cal. App. 3d at 307-08. See also Oro Fino Goldmining Corp. v. County of El Dorado ("Oro Fino"), 225 Cal. App. 3d 872, 885 (1990) ("the CEQA process demands that mitigation measures timely be set forth, that environmental information be complete and relevant, and that environmental decisions be made in an accountable arena").

B3-28
Cont'd

Caltrans did exactly the same thing here with respect to the Project's potentially significant archeological impacts. Both the DEIR and the Archeological Report indicate that additional research and testing are necessary to determine whether unique archeological resources exist on the Main/Los Angeles Block and whether the construction of the Project would have a significant impact on them. The DEIR cannot simply defer that environmental review some point in the indeterminate future **after the final EIR has been certified and the Project has been approved**. This violates the CEQA requirement that environmental review occur at the "early feasible stage", and certainly not after the project itself has been approved. In its headlong rush to push the Project through the State administrative process, Caltrans violated yet another fundamental tenant of CEQA.

J. The DEIR's Analysis Of The Project's Hazardous Materials Impacts Is Inadequate.

The DEIR concludes that the implementation of certain mitigation measures "would ensure that any hazardous materials impact would be reduced to a level of insignificance." DEIR, p. 4-118. The DEIR's hazardous materials impact analysis is inadequate for several reasons. First, the DEIR unlawfully and intentionally defers any real analysis of the environmental risks posed by groundwater contamination at the project site. Second, the DEIR is intentionally misleading and vague with respect to the amount and types of hazardous materials that would be generated by Caltrans' operations after Project construction is completed. The DEIR's failure to properly analyze the Project's impact on known hazardous materials conditions and its misrepresentation of the anticipated waste stream from the Project combine to unlawfully deprive decisionmakers of critical environmental information.

B3-29

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 27

As discussed above, CEQA requires that environmental review and the formulation of mitigation measures occur at the earliest possible stage in the planning process. Cal. Pub. Res. Code § 21003.1, see also Sundstrom v. County of Mendocino, supra, 202 Cal. App. 3d 296 (1988). In this case, the DEIR violated CEQA by deferring groundwater testing until after Project construction begins. DEIR, p. 4-118 ("[c]onstruction dewatering is anticipated due to shallow perched groundwater conditions. Perched groundwater may be contaminated with petroleum hydrocarbons and should be tested prior to any construction dewatering activities.") This unlawful deferral will deprive decisionmakers of critical information relating to the Project's impacts on the presence and movement of contaminants through the environment.

B3-29
Cont'd

This information is critical because project excavation and construction will almost certainly result in the exposure of workers and the local inhabitants to contaminated soil and groundwater. A 1992 report prepared by Apex Environmental Recovery, Inc. ("Apex") for Caltrans disclosed high levels of petroleum hydrocarbon contamination in soils at depths ranging from five feet to 30 feet below surface level. DEIR, Appendix C. As set forth in the Geotechnical Investigation and Geologic Hazard Evaluation (Draft Report) dated February 2001 and prepared by URS with respect to the Project, Caltrans' own scientists found groundwater at depths starting at 16 to 24 feet below the surface. The combination of high levels of soil contamination found at the same depth as groundwater means that the groundwater is certain to be contaminated. Since construction of the Project will require dewatering at those same depths, the Project will probably mobilize the contaminants in the groundwater and will bring those contaminants closer to the foundation of the Project.

The certain presence of hazardous waste in the groundwater raises many questions. What is the cause and source of the contamination? How high are the levels of toxic contaminants in the groundwater? In what direction is the toxic plume moving through the groundwater? Will the dewatering efforts change the direction of the toxic plume? Will the dewatering efforts move the toxic plume closer to properties owned and occupied by innocent third parties? Are the levels of contaminants in the groundwater high enough to affect the health of workers inside the Project's buildings or adjacent buildings?

Caltrans knew the presence of contaminated groundwater would raise these questions, but Caltrans deliberately chose not to test the groundwater. Caltrans

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 28

had the means to conduct this testing at almost no extra expense because Caltrans' consultant installed five piezometers into the perched water zone. Caltrans did not take samples from those piezometers, however. By choosing not to conduct those tests, Caltrans intentionally deprived decisionmakers of information that would enable them to make an informed decision about the Project. For this reason, the DEIR is inadequate.

B3-29
Cont'd

The DEIR is also inadequate because it actually misleads the public and decisionmakers by omitting both the types and the amount of hazardous wastes that the Project would generate or store. The DEIR states only that the 16,500 square-foot Auto Shop would be part of the Project, and that it would "contain a maintenance bay and vehicle wash rack as well as storage for parts and lubricants." DEIR, p. 5-12 (emphasis added).

B3-30

However, that description is flatly contradicted by the Caltrans Project Analysis, which states that the Auto Shop would include 19 maintenance bays and that the Project would include three 500-gallon above ground tanks to store the toxic wastes generated by the Auto Shop and a "Repro Shop". Caltrans Project Analysis, pp. 2.1, 6.3. However, the DEIR does not describe the hazardous materials that will be generated or stored in the Auto Shop or the "Repro Shop" (which is not even identified as part of the Project in the DEIR).^{8/} Even worse, the reader is led to believe that the auto repair work in the Parking Structure will be extremely limited, with only one bay dedicated to auto repair and maintenance. Obviously, the presence of 19 repair bays poses a far more significant environmental issue. Since auto repair shops typically use toxic petroleum products and hazardous chlorinated solvents in significant quantities, it was obviously important for the DEIR to analyze the environmental impacts associated with the Auto Shop in a meaningful way.

Instead, the DEIR states only that the Auto Shop "would contain hazardous materials storage areas in compliance with local, state, and federal safety regulations." DEIR, p. 4-116. However, the supposition that the Auto Shop would comply with those regulations does not obviate the need to include actual

^{8/} We also note that the DEIR does not include any information or analysis regarding the "fuel storage facilities" that would be included in the Parking Structure with respect to the Emergency Generator. *Id.*, p. 2-13.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 29

environmental analysis in the DEIR and provide the public and decisionmakers with adequate information and analysis regarding the Project's hazardous materials impacts. The DEIR's analysis of the impact of the Project upon the generation of hazardous waste is inadequate because it actually misleads the decision makers with respect to these fundamental facts.

B3-30
Cont'd

K. The DEIR's Analysis Of The Project's Land Use Impacts Is Inadequate.

The DEIR provides that one of the thresholds of significance with respect to the Project's land use impacts is whether the Project is "inconsistent with local land use plans and zoning". DEIR, p. 4-132. The DEIR then concludes that the Project is consistent with the City's Planning and Zoning Code (the "Zoning Code"), principally because the Zoning Code "generally permits high-density development with a 13:1 maximum floor area ratio" and, implicitly, that the FAR for each Project Alternative is less than 13:1. DEIR, p. 4-136.

B3-31

Both the DEIR's analysis and conclusion are misleading and inaccurate. The DEIR is correct that the zoning designation for the Main/Los Angeles Block is "C2-4-D". Id., p. 4-132. However, that zoning designation does not generally permit a maximum FAR of 13:1 with respect to the Main/Los Angeles Block. The Subarea designation for the Main/Los Angeles Block in the Rezoning Ordinance is "420". As was the case with Subarea 425 (i.e., the Spring/Main Block), Comment 15 in the Rezoning Ordinance provides that the "D" limitation in the zoning designation for Subarea 420 limits the FAR for the Main/Los Angeles Block to 6:1, subject to limited exceptions, none of which would permit an increase in the FAR beyond 6:1 here. See Exhibit 3 and 4.

The FAR with respect to Alternative 1 would exceed 6:1. The Alternative 1 Site includes approximately 100,000 square feet of land. DEIR, pp. 4-124, 4-134. Therefore, the maximum floor area permitted on the Alternative 1 Site is approximately 600,000 square feet (100,000 x 6). Under Alternative 1, Caltrans would construct a 603,500 square-foot office building, together with the 16,500 square-foot Auto Shop and the 16,000 square-foot Warehouse, for a total of 636,000

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 30

square feet of gross floor area.^{9/} Therefore, the proposed FAR for Alternative 1 is approximately 6.36:1 (636,000 ÷ 100,000), which exceeds the maximum FAR of 6:1.

B3-31
Cont'd

The DEIR also states that Caltrans does not have to comply with the City's land use and zoning requirements and, therefore, that the DEIR's (erroneous) assessment of the Project's consistency with those laws is only provided for "informational purposes".

That statement is also untrue. Even if Caltrans is exempt from the City's land use and zoning laws, the fact that the FAR for Alternative 1 exceeds the maximum permitted FAR under the Zoning Code is still an appropriate benchmark for determining whether the Project's land use impacts are significant. The DEIR's reasoning, taken to its illogical extreme, would mean that no State Building, regardless of its size or incompatibility with surrounding land uses, would have a significant land use impact.

B3-32

It is also unclear whether Caltrans is exempt from the City's land use and zoning laws. The DEIR does not cite any State statute in support of its claim. Rather, it relies primarily on a 1988 Attorney General opinion, which has no precedential value. *Id.*, p. 4-132. In any event, the DEIR does not include an accurate citation to the Attorney General opinion, so the reader has no way of determining whether the opinion has any application here.

In addition, the DEIR references the California Supreme Court's decision in *Hall v. City of Taft*, 47 Cal. 2d 177 (1956). However, it seems apparent that *Hall* is inapplicable here. In *Hall*, the court held that a school district that was constructing a school need not comply with local building regulations because the construction of schools was a matter of statewide concern and, therefore, that the statewide public school system governing construction of schools controlled over local regulations. 47 Cal. 2d at 181. The court stressed that it wanted to prevent local regulations from conflicting with, and frustrating the implementation of, the statewide system of public school construction. *Id.* at 185.

B3-33

^{9/} Pursuant to Section 12.03 of the LAMC, the floor area in the parking structure devoted to parking has been excluded from the calculation of floor area.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 31

In this case, however, Caltrans' proposed construction of an office building and parking structure does not concern Caltrans' implementation of the statewide system of highway construction with which it is charged by State law. Rather, Caltrans wishes to replace an office building that is used for administrative purposes. It is hard to see how the application of local zoning to office buildings would conflict with, or threaten to frustrate, the construction of a statewide highway system. As a result, Hall does not apply here.

B3-33
Cont'd

Furthermore, the DEIR's analysis assumes that Caltrans would be the developer and owner of the New Caltrans Building and the Parking Structure. However, that is apparently untrue. According to the Caltrans Project Analysis, it is Caltrans' intent to lease the New Caltrans Building and Parking Structure from the developer it selects to construct the Project, and that the developer will be the owner of those improvements. Caltrans would have an option to purchase the new facilities, but apparently would not have the right to exercise that option until after the construction of the facilities and, in any event, would not be required to exercise it. Therefore, it appears that the developer of the New Caltrans Building and Parking Structure would have to comply with all City land use and zoning laws relating to the construction and operation of the Project, including all discretionary and ministerial approval processes.

B3-34

L. The DEIR's Analysis Of The Project's Noise Impacts Is Inadequate.

The DEIR's noise analysis is unlawful for a number of reasons. To begin with, the DEIR does not include any meaningful discussion of operational noise impacts. Based on the significance threshold in the City CEQA Thresholds Guide (the "City Thresholds Guide"), the DEIR determines, in a one-paragraph discussion that is not supported by an underlying noise study or other quantified analysis, that the "net" increase in p.m. peak hour traffic would not exceed the 3-dBA significance criterion. DEIR, p. 142. However, as discussed above, the DEIR's offset of the traffic trips generated by the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property violates CEQA. As a result, the DEIR significantly understates the Project's vehicular noise impacts.

B3-35

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 32

The DEIR also concludes that the Project's construction noise impacts would be insignificant "since noise level increases would be limited to daytime hours and would be temporary and intermittent." *Id.*, pp. 4-141 - 4-142.

That analysis is unlawful for several reasons. First, the DEIR concludes that construction noise impacts are insignificant without reference to any threshold of significance. Tellingly, while the DEIR uses the significance threshold for operational noise impacts set forth in the City Thresholds Guide (excerpts from which are attached as Exhibit 6), it ignores the three significance thresholds set forth in that document for evaluating construction noise impacts, as follows:

"A project would normally have a significant impact on noise levels from construction if (1) construction activities lasting more than one day would exceed existing ambient exterior noise levels by 10 dBA or more at a noise sensitive use; (2) construction activities lasting more than 10 days in a three month period would exceed existing ambient exterior noise levels by 5 dBA or more at a noise sensitive use; or (3) construction activities would exceed the ambient noise level by 5 dBA at a noise sensitive use between the hours of 9 p.m. and 7 a.m. Monday through Friday, before 8 a.m. or after 6 p.m. on Saturday, or at anytime on Sunday." City Thresholds Guide, p. I.1-3 (see Exhibit 6).

"Noise sensitive uses" include residences, transient lodgings, auditoriums and concert halls. *Id.*, p. I.1-2.

There are several noise sensitive uses located in close proximity to the project site. The New Otani Hotel is located across the street from the project site on Los Angeles Street. The Higgins Building, which is currently being redeveloped for residential use, is located across the street from the project site on Main Street. The Cathedral is located directly south of the project site on 2nd Street. The rehabilitation of the Cathedral for use as a performing art center and hotel, together with the

B3-36

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 33

construction of 180 new residential units, will begin before the end of the year.^{10/} *Id.*, pp. 4-139, 2-17.

The DEIR acknowledges these three sensitive receptors and includes the ambient noise levels measured at each site. DEIR, pp. 4-138 - 4-140, 4-141. However, the DEIR fails to quantify construction noise levels at the three receptor sites, add those construction noise levels to the measured ambient noise levels, and determine whether resulting increase in noise levels would be significant based on the significance thresholds in the City Thresholds Guide (or any other quantified threshold of significance). Oddly, while the DEIR omits the significance thresholds for construction noise from the City Thresholds Guide, it includes a Table from the City Thresholds Guide that sets forth typical construction noise levels for construction equipment. *Id.*, p. 4-141.

Even more bewildering, why does the DEIR bother to list those construction noise levels or take noise measurements at the three sensitive receptors, but then simply ignore them and omit any quantified construction noise analysis (or operational noise impacts, for that matter)? It would have been a simple matter for the preparer of the DEIR to reasonably determine the type and amount of construction equipment and vehicles that would be in use on a "peak" construction noise day and then determine, based on the significance thresholds in the City Thresholds Guide (or other reasonable, quantified significance thresholds) whether or not construction noise impacts would be significant (which they presumably are). There is no legitimate reason for the DEIR's failure to do so.

Third, the DEIR implies that only noise sensitive uses located within 100 feet of the project site could be adversely affected by construction noise. *Id.*, 4-141. That is obviously untrue. We note that, in the City Thresholds Guide, the first screening criteria for potential construction noise impacts is whether construction

^{10/} The DEIR repeatedly and inaccurately states that the Cathedral site is currently "unused". *Id.*, pp. 4-4, 4-138. The rectory, which is located on the easternmost portion of the Cathedral site and directly across the street from the Main/Los Angeles Block, has remained in full use since the Northridge Earthquake and Cardinal Mahony lives there to this day.

B3-36
Cont'd

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 34

activities will occur within 500 feet of a noise sensitive use. City Thresholds Guide, p. 1.1-2 (see Exhibit 6).

B3-36
Cont'd

Fourth, the DEIR claims that loading dock activities would not result in significant noise impacts because the Warehouse "would be located inside the proposed parking structure and would be buffered from surrounding land uses." Id., p. 4-142. That analysis assumes that the parking structure would be enclosed. However, the DEIR does not discuss whether the parking structure would be enclosed, perhaps because it has not been designed yet. In any event, we are unaware of any above-ground parking structure of the size contemplated here that has been fully enclosed. Therefore, it seems apparent that the contemplated parking structure would not buffer Warehouse noise. In addition, although ignored in the noise analysis, the parking structure would also house the Auto Shop, which, as discussed above, would include 20 service bays and will likely generate a considerable amount of noise.

B3-37

Finally, putting aside all of the foregoing defects, it is difficult to understand how the DEIR can characterize construction noise impacts as "temporary and intermittent" when the construction period will last at least 2½ years. Id., pp. S-4, 2-15.

B3-38

M. The DEIR's Analysis Of The Project's Impact On Public Services Is Inadequate.

The DEIR's analysis of the Project's impacts on public services is deficient in at least two respects. First, in the DEIR's analysis of impacts on police protection, fire protection and schools, the DEIR unlawfully nets out the employees in the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property, as discussed above.

B3-39

Second, the DEIR defers environmental review of the Project's impact on fire protection services. The DEIR includes a significance threshold that a significant impact on fire protection services would occur if the Project "creates a substantial need for additional fire protection services requiring new or altered fire department facilities to maintain acceptable service ratios or response times, the construction of which could cause significant impacts on the environment." DEIR, p. 4-161. However, that significance threshold is ignored in the subsequent analysis, in which the DEIR fails to evaluate the extent to which the resources of the Los Angeles Fire Department

B3-40

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 35

("LAFD") would be impacted by Project operation. In fact, the DEIR expressly states that "[a] determination of the amount of additional protection that may be necessary for the area would be made after a review of the project plans by the LAFD." *Id.*

Nonetheless, the DEIR then concludes that this impact "is not expected" to be significant, notwithstanding that the DEIR does not include any evidence to support that determination. While Caltrans is to be commended for agreeing to comply with applicable codes and regulations as administered by the State Fire Marshall and including a fire sprinkler system and fire detection equipment in the two structures, that has little or no bearing on the additional fire protection services that LAFD will be required to provide with respect to the Project. *Id.*, pp. 4-166 - 4-167.

B3-40
Cont'd

N. The DEIR's Analysis Of The Project's Traffic Impacts Is Inadequate.

CAJA, in consultation with an experienced traffic consulting firm, has preliminarily evaluated the traffic analysis in the DEIR and the Traffic and Circulation Study for the Project prepared by Kaku Associates in June 2001. Pending the completion of that report, we have summarized below a number of very significant concerns regarding the Project's traffic analysis.

First, the 27 study intersections do not include any freeway on-ramps or off-ramps, except for the US-101 Westbound off-ramp at Alameda Street. DEIR, p. 4-168. In addition, the traffic analysis only looks at year 2005 traffic conditions. However, as Caltrans is well aware, it normally requires analysis of all affected freeway on-ramps and off-ramps and an analysis of year 2015 conditions.

B3-41

Second, the DEIR significantly understates the existing traffic conditions at the 27 study intersections. Table 4-43 indicates that the existing levels of service ("LOS") for almost all of the study intersections is currently "A" or "B". *Id.*, p. 4-175. However, anyone who works or lives in downtown Los Angeles knows that the existing LOS at those intersections is far lower than represented in Table 4-43 and that those intersections are usually congested during peak hours. The DEIR substantially understates the existing levels of traffic at the study intersections by ignoring the constant stream of pedestrian and transit activity that creates bottlenecks throughout the downtown area.

B3-42

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 36

Third, in calculating the cumulative base traffic volumes, the DEIR inexplicably uses a different, and incomplete, list of related projects than the list of related projects set forth near the beginning of the DEIR that was purportedly used to determine cumulative impacts with respect to all of the environmental categories. Compare DEIR, pp. 4-180 - 4-181 with DEIR, pp. 2-17 - 2-20. In particular, the list of related projects used to calculate cumulative base traffic conditions excludes City Hall, which reopened last month, approximately six months after the traffic counts used in the traffic analysis were conducted in January 2001 (*id.*, p. 4-174), and is located across the street from both the Spring/Main Block and the Main/Los Angeles Block. This understatement of cumulative base traffic volumes results in an understatement of the Project's traffic impacts because the Project can add more traffic to the study intersections without triggering a significant traffic impact.

B3-43

Fourth, the project trip generation estimate does not include any trips associated with the reuse of the Spring/Main Block.

B3-44

Fifth, as discussed above, the traffic analysis unlawfully nets out the traffic trips associated with the existing Caltrans Building and the Private Buildings on the Spring/Main Private Property.

B3-45

Sixth, the projected new trips were estimated on a "per employee" basis, rather than a floor area basis, and the DEIR assumes that the number of employees in the New Caltrans Building will be limited to 1,837 employees under Alternatives 1 and 2 and 2,401 employees under Alternative 3. *Id.*, pp. 4-184 - 4-186. However, the DEIR does not recommend any restriction on the number of employees permitted in the New Caltrans Building. Consequently, it is reasonable to assume that the number of employees/square foot in the New Caltrans Building will systematically rise to the same level as in the Existing Caltrans Building.^{11/} The current number of

B3-46

^{11/} In fact, the Caltrans Project Analysis acknowledges that the number of employees in the New Caltrans Building will increase on an annual basis. Caltrans determined in that document that, if the New Caltrans Building had been built in fiscal year 1999/2000, it would initially house 1,664 Caltrans employees. Caltrans Project Analysis, p. 4-1. Caltrans further determined that the amount of office space required would thereafter increase at a compounded (continued...)

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 37

employees/1,000 square foot in the Existing Caltrans Building is approximately 4.2 (1,628 ÷ 389). At the same occupancy level, the number of employees in the New Caltrans Building would be approximately 2,525 under Alternatives 1 and 2 and approximately 2,997 under Alternative 3, both of which substantially exceed the number of employees used to calculate the projected new trips.

B3-46
Cont'd

Seventh, the projected new trips were based on the "General Office" trip generation rate contained in Trip Generation, 6th Edition (Institute of Transportation Engineers, 1997), rather than the substantially higher "Government Office Building" rate. The "Government Office Building" rate should have been used here because the New Caltrans Building would be a government building entirely populated by government employees and would generate far more trips than a normal office building. By using the inappropriate "General Office" rate, the DEIR understated new traffic trips by approximately 50%.

B3-47

Eighth, the distribution of traffic trips is demonstrably inconsistent with actual traffic patterns and the locations of freeway on-ramps and off-ramps in the area.

B3-48

Ninth, the only traffic mitigation measure recommended in the DEIR is that Caltrans contribute a "fair share payment" for the cost of installing the City's Adaptive Traffic Control System ("ATCS") at the significantly-impacted intersections identified in the DEIR. Id., p. 4-198. However, notwithstanding that Caltrans would only pay some unspecified portion of the installation costs, the DEIR confers on the Project the entire benefit associated with the installation of ATCS system. The DEIR should have allocated a portion of the ATCS mitigation to the Project in proportion to Caltrans' share of the overall installation costs. The balance of the mitigation should have been incorporated into the calculation of the cumulative base traffic volumes. If the DEIR had done this, the projected traffic at the significantly-impacted intersections

B3-49

^{11'} (...continued)
annual rate of two percent through fiscal year 2004/2005, presumably because the number of employees working in the building would increase at a similar rate. Id. Therefore, it is reasonable to assume that the number of employees working in the Caltrans Building would continue to increase at the compounded annual rate of two percent if the New Caltrans Building opened in the year 2004.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 38

would not have been reduced to less than significant levels and additional traffic mitigation would have been required. Having said that, we emphasize that if the DEIR had not also dramatically understated existing traffic conditions and projected project traffic, far more extensive traffic mitigation would be required in any event.

B3-49
Cont'd

The cumulative effect of these errors and omissions is a breathtaking understatement of existing traffic conditions, the Project's very significant traffic impacts and the mitigation measures required to reduce those impacts to an insignificant level.

O. The DEIR's Analyses Of The Project's Water Supply, Wastewater, Solid Waste And Energy Impacts Are Inadequate.

The DEIR's analyses of water supply, wastewater, solid waste and energy impacts are unlawful for numerous reasons. First, none of the stated significance thresholds relate to the projected increase in water demand or energy use with respect to the Project, the amount of wastewater or solid waste that would be generated by the Project, or the extent to which the Project would utilize the capacity of existing water supply or distribution facilities, existing sanitary sewer systems and treatment plants, existing landfills and existing power generating facilities and distribution systems. DEIR, pp. 4-208 - 4-209. For example, as discussed in the DEIR's traffic analysis, the additional traffic generated by a project can significantly impact an intersection, notwithstanding that, with the addition of project traffic, the LOS remains below "F". *Id.*, p. 4-189. However, the DEIR simply ignores that the Project could consume significant resources and/or utilize a significant portion of the existing facilities described above.

B3-50

The limited information in the DEIR indicates that the Project's impacts with respect to water, wastewater, solid waste and energy would be quite significant. According to the DEIR, Alternative 3 would require approximately 144,000 gallons of potable water per day (p. 4-216), generate approximately 120,215 gallons of wastewater per day^{12/} (p. 4-217) and consume approximately 26,566,000 kWh of

B3-51

^{12/} We note that the draft EIR for the Los Angeles Citywide General Plan Framework, dated January 19, 1995 and prepared by Envicom Corporation, (continued...)

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 39

electricity per year (p. 4-218). The DEIR does not calculate the gross amount of solid waste that would be generated under Alternative 3, but based on the formula used in the DEIR (p. 4-213, fn. 39), Alternative 3 would generate approximately 25,283 (2,401 x 10.53) pounds of solid waste per day.

B3-51
Cont'd

Second, as discussed above, the DEIR significantly and unlawfully reduces those numbers by netting out the public utility impacts with respect to the Existing Caltrans Building and the Private Buildings on the Spring/Main Private Property. DEIR, pp. 4-211 - 4-213.

B3-52

Third, the DEIR states that, under Alternative 3, the estimated "net" increase in annual electricity consumption of 10,230,000 kWh would be insignificant because it "represents only 0.04 percent of the 27,250 million kWh that is consumed annually in the LADWP service area." *Id.*, p. 4-217. The DEIR includes similar analyses with respect to Alternatives 1 and 2. *Id.*, pp. 4-213, 4-215. This "analysis" of energy impacts is unlawful. The relevant issue is not the relative amount of energy consumed by a project when compared to preexisting energy consumption, but whether the additional energy consumption relating to the project may be significant. For example, in *Kings County*, 221 Cal. App. 3d 692, 718-18 (1990), a draft EIR concluded that a proposed cogeneration plan would have an insignificant impact on ozone levels in the area because the plant would emit relatively minor amounts of ozone precursors compared to the total volume of precursors emitted in the county. The court held that this analysis was unlawful because it trivialized the project's impacts.

B3-53

The DEIR does the same thing here. The DEIR trivializes the Project's energy impacts by ignoring the significant amount of energy consumption required for the construction and operation of the Project, and instead focusing on the Project's alleged small contribution to the cumulative amount of power being consumed in the region.

^{12/} (...continued)
indicates that any project which generates more than 40,000 gallons per day of wastewater constitutes a "major wastewater generation site" (see Table WW-4 in the excerpted pages from the Draft EIR for the General Plan Framework attached as Exhibit 7).

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 40

Appendix F to the Guidelines underscores the importance of analyzing energy impacts in an EIR and expressly states that "the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy."^{13/} The DEIR omitted virtually all of the information and analysis recommended in Appendix F.

B3-53
Cont'd

Fourth, the DEIR utterly fails to analyze the solid waste impacts associated with the operation of the Project. The DEIR sets forth the net increase in solid waste that would be generated by the Project (which is also unlawful, as discussed above), but includes no analysis as to whether that impact is significant based on the (unlawful) significance threshold set forth in the DEIR (or any other significance threshold). *Id.*, pp. 4-12 - 4-213, 4-214, 4-216. This omission is particularly disturbing because the DEIR acknowledges that only a very limited amount of landfill capacity remains in Los Angeles County. *Id.*, pp. 4-204 - 4-206. It is interesting to note that no City or County agencies had an opportunity to respond to this or any other issues relating to the Project prior to the preparation of the DEIR because the State did not send the Notice of Preparation for the DEIR to any of them. *Id.*, Appendix A. If it had, the County of Los Angeles Department of Public Works would likely have advised Caltrans of the impending shortfall and the significant impact that a major project could have on the remaining capacity.

B3-54

In contrast, the DEIR at least attempts to analyze solid waste impacts in connection with the construction of the Project. However, with respect to each Project Alternative, the DEIR states only that no significant construction impact would occur because "sufficient landfill capacity exists to accommodate the incremental amount of solid waste generated during the construction period." *Id.*, pp. 4-209, 4-210, 4-211.

B3-55

Similar to the discussion above with respect to energy impacts, this is an overly narrow and impermissible test for determining whether solid waste impacts from construction will be significant. It trivializes the Project's individual impact by unlawfully comparing solid waste generated by the Project during construction to the aggregate landfill capacity that remains available to the City. The DEIR should have

^{13/} Appendix F goes on to discuss at some length how the various sections of an EIR should address energy impacts and consumption measures.

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 41

determined whether the Project would generate a substantial amount of solid waste and whether that solid waste would incrementally contribute to an impending shortfall of landfill capacity. The same holds true with respect to the Project's operational solid waste impacts.

B3-55
Cont'd

Fifth, the DEIR contains absolutely no analysis of the Project's wastewater impacts. For example, the DEIR states that "Alternative 1 would result in a net increase of approximately 45,000 gallons per day of wastewater," and that "wastewater from the site would be collected by onsite local sewer lines, which would discharge into the 30-inch sewer under Los Angeles Street." *Id.*, p. 4-212. However, the DEIR does not state whether, or the extent to which, new onsite sewer lines would be required with respect to Alternative 1 or whether the 30-inch sewer line under Los Angeles Street has sufficient capacity to accommodate Project wastewater flows. Presumably, the development of Alternative 1 would require the construction of significant new sewer facilities since the Alternative 1 Site is currently unimproved. It is also highly probable that a new sewer line from the Alternative 1 Site to the 30-inch sewer line under Los Angeles Street will have to be constructed, but the DEIR ignores that issue, too. The wastewater impact discussion with respect to the other Project Alternatives is equally devoid of analysis. *Id.*, pp. 4-214, 4-216.

B3-56

P. The DEIR's Cumulative Analysis Of Many Of The Project's Environmental Impacts Is Facially Inadequate.

A draft EIR must discuss "cumulative impacts" when they are significant. Guidelines § 15130(a). However, even if a cumulative impact is not deemed significant, the document must explain the basis for that conclusion. Citizens to Preserve the Ojai v. County of Ventura, 176 Cal. App. 3d 421, 429 (1985). "Cumulative impacts" are defined under CEQA as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cal. Pub. Res. Code § 21083(b); Guidelines § 15355. A project has "cumulatively considerable" impacts when its incremental effects "are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Cal. Pub. Res. Code § 21083(b); see also Guidelines § 15355(b). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. *Id.*

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 42

Time after time, the DEIR dismisses the cumulative impacts associated with an environmental category with a facially unlawful analysis, as follows:

1. Aesthetics/Light & Glare. In a one-paragraph discussion, the DEIR concludes that the proposed Project's cumulative impacts with respect to aesthetics and light and glare are insignificant. DEIR, p. 5-2. Much of the analysis is based on the anticipated demolition of the Existing Caltrans Building and the Private Property under Alternatives 2 and 3.

B3-57

That abbreviated analysis is inadequate for at least two reasons. First, the DEIR ignores the cumulative aesthetic impact with respect to Alternative 1. Second, as discussed above, the DEIR falsely assumes that the Spring/Main Block will remain a "large vacant parcel". Id., p. 5-3.

2. Air Quality. In a three-paragraph analysis, the DEIR concludes that the cumulative construction and operational air quality impacts associated with the proposed project "may" or "could" be significant. However, those conclusions are not based on any analysis. Instead, the DEIR merely references "cumulative development in downtown Los Angeles" or a few of the 45 related projects described in Table 2-2 and summarily concludes that the air quality impacts may be significant. The DEIR makes no attempt to quantify the cumulative air quality impacts, as it at least attempted to do with respect to cumulative traffic impacts (DEIR, p. 4-178 and Appendix B, pp. 21-22).

B3-58

3. Hazardous Materials. The DEIR concludes that "it is unlikely that the incremental effects of the proposed project would contribute to a significant cumulative hazardous materials impact," and therefore that "[s]ignificant cumulative hazardous materials impacts with implementation of the proposed project are not anticipated." DEIR, p. 5-7.

B3-59

Those conclusions, and the brief analysis that accompanies them, are facially invalid for numerous reasons. First, the analysis focuses on the Project's contribution to the cumulative hazardous materials impact, but never analyzes the cumulative hazardous materials impact itself. Instead, in an attempt to avoid cumulative analysis altogether, the DEIR summarily states that "[b]ased on the characteristics of the proposed project and the types and quantities of hazardous

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 43

materials that would be used at the proposed Caltrans District 7 Headquarters Building, the geographic scope of a cumulative hazardous materials analysis would consist of the immediate project area." *Id.*, pp. 5-6 - 5-7. The DEIR then proceeds to restate briefly the hazardous materials impacts associated with the Project.

The DEIR's reasoning is further flawed because it is apparently based on the false assumption that hazardous materials generated or stored on one property cannot affect other properties. The DEIR notes that "the majority of related projects are office and residential development projects, which are unlikely to generate, individually or cumulatively, significant amounts of hazardous materials." *Id.*, p. 5-7. This analysis is inadequate because, among other things, it ignores the sizable quantities of hazardous materials that are currently stored on a number of sites located within one-quarter mile of the project site that could already have been released into the environment. *Id.*, p. 4-117. In addition, DEIR falsely assumes that the potential contamination on the sites identified in Table 4-26 and the related project sites in Table 2-2 cannot migrate to other sites simply because contamination is located on non-industrial sites. Obviously, that is untrue. As an example, the soil plume identified in the Apex Report crosses over the easterly boundary of the Alternative 1 Site and extends across 2nd Street onto the Cathedral site. DEIR, Appendix C, Figure 2. That same contaminant plume would be even more mobile in groundwater, increasing the probability that the hazardous materials at the Alternative 1 Site have migrated either to or from other properties. Clearly, the contaminants do not respect property lines, and the cumulative analysis in the DEIR cannot begin and end with the assumption that they do.

B3-59
Cont'd

Second, as discussed above, the DEIR does not include adequate or meaningful discussion regarding the Project's hazardous materials impacts.

B3-60

Third, the DEIR's analysis is based on Section 15130(a)(4) of the Guidelines, which was struck down in Communities for a Better Environment, et al. v. California Resources Agency (Sacramento Superior Court Case No. 00CS00300). As noted by the court, a lead agency cannot evade cumulative environmental review by focusing solely on the contribution of the proposed project to the cumulative impact. On the contrary, numerous courts have noted that even a very small contribution to an

B3-61

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 44

existing cumulative impact could be considered a significant impact. See, e.g., Kings County, supra, 221 Cal. App. 3d at 720-721.^{14/}

B3-61
Cont'd

Fourth, even if Section 15130(a)(4) remained in effect, the DEIR misconstrued it. That Guideline only permits a DEIR to determine that a project's contribution to a significant cumulative impact is not significant if the project's contribution is "de minimus". The DEIR never concludes, nor could it conclude, that the proposed Project's hazardous materials impacts, or any of the proposed Project's other environmental impacts for that matter, are "de minimus".

B3-62

4. Land Use/Construction Impacts. In the discussion of cumulative land use impacts in Section 5-4.9, the DEIR discusses potential cumulative construction impacts. The DEIR acknowledges that a "robust level of development" will continue during the construction of the Project. However, the DEIR then labels the cumulative construction impacts as a "temporary annoyance" and concludes that the environmental impacts associated with construction activities will be less than significant. Id., p. 5-8.

B3-63

The DEIR is unlawful and badly misleading for a variety of reasons. First, the DEIR does not include any quantified analysis of the cumulative construction impacts that could occur, particularly with respect to air quality, noise and traffic. The DEIR does not even discuss which of the related projects in the vicinity of the Main/Los Angeles Block will be under construction at the same time as the Project. Nor does the DEIR discuss any potential cumulative construction activity with respect to the rehabilitation of the Existing Caltrans Building or the redevelopment of the Spring/Main Block with respect to Alternative 1.

Second, the DEIR states that cumulative construction impacts will be insignificant primarily because "[m]itigation measures have been included in the proposed project to minimize or eliminate construction-related effects." Id. However, as discussed above, that is obviously untrue. For example, the DEIR concludes that

B3-64

^{14/} The DEIR includes the same flawed analysis with respect to its discussion of the cumulative impacts associated with air quality (p. 5-3), archeological resources (p. 5-4), paleontological resources (pp. 5-4 - 5-5), geology and soils (p. 5-6) and hydrology/water quality (p. 5-7).

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 45

peak-day and peak-quarter construction emissions of NO_x would remain significant after mitigation for all three Project Alternatives. Id., p. 4-71. As a second example, and as discussed above, the Project's construction noise will be quite significant and the DEIR does not recommend any mitigation measures to reduce that impact. On the contrary, the DEIR unlawfully dismisses those 2½ years of construction noise impacts as "temporary and intermittent", and therefore not significant. Id., p. 4-141 - 4-142.

B3-64
Cont'd

Third, the DEIR claims that the Project's cumulative construction impacts would also be insignificant because "it is likely that other related projects have been subject to some level of environmental review and have also incorporated mitigation measures when deemed necessary." Id., p. 5-8. In other words, instead of analyzing the combined construction impacts of the Project and the related projects, the DEIR effectively states that no cumulative analysis is necessary, based on the assumption that each project's individual construction impacts will be substantially mitigated. However, that flawed reasoning would obviate the need for cumulative impact analysis altogether. The whole purpose of cumulative analysis is to determine whether the combined impacts of multiple projects, when considered together, are considerable. Guidelines § 15355. The evaluation of cumulative impacts plays a crucial role on the CEQA process because environmental damage often occurs incrementally, with no one project appearing to cause significant adverse effects, but "which cumulatively may have disastrous consequences." Bozung v. Local Agency Formation Com., 13 Cal. 3d 263, 283-84 (1975). Under analogous circumstances, the court in San Franciscans for Reasonable Growth v. City and County of San Francisco, 15 Cal. App. 3d 61, 76-77 (1984), noted that:

B3-65

"[T]he development of downtown San Francisco generally occurs bit by bit. No one project may appear to cause a significant amount of adverse effects. However, without a mechanism for addressing the cumulative effects of individual projects, there could never be any awareness of or control over the speed and manner of downtown development. Without such control, piecemeal development would inevitably cause havoc in virtually every aspect of the urban environment."

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 46

The DEIR also assumes, without discussion, that the related projects have been subject to CEQA review and properly mitigated, but does not include any information to support that assumption. In any event, if the DEIR is reflective of the level of environmental review required for downtown projects, it is unlikely that appropriate construction mitigation measures have been imposed on the related projects since the DEIR does not include any recommended mitigation measures with respect to most of the construction impacts associated with the Project, particularly noise impacts.

B3-65
Cont'd

5. Noise. The DEIR concludes, without any analysis and just as it did with respect to the Project's individual construction noise impacts, that "since construction noise would be temporary, intermittent, and generally limited to daytime hours, significant cumulative construction noise impacts are not anticipated." Id., p. 5-9. For the reasons set forth in Sections II.L and II.P.4, above, that analysis is unlawful.

B3-66

6. Public Services. In a one-paragraph discussion, the DEIR concludes that the public services cumulative impacts associated with the Project are potentially significant. Id., pp. 5-9 - 5-10. However, that conclusion is not based on any quantified analysis of the existing public service facilities and the cumulative impact of the Project and the dozens of other related projects. Once again, neither the public nor decisionmakers can even generally gauge the extent of those cumulative impacts.

B3-67

7. Public Utilities. The DEIR states that "[g]iven the amount of proposed development in the downtown Los Angeles area, significant cumulative impacts to the public utilities and the project area may occur." Id., p. 5-10. Similarly, the DEIR concludes that "due to diminishing landfill capacity in the region, the proposed project and other cumulative development could have a potentially significant cumulative impact on solid waste facilities." Id., p. 5-11. As usual, however, the DEIR does not include any quantified analysis to support those conclusions, with the result that the public and decisionmakers cannot intelligently take account of the environmental consequences associated with those cumulative impacts.

B3-68

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 47

Q. The DEIR's Discussion Of Growth-Inducing Impacts Is Inadequate.

CEQA requires environmental review of all reasonably foreseeable impacts caused by a project, including "growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate . . ." Guidelines § 15358(a)(2). An EIR must also "[d]iscuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. . . . It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." Guidelines § 15126.2(d); see also Cal. Pub. Res. Code § 21100(b)(5); Guidelines § 15126(d).

B3-69

The DEIR's discussion of growth-inducing impacts in Section 5-5 violates those requirements because it ignores that the proposed Project will inevitably lead to the rehabilitation and reuse of the Existing Caltrans Building and/or the redevelopment of the Spring/Main Block. The DEIR claims that the Existing Caltrans Building would not be reused under any of the Project Alternatives. DEIR, p. 5-11. However, as discussed above, that is untrue with respect to Alternative 1 and, in any event, the reuse of the entire Spring/Main Block is eminently foreseeable.

The DEIR also claims that, even if the Spring/Main Block would be redeveloped, it apparently would not constitute a growth-inducing impact because such redevelopment "would not exceed the development allowed in the General Plan". *Id.*, p. 5-12. That analysis is also unlawful. The mere fact that a proposed project is consistent with a jurisdiction's general plan does not mean that it has no potential to cause significant growth-inducing or other impacts. See Oro Fino, supra, 225 Cal. App. 3d 872, 881-82 (1990) (the court rejected the contention that project noise levels would be insignificant simply because they were consistent with the applicable general plan standard); City of Antioch v. City Council, 187 Cal. App. 3d 1325, 1331-32 (1986) (the court held that an EIR was required for the construction of a new road and infrastructure on an undeveloped lot and, in doing so, rejected an initial study checklist which relied heavily on the project's asserted conformity with the general plan).

B3-70

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Ms. Susan Stratton
August 20, 2001
Page 48

R. Supplemental CEQA Review Will Be Required After Caltrans Approves The Design And Location Of The New Improvements.

As discussed above, Caltrans elected to prepare the DEIR before determining the final location, configuration, height and massing of the New Caltrans Building and Parking Structure. As a result, the DEIR cannot properly analyze numerous environmental impacts associated with the Project. Therefore, after the design, location, configuration, height and massing of the Project have been determined, additional environmental review under CEQA will be required pursuant to Section 15162, 15163 and/or 15164 of the Guidelines. On behalf of our clients, we request that, when the appropriate supplemental CEQA document has been prepared, you promptly forward a copy of that document to us, including all technical appendices and other referenced documents.

B3-71

III.

CONCLUSION

On behalf of our clients, we respectfully request that Caltrans and DGS revise the DEIR to comply with CEQA and recirculate the document.

Very truly yours,



Jack H. Rubens

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

L:\RELETX\0070325408.1
Enclosures

Response to Comment B3-1

The comment states that the Draft EIR declines to describe what would happen, under Alternative 1, to the existing Caltrans property after it becomes “surplus property.” In response, it should first be noted that the State has identified Alternative 3 as the preferred or recommended alternative for implementation. Alternative 3 proposes the demolition of the existing Caltrans District 7 headquarters building and a land exchange with the City whereby the existing Caltrans headquarters property would be exchanged for the privately owned parcels on the south side of 1st Street between Main and Los Angeles Streets to be acquired by the City. Under Alternative 1, which is one of the three project alternatives evaluated in equal detail in the Draft EIR, the existing Caltrans headquarters building would: 1) remain standing, 2) be properly maintained and secured, and 3) be declared surplus state property (see p. 2-16 of the Draft EIR). The State would also “disentitle the use of the square footage contained in the existing Caltrans building located at 120 S. Spring Street” (see Draft EIR, p. 2-7). Given the condition of the existing building, reuse of the building under Alternative 1 is not anticipated. Should reuse of the building be proposed in the future; however, a complete seismic retrofit and code compliance would be undertaken (see Draft EIR, p. 2-7). Additionally, preparation of an appropriate CEQA document would also be required at that time, as a condition of project approval, to address the environmental impacts of reuse of the building (see Draft EIR, p. 2-7).

With regard to the comment that the Draft EIR declined to consider any environmental impacts associated with redevelopment of the existing Caltrans headquarters site under Alternatives 2 and 3, it should be noted that the City of Los Angeles has announced no plans for new development on the site. The Land Use section of the Draft EIR acknowledges that the existing Caltrans headquarters building block is envisioned as a public “Civic Square” under the Los Angeles Civic Center Shared Facilities and Enhancement Plan, also referred to as the “Ten Minute Diamond Plan.” At this time, however, it is not known whether the block will be developed as a civic square or for other uses. Nonetheless, it would be the responsibility of the City, not the State, to prepare the appropriate environmental documentation for any new development, when and if it is proposed, for the existing Caltrans headquarters block. It is also not the responsibility of this EIR to speculate about potential future development of the existing Caltrans block and to evaluate the impacts of that development.

The reader is also referred to the appropriate responses below for a detailed discussion of the issues raised in the comment.

Response to Comment B3-2

Please see the response to Comment B3-1 above.

Response to Comment B3-3

Although the Draft EIR acknowledges that detailed designs of the proposed structures are not available at this time and that the massing studies are preliminary concepts, sufficient information is provided in the Draft EIR to assess the project’s potential visual impacts. In fact, the visual analysis in the Draft EIR is conservative in that it assumes that the headquarters building and parking structure would be developed to the maximum number of stories identified

in the project description (i.e., the analysis of Alternative 3 assumes a 16-story headquarters office building and an 8-level parking structure with two of the parking levels underground). Additionally, the Draft EIR acknowledges (see p. 4-13) that because of the lack of architectural detail, the “massing studies make the proposed structures appear even more bulky than they would be in reality.” Thus, it is likely the visual renderings and analysis presented in the Draft EIR depict and describe the potential “worst-case” visual impact scenario. Furthermore, as noted in the Draft EIR (see Draft EIR pp. 4-13 and 4-15), to ensure a high quality design that is compatible with the surrounding neighborhood, the project will comply with the design guidelines and performance criteria specified in the *Design/Build Request for Proposal Package* (see Appendix C in this Final EIR).

The land use and public utilities impacts referenced in the comment would not substantially change from those described in the Draft EIR since they are primarily dependent upon the types and square footages of the uses proposed, which are expected to remain relatively constant as the project proceeds through design. Geologic/soils impacts are primarily dependent upon the location of the site with respect to earthquake faults and local and onsite geologic/soil conditions. Consequently, significant changes in geologic/soils impacts based on changes to the building design are not anticipated.

It should also be recognized that it is not unusual for a final design and architectural details to not be available at the time a Draft EIR is prepared. If circumstances result in a final design that differs substantially from the concept described in the Draft EIR, an environmental reevaluation will be conducted to determine if the proposed design would result in new significant impacts or worsen the significant impacts described in the Draft EIR. If it is determined that it would, then a subsequent or supplemental EIR would be prepared.

Response to Comment B3-4

Subsequent to circulation of the Draft EIR, the state legislature authorized revisions to the project’s scope of work and identified Alternative 3 as the preferred alternative for further design and study purposes. Under this alternative, the existing Caltrans building would be demolished.

Also, see the response to Comment B3-1.

Response to Comment B3-5

Since the existing Caltrans building, as well as the other commercial structures and buildings south of 1st Street between Spring and Los Angeles Streets, would be demolished under Alternatives 2 and 3, it is appropriate to “net out” the trips, etc., generated by those uses. According to the CEQA Guidelines (Section 15126.2[a]), the lead agency shall “limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published...” Or in other words, to analyze a project’s environmental effects, a comparison shall be made between what’s there now and what would be there after the project is implemented. The changes that would occur under Alternative 3, the preferred alternative, include the demolition of the Caltrans building and the buildings south of 1st Street and the construction of a new 716,200-gross-square-foot headquarters building and an 8-level parking structure. No other new development is proposed on the two blocks directly

affected by the proposed project. As stated above in the response to Comment 3-1, it would be the responsibility of the City, not the State, to prepare the appropriate environmental documentation for any new development, when and if it is proposed, for the existing Caltrans headquarters block.

Response to Comment B3-6

In addition to the three alternatives analyzed in equal detail in Chapter 3 of the Draft EIR, Chapter 4 of the Draft EIR described and evaluated in less detail, as permitted by CEQA, other alternatives that were considered in prior studies. These alternatives included a Lease Alternative, Renovation (i.e., reuse) of the Existing Caltrans Headquarters Building, Purchasing an Existing Building, and Siting and Constructing on Privately Owned Land. The three alternatives evaluated in detail in the Draft EIR, plus the alternatives considered in previous studies, represent a wide range of possible scenarios and include those that would avoid or reduce the significant effects of the proposed project. Although the alternatives analysis in the Draft EIR complies with the requirements of CEQA, the discussion of alternatives in Chapter 3 of the Draft EIR has been expanded to provide additional information on the environmental effects of these alternatives. Please see Chapter 2 of this Final EIR for the revised text.

Also, contrary to the claim in the comment, there are substantial differences among the three alternatives evaluated in detail in the Draft EIR. Under Alternative 1, the existing Caltrans headquarters building, a historic resource, would remain, and the parcels along the south side of 1st Street between Spring and Los Angeles Streets would not be acquired. Under Alternatives 2 and 3, the existing Caltrans headquarters building and the privately owned buildings south of 1st Street between Spring and Los Angeles Streets would be demolished.

Response to Comment B3-7

Detailed responses to the comment that the Draft EIR inadequately evaluated the project's visual, air quality, noise, construction, archaeological, hazardous materials, energy, solid waste, water, wastewater, fire protection, construction, and cumulative impacts are provided in the responses that follow. Please see the appropriate responses below for a discussion of these issues.

Response to Comment B3-8

Chapter 3 of the Draft EIR included a discussion of a renovation (or reuse) alternative. That discussion has been expanded to include additional information on the reuse alternative's costs and environmental effects (see Chapter 2 of this Final EIR for the revised text).

Please see the response to Comment B3-1 for a discussion of why an analysis of the environmental effects of redevelopment of the Spring/Main block is not required pursuant to CEQA.

Response to Comment B3-9

Please see the response to Comment B3-5.

Response to Comment B3-10

Implementation of the “Letter Agreement for Property Exchange” is contingent upon additional actions to be taken by both the City and the State. Those additional actions include preparation and certification of this EIR prior to Caltrans making a decision whether to approve the proposed project. Both the State and the City recognize that as a result of the information obtained by means of the CEQA process, the parties may decide to modify, condition, or disapprove the activities set forth in the Agreement. The obligations under the Agreement are subject to, and shall not arise until after, completion of the CEQA process.

Response to Comment B3-11

Please see the response to Comment B3-18.

Response to Comment B3-12

Please see the response to Comment B3-6.

Response to Comment B3-13

The comment lists each of the impact areas where the analysis in the Draft EIR is considered to be inadequate. Other comments in the letter discuss these issues in more detail. Please see the appropriate responses that follow for a detailed discussion of each of the issues in the comment.

Response to Comment B3-14

Please see the response to Comment B3-1.

The commenter claims that it is “extremely likely” the Caltrans property, if declared surplus property under Alternative 1, would be sold in a relatively short period of time and that the purchaser is likely to reuse or redevelop the existing Caltrans site in order to obtain an “adequate return on his substantial investment in the property.” Therefore, according to the comment, the EIR should have addressed the impacts of reuse or redevelopment of the existing Caltrans headquarters site.

In response, several points need to be made. First, it is extremely unlikely that the property would be sold and reused or redeveloped in a “relatively short period of time and for substantial consideration.” Reuse of the existing building would require substantial renovation, which would be likely to require preparation of an environmental document. Also, before the property can be disposed of, there are several Caltrans required procedures that would have to be completed including environmental compliance procedures and hazardous materials surveys. Caltrans procedures also require that notification be provided to other state agencies of the proposed sale of excess land. Further, before any excess property is offered for sale to the public, it must be offered for sale or lease to local public agencies, housing authorities, or redevelopment agencies within whose jurisdiction the property is located. In conclusion, it

It should also be noted that with implementation of the proposed project, the State would disentitle the use of the square footage contained in the existing Caltrans building located at 120 S. Spring Street (Draft EIR, p. 2-7). Should reuse of the Caltrans building be proposed in the future, preparation of the appropriate CEQA document would be required at that time, as a condition of project approval, to address the impacts of building reuse (Draft EIR, p. 2-7). Similarly, should there be a proposal to redevelop the existing Caltrans headquarters property, the project proponent would be responsible for preparing the appropriate CEQA environmental document for that project, when and if it is proposed.

The commenter's argument is also inconsistent with several basic CEQA principles including the substantial evidence requirement. According to CEQA, the determination that a project may have a significant impact on the environment shall be based on substantial evidence (PRC Section 21082.2). Substantial evidence is not speculation, argument, or unsubstantiated opinion (PRC Section 21080(e)(2), 21082.2). Furthermore, with regard to forecasting future events or identifying future projects, the CEQA Guidelines state that the discussion should be guided by standards of practicality and reasonableness, not speculation (see CEQA Guidelines, Section 15130(b) et. seq., Section 15144, 15145). In the absence of a proposal from a project proponent, redevelopment or reuse of the Caltrans property would require a number of assumptions to be made in order to analyze the "project's" environmental impacts. For example, when would the reuse or redevelopment occur and construction be completed? Would the purchaser immediately proceed with the project, or, alternatively, because of financial problems or market conditions, would the purchaser choose to mothball the property for a period of years until the economic climate is more favorable? If a new building is constructed, how many square feet would it contain and how high would it be? The commenter claims that under existing zoning the purchaser could expand the existing Caltrans building and construct an additional 911,000 square feet. Is it possible that the purchaser might request a zone or height variance to construct a larger project? Also, it can not be assumed that the purchaser would likely reuse or redevelop the existing Caltrans site in order to obtain an "adequate return on his substantial investment in the property." For example, if another public agency purchases the property it is unlikely return on investment would be the primary consideration when deciding whether to redevelop the site. In conclusion, absent a development proposal for the existing Caltrans headquarters block, any analysis would be highly speculative and of limited value to the public and the decision makers.

The argument constructed by the commenter suggests that whenever the State sells surplus government property, an environmental document is required to address the effects of the maximum amount of development that might occur on the property under existing land use regulations. If the commenter's argument were taken to its illogical extreme, preparation of an environmental document would be required whenever public or private property is sold or exchanged, whether the purchaser has or has not identified a development proposal for the site. Notwithstanding the fact that this argument conflicts with the CEQA substantial evidence criterion discussed above, the commenter's conclusions are also inconsistent with Section 15312 of the CEQA Guidelines, which states that sales of surplus government property are projects, or actions, that are considered to not have a significant impact on the environment and are therefore exempt from the provisions of CEQA.

Response to Comment B3-15

The City has identified no plans to “redevelop” the project site that would be inconsistent or conflict with the potential use of the site as a public civic square as envisioned under the “Ten Minute Diamond Plan.” Furthermore, when and if the City proposes to “redevelop” the existing Caltrans headquarters block, either as a public civic square/park or for other uses, the City will be responsible for preparing the appropriate environmental documentation for that project in accordance with CEQA requirements.

Also, please see the responses to B3-1 and B3-14 above.

Response to Comment B3-16

The commenter claims that it is improper to “net out” traffic and other impacts because the EIR should have assumed that the existing Caltrans headquarters building and property could be reused or redeveloped. Please see the responses to Comments B3-1, B3-5, and B3-14 above for a response to this comment.

Response to Comment B3-17

Please see the response to Comment B3-10.

Response to Comment B3-18

CEQA does not preclude, prohibit, or discourage equal analysis of several “project alternatives.” If it did, as asserted by the commenter, it would conflict with National Environmental Policy Act (NEPA) regulations as well as Section 15222 of the CEQA Guidelines. According to Section 15222, preparation of a joint CEQA and NEPA document (e.g., Environmental Impact Report/Environmental Impact Statement [EIR/EIS]) is recommended to avoid the need to prepare separate documents. Under NEPA regulations, an EIS must “explore and objectively evaluate all reasonable alternatives” in equal detail (40 CFR Part 1502.14). Although the project is not subject to NEPA, these references are provided to illustrate that there are instances under CEQA where equal analysis of several alternatives is not only permitted but required.

Furthermore, equal analysis of several project alternatives under consideration by the lead agency provides the public and decision makers with additional information that they might not otherwise receive, resulting in an alternatives selection process that is more open and transparent to the public. This is consistent with the basic purpose of CEQA to “inform governmental decision makers and the public about the potential environmental effects of proposed activities” (CEQA Guidelines, Section 150002 [a][1]).

Response to Comment B3-19

Please see the response to Comment B3-6 and the revisions to the text of the Draft EIR contained in Chapter 2 of this Final EIR.

Response to Comment B3-20

The Draft EIR did include and analyze a Reuse Alternative. That discussion has been revised to provide additional information on potential costs and issues associated with renovating the existing building to meet current codes and Caltrans requirements.

The three Reuse alternatives identified in the comment are variations on a theme (i.e., each would involve reuse of the existing Caltrans building). Consequently inherent to each are the problems/constraints identified in Chapter 3 of the Draft EIR and expanded upon in the discussion in Chapter 2 of this Final EIR. In addition, these alternatives would not fulfill the project goals of constructing a new Caltrans building that 1) has “sufficient square footage to accommodate consolidation of District 7 employees in a single building,” 2) meets Caltrans “technological needs and functional requirements,” and 3) “represents a prudent and cost-effective use of state financial resources.”

Response to Comment B3-21

Under the No Project Alternative, it is most probable that Caltrans District 7 employees would continue to be located in the existing headquarters facility at 120 S. Spring Street and in leased space at various locations in downtown Los Angeles. Leasing or purchasing a single building to house all District 7 employees are alternatives to the project that are discussed in the Draft EIR (see Section 3-3.1 of the Draft EIR and Chapter 2 of this Final EIR). It should also be noted that the State is in the process of implementing a mitigation program to address multiple Fire Marshall and OSHA code violations in the existing Caltrans District 7 main headquarters and annex buildings. This program includes improvements to the building’s electrical and fire detection and protection systems. Work is ongoing and is expected to be completed in early 2002. Because of the code violations and implementation of the mitigation program, approximately 600 Caltrans employees have been relocated to leased space at various locations in downtown Los Angeles

“Expanding the existing Caltrans building” or “constructing a limited amount of additional space on the Alternative 1 site” are “build” alternatives and therefore are not a No Project Alternative. These two build alternatives are not “what would reasonably be expected to occur in the foreseeable future if the project were not approved,” i.e., neither is likely to occur given that neither would represent a prudent or cost-effective use of state financial resources and would not meet other project objectives.

Response to Comment B3-22

It should be noted that the Lease Alternative and other alternatives described in Section 3-3 were eliminated from further consideration as potential preferred alternatives for detailed analysis in Chapter 4 of the EIR. They remain, however, as potentially feasible alternatives to the project under CEQA. The text of the Draft EIR has been revised accordingly.

Also see Chapter 2 of this Final EIR for revisions to the alternatives discussion in the Draft EIR

Response to Comment B3-23

Please see the response to Comment B3-3.

Response to Comment B3-24

Please see the response to Comment B2-4.

Response to Comment B3-25

The analysis of the project's visual impacts was conducted in a systematic and rational way using methodology developed by the Federal Highway Administration (FHWA). The FHWA guidelines have been used by numerous public agencies and consultants in assessing a project's potential visual impacts.

According to FHWA's *Visual Impact Assessment for Highway Projects*, 1990, a view's duration should be considered when evaluating the significance of potential impacts. View duration may be either short-term or long-term. Short-term views are fleeting or intermittent views that are visible from a moving source over a short distance, such as a motorist's view from an automobile. Long-term views are viewed over the course of many years. According to the FHWA guidelines, an example of a long-term view would be a view from a residential property. Long-term views are considered to be of more importance than short-term views.

Other factors that are considered in assessing visual impacts include the character of the view, which is described by the topography, land uses, and scale, form, and natural resources depicted in the view and visual quality. Visual quality refers to the aesthetics of the view. To assess the visual quality of a view, criteria such as vividness, intactness, and unity are considered. According to the FHWA guidelines, "vividness is the visual power or memorability of landscape components as they combine in striking and distinctive visual patterns; intactness is the visual integrity of the natural and man-built landscape and its freedom from encroaching elements; unity is the visual coherence and compositional harmony of the landscape considered as a whole." The FHWA guidelines explain that all three criteria—vividness, intactness, and unity—must be present for the view to be of high quality. The uniqueness of a view is also a consideration.

Although several views were identified as noteworthy in the Draft EIR because of the visibility of visual resources such as City Hall, St. Vibiana's, and the downtown high rises, the impacts to these views were considered not to be significant for several reasons. First, the primary viewer groups whose views would be obstructed are the pedestrians and motorists traveling along the streets or sidewalks of downtown Los Angeles. The duration of their views is considered short-term, not long-term, in accordance with the FHWA definition provided above. Second, as evident in the photos of the project area (see Figures 4-1 through 4-4), there are a number of encroaching visual elements that diminish the visual quality of the key views including surface parking lots, billboards, and the buildings along the south side of 1st street. The 1st Street buildings vary in condition and architectural style and contain numerous intrusive signs. This lack of intactness and unity diminishes the overall quality of the views and the setting. For these reasons, the impacts were determined not to be significant.

The reader is also referred to Appendix C for the *Design/Build Request for Proposal*, which contains guidelines and criteria to ensure that the design of the new headquarters is of high quality. In addition the panel responsible for selecting the Design/Build team will consider the appropriateness and compatibility of the Design/Build's design concept with the existing visual setting.

Response to Comment B3-26

The commenter claims the air quality analysis is flawed because the impacts associated with the existing Caltrans building were unlawfully offset against the proposed project's air quality impacts. This issue of "offsetting" or "netting out" project impacts is addressed in the responses to Comments B3-1, B3-5, and B3-14.

Response to Comment B3-27

The Draft EIR air quality analysis evaluated the peak construction day and peak construction quarter for air quality impacts in accordance with South Coast Air Quality Management District guidelines. It was determined that both the peak day and peak quarter would occur during the excavation and grading phase, which would include demolition of the buildings on the south side of 1st Street between Main and Los Angeles Streets. Demolition of the existing Caltrans building and other buildings south of 1st Street between Spring and Main Streets would occur subsequent to completion of the new headquarters building and the peak construction day and quarter for air quality impacts. For that reason, analysis of the air quality impacts due to demolition of Spring/Main buildings is not required.

Response to Comment B3-28

The Draft EIR's threshold of significance for archaeological impacts is based on guidance provided in Section 15064.5 of CEQA Guidelines entitled *Determining the Significance of Impacts on Historical and Unique Archaeological Resources*. This section clearly details the guidelines for determining resource significance—both archaeological and historical. While the reference used by the commenter (Section 21083.2 of CEQA) is entitled *Archaeological Resources*, it largely outlines the responsibility of "project applicant" to "lead agency" for assessment of "unique archaeological resources." The final two paragraphs, (j) and (k) of this section clearly state that "This section does not apply to any projects described in subdivision (a) or (b) of Section 21065." Section 21065 (a) refers to any "activity directly undertaken by any public agency." The intent of Section 21083.2, then, is to direct non-agency project applicants in their responsibility for determining environmental impacts to "unique archaeological resources," the acceptable treatments of those resources, and attendant costs of mitigative action (see Section 21083 of the Public Resources Code).

In a footnote, reviewers charge that:

The Archaeological Report then compounds its error by framing its analysis in terms of additional criteria set forth in Section 15064.5(a) of the Guidelines, all of which relate to historical resources not archaeological resources.

Reviewers clearly do not understand that significant archaeological resources (no matter their age) are legally considered a subset of “historical resources.” If the guidelines are read closely, this Section, under subsection (a)(3), states: the term “historical resources” shall include the following:

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant . . . may be considered to be an historical resource...

Archaeological resources can be found to represent any of these property types. Under Section 15064.5(c) “CEQA effects on archaeological sites”:

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

Comment 3-28 further states that the EIR “must first determine whether a proposed project may have a significant effect on a unique archaeological resource” and then determine whether there will be a significant impact on those resources.

The analysis conducted for the Draft EIR used archival resources and previous archaeological investigations within a 1-mile radius of the project to demonstrate that there is a high likelihood that unique archaeological resources exist within the confines of the project. Although testing was conducted in July 2001 on the existing Caltrans employee parking lot and no significant archaeological resources or artifacts were identified, the presence of resources on the 1st Street properties remains to be verified through archaeological testing. Caltrans is therefore proceeding as if unique resources may be identified. The Draft EIR outlines the steps that would be undertaken to mitigate impacts to significant archaeological resources if they are discovered.

The reviewers charged that by adopting this strategy, the Agency “violates black-letter CEQA law.” Citing *Sundstrom vs. the County of Mendocino*, 202 CA. App. 3d 296 (1988), they charge that deferral of the environmental review process ran counter to CEQA policy.

The environmental impact in the case law referenced (approving a use permit for a private sewage treatment plant at a motel/restaurant complex) was wholly unpredictable. In the case of the proposed Caltrans Headquarters Building Replacement Project the environmental impacts to cultural resources are clearly described. If significant or “unique” archaeological resources are present, mitigation through archival research, testing, and data recovery would be implemented prior to construction. The nature of the anticipated resources was also outlined in great detail (Warren et al. 2001). Prior to project approval the agency is required to prepare an environmental impact report that provides the public with detailed information about the effects the proposed project may have; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project (Section 21061 Public Resources Code).

By assuming the worst-case scenario, Caltrans accepted the possibilities of impacts to archaeological resources and outlined a mitigation strategy to minimize those impacts. Proposed mitigation efforts include identification, evaluation, and recovery of resources, as well as preparation of a report of investigations, and curation of significant archaeological collections.

By stating these assumptions at this point in the environmental process, Caltrans provided the required assessment at the “earliest feasible stage.”

Because the proposed project site is located in an urban, built environment, with standing structures and paving covering all potential archaeological resources, the proposed strategy is the most efficient, expeditious, and conservative possible. The physical removal of existing facilities to expose the full archaeological potential of the project site prior to construction activities is neither feasible, nor cost-effective. Full discovery and exposure of buried archaeological deposits must be followed immediately by mitigative data-recovery in order to minimize excavation costs and to protect the exposed deposits from destruction by looters.

In following this strategy, Caltrans fulfilled the directive of CEQA codified in Section 21003.

All . . . public agencies involved in the environmental review process [will] be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical, and social resources with the objective to apply those resources toward the mitigation of actual significant effects on the environment.

Response to Comment B3-29

It is anticipated that perched groundwater in the vicinity of the contaminated soil identified by APEX (see p. 4-113 of the Draft EIR) would also be contaminated with petroleum hydrocarbons. Soil and groundwater testing will be conducted in the vicinity of the previously detected contamination prior to the start of construction activities to confirm the level of potential contamination.

Dewatering efforts conducted during construction will have a beneficial impact on the potentially contaminated groundwater plume located in the immediate project vicinity. If present, contaminated groundwater near the contaminated soil in the southeast portion of the project site would be intercepted by dewatering, removed, and treated, resulting in full or partial remediation of the plume. These measures and others identified in the EIR would reduce the potential hazardous materials impacts to a level of insignificance. Furthermore, the project will comply with all appropriate local, state, and federal laws regulating the handling, treatment, and disposal of hazardous materials to ensure impacts to the environment are minimized.

With regard to the Geotechnical Investigation conducted by URS, piezometers installed by URS were intended for groundwater level measurement only, not groundwater sampling. Thus the piezometers are placed in areas strategic for geotechnical concerns, and not for representative sampling of potential contaminated groundwater near the area of identified soil contamination.

Response to Comment B3-30

The proposed autoshop would contain four lift bays, six non-lift bays, and 1 wash bay. The autoshop would be staffed by 5 mechanics including 1 lead mechanic. The text on pages S-12 and 2-13 of the Draft EIR has been revised accordingly (see Chapter 2 of this Final EIR). The Draft EIR acknowledges that the autoshop would include storage for parts and lubricants. The

types and quantities of hazardous materials generated by the autoshop would be consistent with those generated by other auto repair shops similar in size and would include antifreeze/coolant, motor oils, and other motor vehicle lubricants and petroleum products. The existing autoshop generates approximately 160 to 200 gallons of waste oil every 90 calendar days. The waste oil is collected by a recycling company. Additionally up to 30 gallons of used antifreeze/coolant can be generated every 90 days. Other wastes are produced in much smaller volumes. The toxic materials produced would be properly stored and disposed of in accordance with applicable codes and regulations. Consequently, the proposed project is not expected to result in significant hazardous materials impacts. The proposed project would not include three 500-gallon underground tanks for storage of toxic wastes as asserted in the comment and proposed in a prior study for the project. Only modest amounts of new and used materials would be stored on the site.

Response to Comment B3-31

The Draft EIR incorrectly stated that the maximum Floor Area Ratio (FAR) for the project site is 13:1. As noted in the comment, the FAR for the site is 6:1. The text has been revised accordingly (see Chapter 2 of this Final EIR). Alternative 1 would result in a FAR of approximately 6.36:1, which marginally exceeds the 6:1 FAR for the site permitted under the City's existing zoning. However, it should also be noted that Alternative 3, which has been identified as the preferred alternative by the State, would result in a FAR of less than 5:1.

Response to Comment B3-32

Alternative 3 would be consistent with the City's land use and zoning laws.

Response to Comment B3-33

Caltrans stands by its determination that the principle of sovereign immunity precludes the application of local planning and zoning regulations to the proposed project. It is a long-settled and frequently cited matter of California case law that supports Caltrans' position. *Hall v. City of Taft*, 47 Cal.2d 177, 183 (1956), unequivocally outlines the basic rule governing the relationship between state facilities and local regulations that: "When [the state] engages in such sovereign activities as the construction and maintenance of its buildings, as differentiated from enacting laws for the conduct of the public at large, it is not subject to local regulations unless the Constitution says it is or the Legislature has consented to such regulation." Numerous other California cases have since upheld *Taft*, including: *County of Los Angeles v. City of Los Angeles*, 212 Cal.App.2d 160, 166-167 (1963); *City of Orange v. Valenti*, 37 Cal.App.3d 240, 244 (1974), and *Del Norte Disposal, Inc. v. Department of Corrections*, 26 Cal.App.4th 1009 (1994). Furthermore, as was properly cited in the Draft EIR, the California Attorney General has relied upon the holding in *Taft* to support the State's sovereign immunity with respect the construction and maintenance of state facilities. "Opinions of the Attorney General, while not binding, are entitled to great weight." *Napa Valley Educators' Assn. v. Napa Valley Unified School District*, 194 Cal.App.3d 243, 251 (1987).

Caltrans respectfully declines to accept the efforts of the commenter to distinguish the proposed project from *Taft*. The fact that the proposed facility would be used primarily for administrative

purposes is of no consequence with respect to whether it must comply with local planning and zoning regulations. Were this true, an argument could be made that any physical modifications to the State Capitol would be subject to the planning and zoning regulations of the City of Sacramento, simply because that facility is devoted to the administrative and legislative functions of the State. It is doubtful that the Governor and the state legislature would agree with such an intrusion into the sovereign affairs of the State. Similarly, even though the proposed new Caltrans District 7 Headquarters Building would contain mostly administrative offices, it cannot be justifiably argued that such a use is not essential to the operation of one of the largest transportation agencies in the nation. The successful development of the statewide highway system relies not only on a network freeways and overpasses free from local interference, but also on the office buildings that house the people who plan, design, finance, and oversee those highway facilities in an administrative capacity. It is precisely the kind of misguided attempt to apply local land use regulations to a state facility evidenced in this comment that *Taft* seeks to limit.

The comment also fails to acknowledge the lengths to which the State, despite the principle of sovereign immunity, has committed itself to ensuring a facility that is consistent to the greatest extent practicable with the applicable planning and zoning regulations. Finally, the fact that the City of Los Angeles has not raised any objections related to the application of its land use regulations to the proposed project should be noted by the commenter.

Response to Comment B3-34

Since the State would own the land and would operate the new headquarters facility, it would be exempt from local land use regulations. Also see the response to Comment B3-33 above.

Response to Comment B3-35

As stated on page 4-142 of the Draft EIR and page I.2-6 of the *Draft L.A. CEQA Thresholds Guide*, generally, noise levels increase approximately 3 dBA for each doubling of roadway traffic volumes, as long as the vehicle speeds remain constant. The anticipated traffic volumes identified in the Draft EIR would be substantially less than the 100 percent increase necessary to result in a 3-dBA increase in noise levels. Therefore, no additional analysis is required.

With regard to the “offsetting” of traffic trips generated by the existing Caltrans building and the private buildings, please see the responses to Comments B3-1, B3-5, and B3-14.

Response to Comment B3-36

The significance thresholds identified in the Draft EIR for each impact category are based on definitions that have been developed and established by Caltrans, various public agencies, or professional organizations, and are consistent with CEQA regulations. The significance criteria are appropriate to the project proposed and the environmental setting in which it is located.

Although a significance threshold specific to construction noise impacts was omitted from the Draft EIR, the discussion in the Draft EIR explains why the construction noise impacts would

not be significant. The discussion that follows elaborates on those reasons and it also identifies an appropriate significance threshold for construction noise impacts.

When evaluating the significance of potential noise impacts, several factors need to be considered: the noise sensitivity of uses that would be affected by project-generated noise, ambient noise levels in the project area, the projected increase in noise levels at the affected noise-sensitive receptors, and the duration of the project-related noise. Generally, noise is of most concern when it interferes with sleep. Consequently, impacts to single- and multi-family residential uses are typically the focus of most noise impact analyses.

Noise-sensitive residential uses in the vicinity of the project site are limited to the rectory building on the St. Vibiana's Cathedral property. Several employees of Gilmore and Associates currently reside in the rectory building. This building is located approximately 60 feet from the project site across 2nd Street. Additionally, a 12-foot high wall is located along the north and east sides of the property. This 12-foot wall would help shield the St. Vibiana's property from construction noise generated by the proposed project.

The New Otani Hotel is located across Los Angeles Street to the east of the project site. The hotel building is located approximately 100 feet from the project site.

The Higgins Building is a historic office building that is in the process of being converted to residential use. Construction is expected to be completed in November or December of 2001.

During construction of the proposed headquarters building, the types and numbers of construction equipment used on the site will vary substantially depending upon the construction phase. The noisiest pieces of equipment, i.e., jackhammers, backhoes, and tractors/excavators, would be used predominantly during the demolition and excavation/grading phase, which would occur over a 6- to 7-month period. The subsequent construction phases including foundation, structural, and finish work over the next 20 to 24 months would likely generate lower noise levels due to the types of equipment used and the nature of the construction activities. No unusual or extraordinary construction activities that would result in unusually high noise levels are proposed. No blasting or pile driving is anticipated.

Since the project site is located in a downtown urban area containing predominantly commercial office and retail uses, existing noise levels are relatively high and typical of an urban area. The predominant sources of noise are the high volumes of automobiles, trucks, and buses on local streets.

The Draft EIR acknowledges that construction activities could generate intermittent high noise levels in the vicinity of the construction site. However, given that the noisiest construction activities would be limited to the 6- to 7-month demolition and grading/excavation phase, that construction would only occur during daytime hours and therefore the sleep of nearby residents during the nighttime would not be disturbed, and that the project site is located in a downtown urban area containing predominantly office and retail uses, the proposed project's construction noise impacts would not be significant. In addition, the proposed project would not violate Section 112.03, Construction Noise, of the City's noise ordinance. According to Section 112.03 (b):

After 7:00 a.m. and prior to 9:00 p.m. of any day, in any residence zone of the City or within 500 feet thereof, no person shall perform any construction or repair work on any building or structure, or perform any excavation work, which work entails the use of any power driven hoist, scraper, or shovel, pneumatic hammer, pile driver or other construction type device in such manner that the noise created thereby is loud, unnecessary and unusual and substantially exceeds the noise customarily and necessarily attendant to the reasonable and efficient performance of such work.

Accordingly, the text on page 4-140 of the Draft EIR has been revised to state that the proposed project would have a significant construction noise impact if it violates Section 112.03 of the City's Noise Ordinance (see Chapter 2 of this Final EIR for the revised text).

Additionally, to ensure that construction noise impacts are minimized, the following mitigation measures will be implemented:

- N-1 Noise control devices, such as equipment mufflers, enclosures, and barriers shall be used.
- N-2 Truck haul routes shall avoid residential areas.
- N-3 All sound-reducing devices and restrictions shall be maintained throughout the construction period.

These measures will also be incorporated in the construction specifications.

Response to Comment B3-37

Based on the preliminary design concepts for the preferred alternative, Alternative 3, presented in the Design/Build Solicitation Package, the warehouse (and loading docks) would be located under the proposed headquarters building on Basement Level 1. Truck access to the warehouse and loading docks would be provided from Los Angeles Street, at a location slightly north of midblock. The warehouse and loading dock would be located within an enclosed structure. The only opening along Los Angeles Street would be the truck entrance. Consequently, the headquarters building would shield loading dock activities from nearby uses. There is no evidence that autoshop and loading dock noise would result in significant impacts.

Response to Comment B3-38

Please see the response to Comment B3-36.

Response to Comment B3-39

For a response to the issue of "netting out" impacts, please see the responses to Comments B3-1, B3-5, and B3-14.

Response to Comment B3-40

Under the preferred alternative, Alternative 3, a new headquarters facility would be constructed to replace the existing Caltrans building, which is in violation of the fire code. The fire code violations require that fire marshals be stationed in the building 24 hours a day. The new headquarters building would include a modern fire alarm and fire suppression system that would comply with code requirements. Additionally, project plans will be reviewed by the State Fire Marshall to ensure compliance with State codes. Consequently, the proposed project would reduce the risk of fire hazard by demolishing the Caltrans building and other older buildings on the two blocks and constructing a newer, safer, more fire-resistant building in their place. No significant increase in demand for fire services would occur.

Additionally, the City of Los Angeles Fire Department was sent a copy of the Notice of Preparation and the Initial Study, which concluded that the proposed project is not expected to result in a substantial need for new equipment, facilities, or personnel. The Fire Department in their response to the NOP (see Appendix A of this Draft EIR) did not disagree with that conclusion.

The commenter provides no evidence that the proposed project would result in a substantial increase in the need for fire protection services.

Response to Comment B3-41

The intersections selected for detailed analyses include those locations that have the potential to be significantly affected by the proposed project. While the addition of project traffic to the freeway ramps themselves was not directly analyzed, the intersections controlling the access to or from the primary freeway ramps in the study vicinity were analyzed in detail (Aliso Street at Broadway, Spring Street, Los Angeles Street, and Alameda Street). These intersections meter the traffic flow to and from the freeway ramps. Since the thresholds defining a “significant” impact at these surface street/freeway ramp intersections are the same as for typical intersections, these locations are more sensitive to additional traffic than are the ramps themselves. Therefore, the likelihood of a significant impact is greater at these locations than on the ramps. For example, a typical two-phase intersection operating at LOS E or F could be significantly affected by the addition of as few as 15 total vehicles per hour in the critical lanes. Conversely, a one-lane freeway ramp operating at LOS E or F would require a minimum of more than twice this number (approximately 40 vehicles per hour) to be significantly affected. A review of the project’s anticipated impacts indicates that none of these intersections would be significantly affected by the proposed project; and therefore, no freeway ramp impacts are anticipated based on the results of the terminus intersection analyses. Further, an examination of the project’s trip distribution indicates that net traffic volume additions to the freeway ramps in the vicinity of the proposed project would be generally less than 30 to 40 vehicles per hour on any single ramp. This level of traffic would not result in significant impacts.

An analysis of year 2015 impacts is not necessary. Although Caltrans does typically request a 2015 analysis, LADOT is the lead agency for the review of the traffic analyses for this project. Since the project’s completion date is substantially prior to the year 2015, and the purpose of the traffic study is to examine the potential for impacts related to this specific project under

reasonable forecast conditions, the examination of potential project impacts 10 years subsequent to its forecast occupancy date is not warranted.

Response to Comment B3-42

The traffic analyses performed for the EIR examined current traffic conditions based on current (January 2001) traffic data. Using standard intersection analysis techniques recommended and utilized by LADOT, the traffic operations at all 27 intersections were calculated as summarized in the Draft EIR. Although there is a perception of high levels of traffic congestion in downtown Los Angeles due to pedestrian traffic, buses, construction delays, and other factors, the definition of Level of Service operating conditions (See Table 1, page 14, traffic study; Table 4-42, page 4-174, Draft EIR) is based in part on whether vehicles queued at an intersection clear the intersection in one signal cycle. As shown in this table, Levels of Service A through C generally clear an intersection in one or two signal cycles. Observations of traffic conditions in the project area indicate that this is the case at most locations. Although some moves, such as right-turns or left-turns may be delayed by pedestrians or opposing traffic, through traffic generally clears the intersections during one cycle.

Subsequent examination of the analysis of existing intersection operations by LADOT indicate that, using historical data from their files where available, the calculated LOS in the Draft EIR are reasonable, and accurately depict the current operating conditions at the study intersections. This comparison is shown in Table B3-1 in Appendix A of this Final EIR.

Response to Comment B3-43

A list of “related projects” is commonly used as the basis for determining the cumulative impacts of a proposed project and other related development. However, it should be recognized that the cumulative impact study area varies according to the impact. For instance, the number of projects potentially affecting such concerns as population growth, effects on emergency services (police, fire, etc.), schools, and other issues encompass different geographic areas than those projects that could potentially affect traffic at the 27 study intersections. Therefore, the related project list contained in the traffic section of the Draft EIR need not be identical to that shown in the “Project Description” section of the Draft EIR. The list shown in the traffic study includes only those projects expected to have a potential effect on the traffic analyses. In general, projects included in the “related projects” list for the traffic analysis are judged by overall trip generation and location as to whether or not they are significant in a traffic sense. Distance from the study area and viability of travel patterns through the study intersections are also considered, as are the presence of traffic “barriers” such as freeways.

Many of the projects included in Table 2-2 of the Draft EIR do not generate substantial traffic, as they are retrofit or rehabilitation projects. Others are speculative, or are projected to have completion dates outside the year 2005 study horizon. Potential traffic effects of projects not included in the specific listing of cumulative development in the area are assumed to be covered through the use of the “across the board” traffic growth factor. This factor increases all traffic volumes in the study area by approximately 4.1 percent for the Draft EIR traffic analysis.

The City Hall reoccupation was included in the cumulative development list for the supplemental (October 2001) traffic study. As described in the response to Comment A1-6, this project is essentially a rehabilitation project, and its inclusion would have no appreciable effect on traffic volumes or conditions in the study area. The results of and conclusions of the traffic study do not change as a result of this project.

Also, please see the response to Comment A1-6.

Response to Comment B3-44

The City has identified no plans to redevelop the Spring/Main property for uses other than a public square or park as proposed in the Ten Minute Diamond Plan. Should a park be developed on the site by the City, it is expected that it would be a typical downtown park facility that would serve local business employees and visitors. As such, traffic generation due to this use would be nominal, and its effects insignificant.

Response to Comment B3-45

Please see the responses to Comments B3-1, B3-5, and B3-14 regarding the “netting out” of traffic trips and other impacts associated with the existing Caltrans building and private buildings on the Spring/Main block.

Response to Comment B3-46

Project traffic was estimated using a “per employee” basis rather than “per square foot” basis for several reasons. First, since employee densities of office buildings can vary widely, a more accurate analysis is allowed by (and recommended by) the Institute of Transportation Engineers (ITE). Second, the existing building is overcrowded, with approximately 1,628 employees housed in the 389,000 square foot headquarters/annex offices. This equates to an employee density of approximately 4.19 employees per 1,000 square feet of gross floor area. Typically, office buildings exhibit employee densities of approximately 3.29 employees per 1,000 square feet of gross floor area. Average employee densities for buildings of between 200,000 and 500,000 square feet are approximately 3.22 employees per 1,000 square feet of gross floor area. Thus, the existing Caltrans headquarters is approximately 30 percent above this typical occupancy level.

Since the purpose of the new facility is to provide additional operating space per employee, and not increase the number of employees substantially (an increase of approximately 209 employees is anticipated), use of the “per square foot” trip generation calculations would substantially overestimate the project’s trip generation. The new facility would house approximately 1,837 employees in a 603,500-gross-square-foot building (Alternatives 1 and 2), for an employee density of 3.04 employees per 1,000 square feet of gross floor area. Adjusting the gross floor area to remove the 4,500-square-foot daycare use, the 5,000-square-foot retail area, the 5,000-square foot public cafeteria, and an approximately 3,875-square-foot “Caltrans Museum and Library” component results in a net office space of 585,125 gross square feet, and translates to an employee density of 3.14 employees per 1,000 square foot of gross floor area. This density is

much more in line with typical employee “target” densities, and is well above the typical employee density of 2.88 employees per 1,000 square foot of gross floor area for office buildings over 500,000 square feet. Making these same square footage adjustments to Alternative 3 (716,200 gross square feet), which has been identified as the preferred alternative, results in a net area of approximately 697,625 gross square feet. This alternative would house the previously described 1,837 Caltrans employees, plus approximately 564 LADOT employees, for a total of 2,401 employees. Employee density for this alternative is approximately 3.44 employees per 1,000 square foot of gross floor area. No limitation on the number of employees is considered necessary due to the designed intent of the development to provide adequate employee space for current Caltrans and LADOT employees. Additionally, fire code regulations and ADA requirements would limit the total number of employees that could occupy the building in the future.

Response to Comment B3-47

As recommended in LADOT’s comment letter of August 17, 2001 and subsequent clarification memorandum of October 11, 2001, trip generation for the LADOT office component of Alternative 3 was revised to use empirical trip generation data that included such trip-reducing factors as flexible work schedules, transit use, carpooling, and ridesharing. Trip generation for the Caltrans office components of all three project alternatives was based on the “General Office” trip rates, subsequently reduced by 40 percent to account for high levels of ride sharing, transit use, and carpooling. These methodologies, and their effects on the traffic impact analyses, are described in detail in the Supplemental Traffic Study (see Appendix A of this Final EIR).

Project trip generation was based on “General Office” trip generation rates since “Government Office” rates are based solely on one observation of a 102-employee City Hall office building in 1970 in Fremont, California. This single-data point basis was not considered to be an accurate estimate of trip generation for the proposed Caltrans headquarters building project. Additionally, Caltrans does not fit into the typical “government office” category, which tend to exhibit a significant amount of visitor traffic. Caltrans has a limited number of visitor trips.

Also see the responses to Comments A1-3 and A1-4.

Response to Comment B3-48

The commenter does not provide any substantiation that project trip patterns are “demonstrably inconsistent” with the travel patterns of the existing Caltrans or LADOT offices. These are specific uses and consequently it is inappropriate to compare their travel patterns to overall traffic patterns in downtown Los Angeles. Trip distributions and assignments for the Caltrans employees were based on a review of the actual residence locations (by zip code) of all current Caltrans headquarters and annex employees. These trips were assigned to the area freeway and street system based on this information, using the most reasonable (e.g., shortest) path, with consideration of project access locations and known traffic congestion areas in the project vicinity. This methodology is more accurate than simple reliance on existing traffic distribution patterns.

Response to Comment B3-49

The Supplemental Traffic Study (see Appendix A of this Final EIR) evaluated the effects of several physical improvements to mitigate significant impacts that would occur at two of the study intersections. The use of ATCS is no longer recommended as a potential mitigation measure for the proposed project. Also, please see the responses to Comments A1-15 through A1-18.

Response to Comment B3-50

The significance criteria are consistent with CEQA court cases (see *Goleta Union School District v. Regents of University of California*), which have determined that an increase in demand for public services or utilities would only lead to a significant impact if it results in physical changes in the environment, such as would occur due to the construction of new facilities to meet that demand. The court rulings are reflected in the changes made to the CEQA Guidelines in 1999. For example, in Appendix G of the CEQA Guidelines, the environmental checklist questions pertaining to water and wastewater treatment impacts were revised to read:

Would the project... require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, *the construction of which could cause significant environmental effects* (emphasis added)?

Response to Comments B3-51 and B3-52

The Draft EIR appropriately estimates the net increase in solid waste that would be generated for each of the alternatives. For Alternative 3, it is conservatively estimated that the proposed project would result in a net increase (proposed project solid generation minus the solid waste generated by existing uses that would be displaced) of 8,100 pounds of solid waste per day. For a response to the issue of “netting out” impacts, please see the responses to Comments B3-1, B3-5, and B3-14.

Also, there is no evidence presented by the commenter to support the assertion that the proposed project’s increased demand for water, increased wastewater and solid waste generation, and increased demand for energy would result in significant impacts on the environment. As discussed in the response to Comment B3-50 above, for a significant impact to occur the proposed project must result in physical changes in the environment.

Response to Comment B3-52

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out” impacts.

Response to Comment B3-53

The commenter states with regard to the proposed project’s energy consumption impacts that the “relevant issue is not the relative amount of energy consumed by a project when compared to preexisting energy consumption, but whether the additional energy consumption relating to the

project may be significant.” The commenter does not provide any guidance as to what would be considered to be a “significant” increase in energy consumption.

As discussed in the response to Comment B3-50 above, for a significant impact to occur the proposed project must result in physical changes in the environment. Such physical changes in the environment could occur if the increased demand due to the project would require the construction of new energy supply or distribution systems. The commenter presents no evidence that construction of new or expanded energy supply or distribution systems would be required to accommodate the proposed project’s demand for energy. As noted on page 4-207 of the Draft EIR, the Los Angeles Department of Water and Power, which provides electricity within the City of Los Angeles, has sufficient generating capacity to meet its customers’ needs and also provide surplus energy to other parts of the State.

With regard to the energy efficiency of the proposed project, the reader is referred to the discussion of sustainable design and energy conservation on pages 2-13 and 2-14 of the Draft EIR. It should also be noted that the proposed project would replace the older, existing Caltrans headquarters building with a new, modern building that would be much more energy efficient. The new building would be designed and constructed to meet Title 24 energy conservation standards. The building would also be designed using the Leadership in Energy and Environmental Design (LEED) Green Building Rating System and will achieve the highest sustainability rating possible within cost constraints. As a consequence, the energy consumption per employee with implementation of the proposed project would be significantly less than the energy consumed per employee in the existing Caltrans headquarters building.

Response to Comment B3-54

The Draft EIR acknowledges that landfill capacity in the County is diminishing and therefore, the proposed project and other cumulative development could have a potentially significant cumulative impact on solid waste facilities (see page 5-11 of the Draft EIR). However, the commenter presents no evidence that the increase in solid waste generated exclusively by the proposed project would have a significant impact on existing landfill capacity or require the construction of new or expanded solid waste collection facilities.

Also, the Los Angeles County Department of Public Works was sent a copy of the Notice of Preparation contrary to the claim by the commenter (see March 13, 2001, response letter from Harry W. Stone, Director of Public Works and June 21, 2001, letter from James A. Noyes, Director of Public Works, in Appendix A of the Draft EIR).

It should also be noted that Caltrans will comply with the City’s Source Reduction and Recycling and the State’s recycling regulations to minimize the wastestream.

Response to Comment B3-55

The commenter confuses the project’s individual solid waste impact with the project’s cumulative solid waste impacts. Please see the response to Comment B3-54 above.

Response to Comment B3-56

The location closest to the project site, for which the City of Los Angeles Bureau of Engineering has flow data, is 3rd and Los Angeles Streets. At this location, the flow volume in the 36-inch sewer line located under Los Angeles Street downstream of the 30-inch line in question is 10 percent of capacity. Consequently, ample capacity exists in Los Angeles Street sewer lines to accommodate project-generated wastewater flows.

Response to Comment B3-57

The commenter provides no evidence that any of the three alternatives in combination with other nearby development would result in significant cumulative visual impacts. The commenter states that Alternative 1 (note: Alternative 3 has been identified by the State as the preferred alternative) would result in a cumulative impact but then does not describe or explain how that cumulative visual impact would occur. Due to the lack of specificity as to why the analysis is deficient, it is difficult to respond to the comment. Under Alternative 1, a new headquarters building would be constructed on the site of an existing surface parking lot and the existing Caltrans building would be declared surplus property and be properly secured and maintained (see Draft EIR, page 2-16). No significant cumulative visual impacts would occur.

Response to Comment B3-58

Air quality impacts may occur on both a regional and local scale. Any project in the South Coast Air Basin that results in increased air pollutants could cumulatively contribute to the Basin's poor air quality conditions. To quantify the cumulative air quality impacts due to all of the development proposed in the Basin is clearly beyond the scope of this EIR. Potentially significant cumulative local air quality impacts could occur if the project is constructed simultaneously with other nearby related projects, as acknowledged on page 5-3 of the Draft EIR. There are two proposed projects in the immediate vicinity of the project that could conceivably overlap with construction of the proposed Caltrans headquarters project: adaptive reuse of the Higgins building and St. Vibiana's Cathedral. The Higgins building consists of the renovation of an existing office building for residential uses and would not grading or excavation activities that could generate substantial amounts of pollutants. According to information provided by the developer, renovation is to be completed in November or December 2001. The St. Vibiana's or Vibiana Place project proposes to adaptively reuse the Cathedral as a performing arts center and would also include construction of a pedestrian plaza, public library, 180 mixed-income apartments, and a boutique hotel. The developer has indicated that renovation of St. Vibiana's Cathedral would start in the spring of 2002 and would be completed in the summer of 2003. The library is to begin construction in the spring of 2002 and be completed in the fall of 2003. The apartment building would begin construction in the summer of 2002 and be completed in the winter of 2004. Details of the construction process, i.e., the extent of excavation and grading, number of pieces of construction equipment, etc., have not been provided. Consequently, it is not possible to quantify the cumulative construction air quality impacts of the proposed headquarters and the Vibiana Place projects. Nonetheless, because of the poor air quality in the Basin and given the possibility that multiple related projects could be constructed simultaneously, the Draft EIR acknowledges the potential for significant cumulative local and regional air quality impacts.

The Draft EIR also acknowledges that significant cumulative operational air quality impacts could occur due to cumulative development in the Basin.

Response to Comment B3-59

In addition to the potential onsite contamination identified in the APEX report (see page 4-113 of the Draft EIR), the Draft EIR identified 10 potentially contaminated properties within ¼ mile of the project site (see page 4-117 of the Draft EIR). Only two of the 10 sites, the existing Caltrans headquarters facility at 120 S. Spring Street and Los Angeles City Hall East at 200 N. Main Street, are designated large generators of hazardous waste (i.e., at least 1,000 kg/month of non-acutely hazardous waste or 1 kg/month of acutely hazardous waste). Two of the other sites generate an unknown quantity of hazardous materials. The remaining six sites are low generators of hazardous waste. All of the sites, however, were identified as having a low potential to affect the proposed project (see page 4-117 of the Draft EIR) because of their distance from the site and/or limited quantities of hazardous materials generated.

As stated in the response to Comment B3-29, dewatering efforts conducted during construction will have a beneficial impact on the potentially contaminated groundwater plume located in the immediate project vicinity. If present, contaminated groundwater near the contaminated soil in the southeast portion of the project site would be intercepted by dewatering, removed, and treated, resulting in full or partial remediation of the plume. These measures and others identified in the EIR would reduce the potential hazardous materials impacts to a level of insignificance. Consequently, construction of the proposed project would not have a significant cumulative hazardous waste impact.

The proposed autoshop would include storage for parts and lubricants. The types and quantities of hazardous materials generated by the autoshop would be consistent with those generated by other auto repair shops similar in size and would include antifreeze/coolant, motor oils, and other motor vehicle lubricants and petroleum products. The existing Caltrans autoshop generates approximately 160 to 200 gallons of waste motor oil every 90 days and up to 30 gallons of antifreeze/coolant every 90 days. All hazardous materials would be properly stored, handled, and disposed of in accordance with applicable regulations, laws, and permit requirements, and in accordance with Caltrans operating procedures. As stated on page 5-7 of the Draft EIR, safeguards implemented would include proper labeling, controlled access, secondary containment, and spill prevention measures. Consequently, the proposed project is not expected to individually result in or cumulatively contribute to significant hazardous waste impacts.

Response to Comment B3-60

Please see the responses to Comments B3-29 and B3-30.

Response to Comment B3-61

The proposed project would not contribute to or worsen contamination at an existing hazardous waste site. Consequently, no significant cumulative hazardous waste impacts would occur. The commenter presents no evidence that the proposed project would result in significant cumulative hazardous waste impacts.

It should also be noted that the case cited by the commenter is not a published case and thus represents only the views of that court. It can not be cited for precedent.

Response to Comment B3-62

Please see the responses to Comments B3-59 through B3-61.

Response to Comment B3-63

Of the three related projects in the vicinity of the project site, one has been completed (the renovation of City Hall), the other is an adaptive reuse project that would convert an existing historic office building (the Higgins building) to residential use, and the third is the adaptive reuse of St. Vibiana's Cathedral. The St. Vibiana's Cathedral (Vibiana Place) project would convert the Cathedral into a performing arts center and would include the construction of a 180-unit apartment building and a boutique hotel. Renovation of the Higgins building would be completed by November or December of 2001. Construction of the Vibiana Place project is expected to start in the spring of 2002 and be completed in the winter of 2004. The Draft EIR acknowledges that the proposed project, if constructed simultaneously with other related projects in the area, could result in potentially significant cumulative air quality impacts due to the existing poor air quality in the Basin. Accordingly, the discussion on page 5-8 of the Draft EIR concerning cumulative land use impacts during construction has been revised to be consistent with the cumulative air quality analysis on page 5-3 of the Draft EIR (see Chapter 2 for revisions to the text of the Draft EIR). However, cumulative construction noise impacts that would cause substantial land use incompatibilities are not anticipated given that construction would be temporary and limited to daytime hours (also see the response to Comment B3-36). Additionally, the proposed project would comply with Section 112.03, Construction Noise, of the City's Noise Ordinance and would include mitigation measures to reduce construction noise impacts to levels required by the ordinance.

Traffic disruption due to lane closures required for the proposed project would be temporary, short-term, and conducted in compliance with the requirements of street closure permits obtained from the City of Los Angeles. Consequently, significant cumulative construction traffic impacts are not expected to occur and/or would be substantially reduced by traffic control measures.

Response to Comment B3-64

Please see the response to Comment B3-63 above.

Response to Comment B3-65

The text of the Draft EIR has been revised to delete the sentence stating "it is likely other related projects have been subject to some level of environmental review and have also incorporated mitigation measures when deemed necessary." Please see Chapter 2 of this Final EIR for the revised text.

Also see the response to Comment B3-63 above.

Response to Comment B3-66

Please see the responses to Comments B3-37 and B3-63.

Response to Comment B3-67

The Draft EIR acknowledges that cumulative public services impacts are potentially significant because of the extent of development proposed in the downtown area. The related projects listed in Table 2-2 (see Chapter 2 of this Final EIR for an updated list of related projects) would result in approximately 2.2 million square feet of commercial development, 4,400 hotel rooms, and 10,350 residential units within roughly a 1-mile radius of the project site. Although it is likely that not all of this development would be constructed within the next 4 to 5 years and some projects may never be constructed, the cumulative development in the study area would create a need for an estimated additional 5,000 police officers based on a ratio of 1 officer per 3 persons. Additionally, these projects could increase student enrollment by approximately 5,000 to 6,000 students. It is also likely that increases in the number of fire protection personnel would be required. These increases in demand for public services could require the construction or expansion of new facilities to maintain existing service ratios. Construction of those facilities may have a significant impact on the environment depending on their location, the sensitivity of the surrounding environment, project characteristics, etc. Accordingly, the cumulative public services impacts are considered to be potentially significant as stated in the Draft EIR.

Response to Comment B3-68

The cumulative development listed in Table 2-2 (see Chapter 2 of this FEIR for an updated related projects list) would generate approximately 1.9 million gallons per day of wastewater and 75 tons per day of solid waste and would consume 150 million kWh per year of electricity, 272 million cubic feet per year of natural gas, and 2.2 million gallons per day of water. These projects and other development in the areas served by the utility providers could require construction of new facilities to meet the increased demand. The related projects listed in Table 2-2 could also require improvements to the local distribution and collection system infrastructure in the downtown area. Although an evaluation of needed local infrastructure improvements in downtown Los Angeles is beyond the scope of this EIR, nonetheless, as stated on page 5-10 of the Draft EIR, the cumulative impacts could be significant depending on the location and extent of new utility construction. In the immediate area of the project site, the local utility infrastructure is adequate to meet the needs of the proposed project and other nearby related projects.

Response to Comment B3-69

Please see the responses to Comments B3-1, B3-5, and B3-14 regarding reuse of the existing Caltrans building and redevelopment of the Spring/Main block.

Response to Comment B3-70

According to the CEQA Guidelines (Section 15126.2 [d]), an EIR shall “discuss the ways in which the proposed project could foster economic or population growth, or the construction of

additional housing, either directly or indirectly, in the surrounding environment.” “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment” (Section 15126.2[d]). The discussion in the Draft EIR identifies the proposed project’s potential for growth and is consistent with these guidelines. The Draft EIR does not claim, as asserted in the comment, that any new induced development that might occur would not have a significant impact on the environment. Rather, the Draft EIR simply acknowledges the fact that if development were to occur it would likely not exceed the development allowed under the General Plan and that the downtown area is intended to be a high-density commercial area. Additionally, it is not known at this time what new development, if any, would occur on the Spring/Main block.

Response to Comment B3-71

Please see the response to Comment B3-3.

Copies of the Final EIR and all technical appendices will be forwarded to the commenter as requested.

Comment Letter B4

Christopher A. Joseph & Associates
environmental planning and research

August 20, 2001

Jack H. Rubens, Esq.
Sheppard, Mullin, Richter & Hampton LLP
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071

Re: Draft Environmental Impact Report for Proposed Caltrans District 7 Headquarters
Building Replacement Project (SCH 2001011098)

Dear Mr. Rubens:

Your firm has requested the assistance of our company, Christopher A. Joseph & Associates (CAJA), in connection with the proposed Caltrans District 7 Headquarters Building Replacement Project (the "Project"). The California Department of Transportation ("Caltrans") has circulated a Draft Environmental Impact Report (the "DEIR") for the Project that was prepared by Myra L. Frank & Associates, Inc. on behalf of Caltrans and the California Department of General Services.

Specifically, we have been asked by you to review the DEIR for the Project and provide comments on its compliance with the requirements of the California Environmental Quality Act ("CEQA"). Thus, we have examined the DEIR from two perspectives: (1) the legal requirements of CEQA (both the enabling legislation and the guidelines implementing CEQA); and (2) from our leadership position in the environmental consulting industry through the practice of preparing over 100 environmental documents (Environmental Impact Reports and Mitigated Negative Declarations) for projects in the City and County of Los Angeles.

In preparing our comments, we have reviewed numerous project and/or reference documents, including the DEIR and its Appendices A through D, which are a part of the DEIR; the "Air Quality Report" (June 2001) for the Project and its Appendix, the results of which were summarized in the Air Quality Section of the DEIR. This document was referenced in the DEIR but was not part of that document's technical appendices. Finally, we re-reviewed the "Draft City of Los Angeles CEQA Thresholds Guide" (May 1998), which was also cited as a document source in the Project's DEIR.

11849 W. Olympic Blvd., Suite 101 • Los Angeles, CA 90064 • Phone 310-473-1600 • Fax 310-473-9336 • e-mail: caider@caider.com

EXHIBIT 1

Jack H. Rubens, Esq.
August 20, 2001
Page 2

CAJA has provided environmental planning services to the public and private sectors for over 14 years. Collectively, the company staff has over 75 years of experience in the industry. Having provided consulting services on hundreds of projects, successfully and efficiently guiding them through the environmental clearance process, the company and staff have a thorough understanding of the CEQA process and how it should be applied to development projects such as the Project evaluated in the DEIR. CAJA's ability to provide an expert opinion on this matter is further supported by the project experience of Mr. Chris Joseph, the founder and owner of CAJA. He has been an active participant in the planning, development and environmental review arena for over 20 years. With his extensive project and agency experience and his current role as a member of the Architectural Review Board for the City of Santa Monica, Mr. Joseph holds a respected position in the region as a leader in the environmental consulting industry. Our company's Statement of Qualifications is attached for your use (see Exhibit A).

For reasons substantiated in greater detail below, it is our opinion that the DEIR is seriously flawed, and needs to be revised and recirculated for public review. In summary, the DEIR is defective for the following reasons:

1. The document does not analyze a reasonable range of alternatives to the Project;
2. The impacts of the Project are frequently not analyzed in relation to the thresholds of significance specified in the DEIR, or a threshold is omitted;
3. The DEIR wrongly "nets out" the existing Caltrans building and adjacent private structures, thereby significantly understating the Project's actual environmental impacts;
4. The DEIR incorrectly evaluates cumulative and project impacts by inexplicably presenting two different and inconsistent lists of related projects, and by omitting significant proposed related projects in the downtown Los Angeles area; and
5. Various sections of the DEIR, including Aesthetics, Air Quality, Noise, Public Services, Traffic and Parking and Public Utilities & Energy Conservation provide inadequate analyses and/or incorrect conclusions regarding the impacts of the Projects.

B4-1

Our basis for these this conclusions is as follows:

1. The DEIR does not analyze a reasonable range of alternatives to the Project.

As stated in CEQA (Public Resources Code Section 21002.1(a)), "the purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to a project, and to indicate the manner in which those significant effects can be mitigated or avoided." More specifically, the State CEQA Guidelines (Section 15126.6) require an EIR to describe a *range of reasonable*

Jack H. Rubens, Esq.
August 20, 2001
Page 3

alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives (emphasis added).

In its analysis of alternatives, the DEIR for this Project is, in our expert opinion, both extremely unusual and inadequate. First of all, the DEIR fails to identify exactly what the project is; instead, it presents three development "alternatives" in the Project Description section which are, for the most part, substantially the same. In my 20 years of experience, I have never seen a CEQA document (a Mitigated Negative Declaration [MND] or Environmental Impact Report [EIR]) that defines a "project" in this manner. Without commenting on the legalities of this, I would note, from a CEQA practitioner's standpoint, that the lack of a definitive project description certainly seems to violate the spirit and intent of CEQA.

B4-2

In any case, the three development "alternatives," rather than a single project, were then analyzed in the body of the DEIR. However, all other alternatives, feasible or infeasible, are summarily *rejected* without environmental analysis at all (see Section 3-3). Although the introduction to Section 3-3 of the DEIR states that potential environmental effects of the rejected alternatives are discussed in that section, the resulting analysis is minimal or nonexistent. Conclusions are presented without support or analysis; there is no discussion of each environmental topic; and no comparison is made of the environmental impacts of each of the rejected alternatives with the three alternatives that comprise the Project (the development "alternatives").

B4-3

In addition, in its discussion of the Environmentally Superior Alternative, the DEIR (page 3-5, 2nd paragraph) states that: "The Lease Alternative would be the environmentally superior alternative among all of the other alternatives considered during the planning process." This statement may or may not be true, but there is no meaningful analysis or factual information to support it in the DEIR.

Moreover, the DEIR did not, from an environmental standpoint, analyze a reasonable range of alternatives and did not analyze alternatives that could avoid or substantially lessen any of the significant effects of the Project. For example, the DEIR should include an alternative that analyzes the rehabilitation and reuse of the existing Caltrans building, the proposed demolition of which (under Alternatives 2 and 3) is acknowledged in the DEIR as a significant unmitigated environmental impact. In my experience, I have never seen an EIR for a project that proposed demolition or substantial alteration of a significant historic resource that did not include an alternative analyzing either preservation of the resource or its rehabilitation in accordance with the Secretary of the

B4-4

Jack H. Rubens, Esq.
August 20, 2001
Page 4

Interior's Standards for Rehabilitation. As an example, in 1998 our firm prepared an EIR for the Cinerama Dome Retail/Entertainment Center project. Although the project (at that time) proposed changes to the Dome that would have produced significant unmitigated historic resource impacts, the alternatives analysis in that EIR (relevant excerpts of which are attached as Exhibit B) evaluated a preservation alternative that would have preserved the character-defining features of the Dome and eliminated the significant impact.

B4-4
cont'd

In addition, the impacts of each development alternative were inadequately discussed, grossly understated or ignored (see my detailed discussion in items 2 through 5 below). Because the impacts of the development alternatives (the Project), if properly analyzed, would show many more unmitigated significant impacts, this fact underscores that the DEIR must analyze alternatives that could lessen the actual significant impacts of the Project.

B4-5

By failing to identify a project, only analyzing three similar development alternatives, and by dismissing without substantive environmental analysis any meaningful alternative, the DEIR fails to comply with CEQA and is therefore inadequate. The DEIR should be revised with an adequate environmental analysis of each of the rejected alternatives, including a separate discussion of each environmental issue area (e.g., traffic, air quality, noise, public services, etc.). The DEIR must meaningfully analyze these alternatives, even if they would impede the attainment of some of the Project's objectives, or would be more costly.

B4-6

2. The impacts of the Project are frequently not analyzed in relation to the thresholds of significance specified in the DEIR, or a threshold is omitted.

A "Threshold of Significance" discussion precedes each impact discussion in the DEIR. Such thresholds are the basis for determining the significance of a particular impact. However, the DEIR frequently omits any impact analysis of the Project in relation to the specified threshold, and therefore does not provide a meaningful assessment of the Project's impacts. The DEIR needs to be revised to analyze all valid thresholds listed for each subject area and recirculated to the public. The omissions are numerous and include (but are not limited to) the following:

- Air Quality (the threshold of significance is presented on page 4-54). The Air Quality analysis did not discuss the following items presented as part of the threshold of significance: (1) Would the project conflict with or obstruct implementation of the applicable air quality plan? (2) Would the project create objectionable odors affecting a substantial number of people?

B4-7

Jack H. Rubens, Esq.
August 20, 2001
Page 5

- Archaeological Resources (the threshold of significance is discussed on Page 4-76). While the impact analysis did not analyze impacts in relation to the first bullet within this threshold, it might be because the threshold makes no sense. What is “a substantial adverse change in the significance criteria of an archaeological resources?” It is markedly different from any archaeological threshold that I have seen or used.

B4-8

- Geology and Soils (the threshold of significance is shown on page 4-106). In this section, it appears the analysis examined some, but not all, of the criteria within each of the first two significance thresholds. The Geology and Soils impact analysis did not discuss the following items: (1) Would the project expose people or structures to the risk of loss, injury, or death involving seismically induced flooding, or landslides or other slope failure? (2) Would the project be located in a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, subsidence, or collapse?

B4-9

In the discussion of Unavoidable Significant Adverse Impacts (page 4-109), the analysis states that proper design of the project would mitigate the impacts of earthquake induced subsidence. However, I can find no discussion of this issue in the impact analysis.

B4-10

- Hazardous Materials (the threshold of significance is shown on page 4-115). The impact analysis for this subject seems to analyze a different, unidentified set of criteria than are presented in the threshold. With the exception of the brief discussion of asbestos and lead containing material impacts under Alternatives 2 and 3, there is very little impact analysis that responds to the questions posed by the thresholds.

B4-11

- Hydrology/Water Quality (the threshold of significance is shown on page 4-122). The Hydrology/Water Quality analysis did not discuss the following items presented as part of the threshold of significance: (1) Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems?

B4-12

In the Impacts Discussion introduction (page 4-122), the discussion states: “Because the entire project site is either paved or developed with buildings or other impervious surfaces, proposed development of the site would not increase runoff from the site...” I would agree that total runoff should not increase from the Project. Clearly, however, the development of new structures and the

Jack H. Rubens, Esq
August 20, 2001
Page 6

demolition of existing buildings could *alter* existing drainage patterns and impact the storm drainage infrastructure in the immediate project locale. No analysis was conducted regarding this issue. This impact needs to be analyzed in a revised and recirculated DEIR.

B4-12
cont'd

- Noise (the threshold of significance is presented on page 4-140). The noise section glaringly omits a significance threshold for construction noise impacts and, as a result, does not contain any meaningful construction noise analysis.
- Public Services/Fire Protection (the threshold of significance is presented on page 4-161). The impact analysis fails to respond to the question posed in the first bullet of the threshold: Will the project create a substantial need for additional fire protection services requiring new or altered fire department facilities to maintain acceptable service ratios or response times, the construction of which could cause significant impacts on the environment?

B4-13

In the subsequent impact analysis, this threshold is ignored, and analysis is deferred until after a review of the project plans by the City of Los Angeles Fire Department (LAFD). There is no valid reason for this deferral. It is quite common (in fact, I've never seen an exception) for the LAFD to provide comment on a project's design prior to the release of a DEIR. In order to provide an accurate assessment of impacts per the significance threshold, the LAFD's review of the project's preliminary plans should be included as part of a revised and recirculated DEIR.

B4-14

3. The DEIR wrongly "nets out" the existing Caltrans building and adjacent private structures, thereby significantly understating the Project's actual environmental impacts.

If a project is proposed on a site of existing (and occupied) development, and if that project includes demolition of the existing uses, it is generally appropriate to "net out" those existing uses in a CEQA analysis and to only analyze the incremental increase in project impacts. For example, if a developer was proposing a 200,000 square foot office building on a project site that contained an existing and occupied 50,000 square feet, and if the project also included demolition of that 50,000 square-foot structure, than an environmental document for the project would appropriately examine the impacts of the net increase of a 150,000 square-foot building.

B4-15

However, in the case of the Project, the netting out of existing uses in the DEIR is incorrect and results in an analysis that significantly understates the Project's actual impacts. Under Alternative 1 of the DEIR, the existing Caltrans building is netted out of

Jack H. Rubens, Esq.
August 20, 2001
Page 7

the environmental analysis, even though the building would not be demolished and would likely be sold or reused in some manner. Given the City of Los Angeles' recent passage of an Adaptive Reuse Ordinance, and given the recent and very successful history (as well as current proposals in the pipeline) of older office buildings being restored and converted to residential and other uses, it is entirely reasonable to assert that the existing Caltrans building would be sold to a private developer or other public entity, rehabilitated and reused. In the alternative, a new building would likely be constructed on the site. Thus, netting out the existing Caltrans building is not appropriate.

B4-15
cont'd

Similarly, under Alternatives 2 and 3, the City of Los Angeles would assume control of the "Spring/Main Block" (the block bounded by 1st Street, Spring Street, 2nd Street and Main Street), which includes the existing Caltrans building as well as other private property with existing development. All existing development on the Spring/Main Block would be demolished under Alternatives 2 and 3, and the DEIR netted out all existing development for these Alternatives. However, it is reasonable to assume that the City intends to reuse the Spring/Main block in the near future, given its proximity to City Hall and the city's current shortage of office space to house its own employees.¹ Thus, netting out those demolished properties for these alternatives is also not appropriate.

B4-16

The consequences of netting out these uses in the DEIR are enormous, and can be found in all analyses involving impacts related to the Project's density (as opposed to impacts related to the Project's design, such as light/glare, shade/shadow, etc.). Such analyses include traffic, air quality, noise (as you know, operational air quality and noise impact analyses are based in large part on the net increase in traffic from a project), public services, water demand, sewage and solid waste generation, and energy.

B4-17

The traffic analysis alone provides a striking illustration of the offset effect: Under Alternative 1, after netting out the existing Caltrans building, AM peak hour trips are reduced from 853 to 143, and the PM peak hour trips are reduced from 808 to 148. Even more ridiculous would be the Alternative 2 trip reductions from 853 to 18 in the AM peak and from 808 to a *minus* 59 trips in the PM peak. (The trip reductions for Alternative 3, while also inappropriate, are only slightly less remarkable because the proposed building is larger.) The DEIR determined that five intersections would be significantly impacted under Alternative 1, two under Alternative 2 and 4 under Alternative 3.² Without the

¹ Even though the majority of City employees have recently moved back to City Hall, the City continues to lease significant office space at 201 N. Figueroa Street because of office space constraints at City Hall.

² As a sidebar, I would note that the DEIR incorrectly characterizes the number of significant impacts. As shown on Page 4-193 of the DEIR, a few of the intersections would be significantly impacted under both AM and PM conditions. When that is the case, each impact condition (AM and PM) needs to be counted as a

Jack H. Rubens, Esq.
August 20, 2001
Page 8

improper reduction in the projected traffic trips, the actual number of significantly impacted intersections would obviously have been much, much higher.

In my 20 years of experience, I have never seen this type of offset utilized in a CEQA document. To the contrary, I will offer a recent project of ours to demonstrate the correct way to examine and analyze the process of netting out existing uses when they are located on a different site than the project site. In the late 1990s, the City of Santa Monica proposed a new Public Safety Facility, including a new and much larger headquarters for its police department. The existing police station was said to be too small, outdated, out of code, in need of major infrastructure and interior work. The project was proposed in the civic center area, immediately adjacent to both the existing police headquarters building and to Santa Monica City Hall. The existing police building was to be vacated under the project, but no immediate plans were offered for its reuse. City staff and our firm appropriately decided that the EIR would *not* net out the existing uses, because it was reasonably foreseeable that the building could be either rehabilitated and reused by other city departments, or ultimately demolished with new construction taking its place.

The DEIR for the Caltrans building should have used the same approach and evaluated the impacts of the Project without netting out existing uses on a different site. The impact analyses need to be substantially revised and disclosed to the public as a recirculated DEIR.

4. The DEIR incorrectly evaluates cumulative and project impacts by inexplicably presenting two different and inconsistent lists of related projects, and by omitting significant proposed related projects in the downtown Los Angeles area.

Table 2-2 (page 2-17) of the DEIR presents a list of 45 related projects that, according to page 2-16 of the document, "formed the basis for the cumulative impacts discussion that follows" (also see Figure 2-7 for a map of the related projects). However, Table 4-4 (pages 4-180) in the Traffic and Parking Section sets forth a different related projects list. According to page 4-177 of the analysis...."a total of 39 projects in the project vicinity could be fully or partially developed by the project threshold year of 2005."

The fact that a traffic analysis might use a smaller list of related projects is not necessarily a defect, in and of itself. For example, in the case of this DEIR, it is possible (although not explained in any detail) that some of the related projects might not be

separate significant impact. Assuming, for the purposes of this discussion that the DEIR analysis was correct, the document should have stated that there would be six significantly impacted intersections under Alternative 1, three under alternative 2 and six under Alternative 3.

B4-17
cont'd

B4-18

Jack H. Rubens, Esq.
August 20, 2001
Page 9

developed by the project threshold year of 2005. If this were the case, it might be theoretically possible to whittle down the list of 45 projects to a smaller number.

However, a close examination of the two related projects lists and accompanying maps shows that the lists are quite different. According to our preliminary analysis (see Exhibit C), approximately 23 related projects from Table 2-2 do not show up on Table 4-4. Similarly, approximately 17 related projects are listed in Table 4-4 and are not shown in Table 2-2. Why are the lists significantly different? Why do some projects show up on one list, but not the other? The DEIR is silent on these matters. However, as discussed further below, omissions of related projects have a direct correlation to a potential underestimation of a project's cumulative impacts, as well as its individual impacts.

In addition, it appears that the DEIR omitted at least three significant related projects within the geographic boundaries shown on the list of related projects utilized in the traffic analysis. First, the list of related project in the Traffic and Parking section of the DEIR did not include the recently re-opened City Hall. Since traffic counts for the analysis were taken earlier this year before City Hall re-opened, the traffic analysis dramatically understates the future without project condition.

Second, the DEIR failed to list and cumulatively analyze the proposed Los Angeles Sports and Entertainment District, a large a multi-use development, located on a set of sites located adjacent to STAPLES Center and the Los Angeles Convention and Exhibition Center which is awaiting final approval. Generally, the development areas that comprise the site are located east and west of Figueroa Street, at Olympic Boulevard on the north and almost to Pico Boulevard to the south. The conceptual plan for this project includes: a major convention hotel with a capacity of 1,200 rooms; a second 600-room hotel; up to 1,115,000 gross square feet (GSF) of retail/entertainment/restaurant uses, including a 7,000-seat live theater; up to 870,000 GSF of residential uses (800 dwelling units); up to 300,000 GSF of office space, including medical offices and a sports medicine center; a health/sports club of up to 125,000 GSF; an open-air plaza to feature year-round venues; and, combined support parking of up to 5,305 spaces located throughout the Project site.

Third, the DEIR omitted and did not cumulatively analyze another large project on the parcel known as the Shuwa property, roughly bounded by Ninth Street on the South, Hope Street to the east, Eight Street to the north, and Flower Street to the west. That project, for which an EIR is underway, includes about 137,000 square feet of supermarket and retail space and approximately 1,300 residential units.

B4-18
cont'd

Jack H. Rubens, Esq.
August 20, 2001
Page 10

The ramifications of possible omissions of related projects are potentially enormous. For example, in an analysis of traffic impacts, it is necessary to develop estimates of future conditions both without and with the project. Future traffic volumes are first estimated without the project, and these forecasts reflect traffic increases that are due, in large part, to proposed related projects in the vicinity of the project site. The significance of a project's traffic impact (the "future with project condition") is measured against the future without project condition.

Furthermore, the significance threshold criteria used by the City of Los Angeles Department of Transportation are based, in part, on a given intersection's ability to handle the additional traffic estimated for a project. Those intersections that are projected in the future without project condition at a Level of Service (LOS) of "C" or worse are allowed specified increases in project traffic before a significant impact would be triggered (with a future without project condition of LOS C permitting a larger increase in project traffic than an LOS of "F"). Conversely, intersections that are projected to operate at "A" or "B" after the addition of project traffic are not considered to be significantly impacted, since sufficient excess capacity is available at these intersections.

B4-19

The deficiencies in the DEIR's traffic analysis, due to an inaccurate list of related projects, thus becomes obvious. To the extent that the traffic analysis omitted at least three large related projects, and also did not include 22 related projects that were listed on Table 2-2 of the DEIR, it is more than reasonable to assume that the future without projects conditions in the traffic analysis were severely underestimated. If these related projects were rightfully added to the DEIR, there would be far more limited capacity at the measured intersections, and more significant impacts would be triggered after the addition of Project traffic.

The omission of these related projects has spillover effects into other impact analyses. The Air Quality CO Concentration Analysis (Pages 4-63 through 4-66) also measures impacts in a similar way as the traffic section (the project is measured against the future without project condition). Thus, the CO air quality impact analysis has likely underestimated both the project and cumulative impacts, and also needs to be reexamined and revised.

B4-20

Overall, the errors and omissions in the related project list and resulting project and cumulative impact analyses renders the EIR's analysis deficient. Accordingly, the document should be revised and recirculated for public review.

Jack H. Rubens, Esq
August 20, 2001
Page 11

5. Various sections of the DEIR, including Aesthetics, Air Quality, Noise, Public Services, Traffic and Parking and Public Utilities & Energy Conservation also provide inadequate analyses and/or incorrect conclusions regarding the impacts of the Projects.

Various sections of the DEIR are also fundamentally flawed for reasons including, but not limited to, the points discussed in Items 1-4 above. My brief section-by-section comments on the DEIR are presented below. Please note that any comments directed towards individual sections could also apply to the Summary Section of the DEIR and are thus not repeated. Also, please note that these comments focus only on my most significant concerns with the DEIR, and not with the many smaller problems that I found in reviewing the document.

- Aesthetics/Light and Glare – The DEIR characterizes a number of visual impacts and view obstructions as "temporary." In my professional experience, I have never seen such impacts described as temporary, unless it was in reference to impacts during very short construction periods. In this case, however, the DEIR is stating that because the obstruction of views caused by the built project would be temporary to viewers (motorists and pedestrians), such impacts would not be significant.

In our firm's experience, environmental documents prepared pursuant to CEQA typically analyze visual impacts through an examination of views and/or viewsheds. Viewsheds refer to the visual qualities of a geographical area. The geographical area is defined by the horizon, topography, and other natural features that give an area its visual boundary and context; or, where man-made improvements have become the prominent visual components of an area, such improvements define the area. Viewshed impacts are typically characterized by the loss and/or obstruction of existing natural or man-made scenic vistas or other major views in the area of the site, *which are available to the general public*. Impacts considered to be "significant" to the viewshed and its attributes typically consist of the loss or natural or man-made scenic vistas. Significant impacts can also include changes in the character of the viewshed, such as the elimination of natural features, changes to the style or ambience of the community, or the insertion of a prominent improvement or feature which challenges the integrity of the original aesthetic value. *The obstruction of a prominent viewshed from an individual viewpoint can be, by itself, a significant impact.*

The DEIR claims, however, that the loss of a prominent man-made view by motorists or pedestrians would be temporary because viewers would presumably be driving or walking past the viewpoint. On this basis, no visual obstructions

B4-21

Jack H. Rubens, Esq.
August 20, 2001
Page 12

would ever be significant, because a motorist or pedestrian would quickly move past that obstruction. That method of analysis is not plausible. A viewshed from a given viewpoint is either prominent or not (of course, that is somewhat subjective), and its loss from that viewpoint, if the viewshed is prominent, is significant. A conclusion that it would only be a “temporary loss” is utterly ridiculous (see page 4-30).

B4-21
cont'd

- Air Quality – The air quality section needs to be revised to respond to the identified threshold of significance regarding the Project’s impact on the Air Quality Management Plan (see item 2, above). In addition, the air quality analysis needs to be redone because the analysis wrongly netted out existing uses (see item 3, above) and because the cumulative impacts (the future without project condition) were incorrectly analyzed (see item 4, above). Thus, for example, the CO air quality impact analysis has likely underestimated both the project and cumulative impacts, and needs to be reexamined and revised. Finally, no analysis was conducted for Alternatives 2 and 3 regarding the air quality impacts of the demolition of the existing Caltrans building as well as other existing improvements on the Spring/Main Property.

B4-22

B4-23

- Noise – We have retained a respected and reputable acoustic and noise consultant has been retained to prepare a full critique of the Project’s noise impacts. That report will be submitted upon its completion and prior to approval of the Project. In the meantime, the DEIR fails to provide any useful analysis of the noise impacts of the proposed Project, and is otherwise deficient for numerous reasons. The document fails to list a threshold of significance for construction noise impacts, does not meaningfully analyze construction noise impacts, and mischaracterizes construction noise impacts as “temporary,” even though the construction of the project would last about 2½ years. In my experience for projects of this type (major commercial projects in urban areas), construction noise analyses for draft EIRs are far more extensive and quantitative, and do not characterize such impacts as “short-term.” For example, last year our firm prepared the Draft EIR for the Brentwood Park project in West Los Angeles. Although that project at 55,000 square feet of commercial space was much smaller than the Caltrans Project, and its construction period substantially shorter (about half as long), a detailed construction noise analysis was prepared (see attached Exhibit D). Ultimately, construction impacts in the Brentwood Park project EIR were judged to be significant, even after mitigation.

B4-24

In addition, the noise section needs to be redone because the analysis utilized project automobile trip generation numbers that were far lower than they would

B4-25

Jack H. Rubens, Esq.
August 20, 2001
Page 13

actually have been (see item 3, above), and because the cumulative contribution of automobile trips to the traffic system was severely underestimated (see item 4, above). Because increases in auto traffic from a project have a direct correlation to an increase in operational noise, it is likely that a much larger increase in operational traffic-related noise would occur than that disclosed in the DEIR.

B4-25

Accordingly, the noise analysis in the DEIR should be revised and recirculated before a decision to approve the Project can be made.

- Public Services – As per my comments above, the DEIR incorrectly netted out existing Caltrans employees and therefore underestimated the police protection, fire protection and public school impacts of the Project.

B4-26

Secondly (and as discussed briefly above), the DEIR cannot defer consultation with the LAFD with respect to the Project's impact on fire protection services. In our experience with preparing EIRs and MNDs, consultation with the local fire department is always incorporated into the fire protection impact analysis. For example, I have attached as Exhibit E a Fire Protection section from our firm's EIR for the Self-Realization Fellowship Revised Master Plan (April 2000). As noted on page 286 of that EIR, the LAFD determined that the project's impact on fire protection services would not be significant. However, no such consultation or determination was made with respect to the Caltrans DEIR. Instead, the DEIR concludes that the level of additional fire protection services would be determined at a later date, but is not expected to be significant. The analysis needs to be revised to incorporate a consultation and determination by the Fire Department as part of a recirculated DEIR.

B4-27

- Traffic and Parking – We have retained a respected traffic consultant to prepare a full critique of the Project's traffic impacts. That report will be submitted upon its completion and prior to approval of the Project. In the meantime, my concerns with regard to this section are summarized below. Also, please see my discussion above regarding the inappropriateness of netting out existing uses.

First, the traffic analysis needs to be redone because the analysis wrongly netted out existing uses (see item 3, above) and because the cumulative impacts (the future without project condition) were incorrectly analyzed (see item 4, above). On this basis alone, the traffic impacts of the Project were woefully underestimated.

B4-28

Jack H. Rubens, Esq.
August 20, 2001
Page 14

Secondly, the Traffic and Parking section does not contain an analysis of the impacts of the Project during the lengthy 2½-year construction period. Again, in our experience, construction impacts are regularly analyzed as a component of an EIR traffic study, particularly in urban areas like Los Angeles. For example, I have attached a detailed construction traffic impact analysis from our Self-Realization Fellowship Church Master Plan EIR (see attached Exhibit F). Although construction impacts were ultimately determined to be less than significant in this document, the analysis provided full disclosure of those impacts to the public and to decision-makers. In contrast, this DEIR fails to inform the public as to the construction impacts of the Project. In addition, the public should be informed as to the construction plans of the Project and whether any alterations to the existing roadway system, including temporary lane closures, would be required.

B4-29

Lastly, as mitigation for the identified significant traffic impacts of the Project, the DEIR recommends that Caltrans contribute a "fair share payment" for the cost of installing the City's Adaptive Traffic Control System (ATCS). However, while Caltrans is only required to pay an unspecified percentage of the full cost of ATCS installation, it appears that the Project gets 100 percent of the benefit of this mitigation measure. In my experience, I don't recall ever seeing an applicant get the full benefit of a mitigation measure if he is only paying a portion of the cost of its installation or implementation. This analysis seems highly improper.

B4-30

- Public Utilities & Energy Conservation – First, the DEIR wrongly nets out the existing Caltrans building and the adjacent private properties, thereby underestimating the Project's water demand, sewage and solid waste generation, and energy consumption. Second, the DEIR does not evaluate in any way the adequacy of the local sanitary sewerage system to handle the incremental increase in sewage flows resulting from the Project. No analysis was made to determine whether the local sewer lines could handle the Project's average daily sewage flows, as well as peak flows. In our experience in preparing EIRs for large commercial development projects in southern California, qualified civil engineers are typically retained to physically test the local sewer lines to ascertain a line's ability to accommodate an increase in sewage flows attributable to a project. Such a determination needs to be made for this Project, and the information should be contained in a recirculated DEIR. Finally, the DEIR fails to determine the Project's solid waste impacts on local landfill capacity. Under the Environmental Setting subsection, the DEIR discusses landfill capacities (see paged 4-204 through 4-206). However, following a discussion of the Project's solid waste generation (which is incorrectly calculated because of the netting out

B4-31

B4-32

B4-33

Jack H. Rubens, Esq.
August 20, 2001
Page 15

of existing uses), no analysis was made as to whether or not the Project's contribution would have a significant impact on remaining local landfill capacity. Further, the EIR skirts around the fact that the remaining landfill capacity in southern California is extremely limited, and without expansion of existing facilities or the permitting of new facilities, there will be insufficient landfill capacity to serve the Southland's needs. In our experience, the solid waste analysis in an EIR for any sizeable project in southern California contains a rigorous evaluation and discussion of the extent to which that project will reduce the very limited remaining capacity of local landfills.

B4-33
cont'd

Conclusion

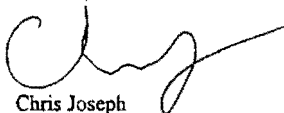
Overall, I believe that the DEIR is not legally adequate for purposes of compliance with CEQA, and, in particular, drastically understates the potential negative impacts of the proposed project. As noted in this letter, numerous impacts analyzed in the DEIR have either been woefully underestimated or simply ignored in a manner that renders the DEIR effectively meaningless as an informational document. Based on our review of the documents referenced above, our experience in preparing CEQA documents for a broad range of projects throughout Southern California for public agencies and private developers, we believe that, in order to comply with CEQA, the DEIR must be revised and recirculated for public comment.

B4-34

Please call with any questions or comments.

Sincerely,

Christopher A. Joseph & Associates



Chris Joseph
President

WORD-LAURE70327784.1

Response to Comment B4-1

The comment summarizes the reasons the commenter believes the Draft EIR is defective. Please see the responses to the individual comments that follow for detailed discussions of the issues listed in the comment.

Response to Comment B4-2

Please see the response to Comment B3-18.

Response to Comment B4-3

Please see the response to Comment B3-6.

Response to Comment B4-4

Please see the response to Comment B3-20.

Response to Comment B4-5

This is a general comment. Please see the responses to specific comments that follow.

Response to Comment B4-6

Please see the response to Comment B3-6.

Response to Comment B4-7

Operation of the project would not result in significant increases in pollutant emissions (see page 4-66 of the Draft EIR); thus it would not conflict with or obstruct implementation of the Air Quality Management Plan. In fact, consolidating Caltrans District 7 employees in a single building at a site that is well served by transit would reduce employee dependence on the automobile for travel to and from work, which would have a beneficial effect on the Basin's air quality.

Construction of the project could generate temporary emissions of nitrogen oxides that exceed South Coast Air Quality Management District significance thresholds for the peak construction day and peak quarter before and after mitigation. The Draft EIR acknowledges that this is a temporary but significant impact (see Section 4-3.2 b. of the Draft EIR). However, temporary construction air quality impacts would not conflict with implementation of the Air Quality Management Plan. The reason is that the growth increment accounted for in the Air Quality Management Plan assumes increased emissions from construction, including fugitive dust from site preparation and diesel emissions from equipment and trucks. The Air Quality Management Plan assumes that construction emissions from large projects will be mitigated to the extent feasible and is based on reasonably expected construction emissions, not maximum potential emissions.

As discussed in the Initial Study checklist (Question 3.e) attached to the Notice of Preparation (see Appendix A of the Draft EIR), the proposed project would not include any land uses that would create objectionable odors affecting a substantial number of people. During construction, fumes or odors from operation of construction equipment powered by internal combustion engines and from use of construction materials (paints and coatings, roofing materials, sealants) may be noticeable and annoying to persons in the immediate vicinity of the site. However, it is not expected that a substantial number of people would be adversely affected. Since the site is not enclosed and is open to the air, any odors would dissipate quickly during construction. Operation of the autoshop would involve use of motor oils, lubricants, antifreeze/ coolants, and other materials commonly used for routine motor vehicle repair and maintenance. Use of these materials would generate some odors but there is no evidence that persons in the vicinity of the site would be significantly affected.

Response to Comment B4-8

The word “criteria” was included by mistake in the significance criterion. The text has been revised as follows (please see Chapter 2 of this FEIR):

In accordance with the CEQA Guidelines, a project will have a significant adverse impact on cultural resources if it results in:

A substantial adverse change in the significance ~~criteria~~ of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.

The criterion is consistent with the CEQA Guidelines.

Also see the response to Comment B3-28.

Response to Comment B4-9

As stated in response to checklist Question 6.a.iv in the Initial Study (see Appendix A of the Draft EIR), the proposed project site is located in a developed urban area and the topography of the project site and surrounding area is relatively flat, sloping slightly to the southeast. Consequently, the proposed project is not located in an area susceptible to landslides. Furthermore, as stated in the Draft EIR (p. 4-107), the project site may be excavated to a depth of approximately 35 feet under Alternatives 2 and 3, and will require temporary construction slopes and shoring. According to the DEIR, if proper procedures are not followed, sloughing of the surface and unstable soil zones could occur within temporary excavations—a potentially significant impact. To mitigate this impact, all excavation and shoring systems would meet the minimum requirements of the Occupational Safety and Health (OSHA) standards. All earthwork and grading would also meet the requirements of State of California codes and shall be performed in accordance with the recommendations in the Geotechnical Investigation (March 2001) conducted for the proposed project or any subsequent studies deemed necessary to supplement the March 2001 report.

Also as stated in the responses to checklist questions 8.i and 8.j in the Initial Study (see Appendix A of the Draft EIR), the project site is not located near any large lakes or hills that

could result in seiches or mudflows and there are no levees or dams that could pose a hazard to the project site.

Response to Comment B4-10

Since the project site may be excavated to a depth of approximately 35 feet and underlying soils are dense to very dense alluvium, no liquefaction or subsidence hazards would occur (see page 4-108 of the Draft EIR).

Response to Comment B4-11

The Draft EIR adequately describes the project's potential hazardous materials impacts. Also, see the responses to Comments B3-29 and B3-30.

Response to Comment B4-12

The project site is paved and slopes slightly to the southeast. Consequently, existing stormwater runoff flows to the southeast where it is collected by storm drains in Los Angeles Street. As specified in the *Design/Build Request for Proposal* (Volume 1, Part 3, Chapter 14), all site drainage, including surface and roof runoff, shall be required to be carried via underground pipes to storm drains in adjacent streets. The proposed project would not substantially change existing storm drain patterns. The commenter provides no evidence that significant impacts would occur.

Response to Comment B4-13

Please see the response to Comment B3-36.

Response to Comment B4-14

Please see the response to Comment B3-40.

Responses to Comments B4-15 through B4-17

Please see the responses to Comments B3-1, B3-5, and B3-14 regarding the issue of “netting out” impacts. Also, please note that the state legislature has authorized revisions to the project's scope of work and identified Alternative 3, which proposes demolition of the existing Caltrans building, as the preferred alternative for further design and study purposes.

Response to Comment B4-18

The list of related projects has been revised and updated (see Chapter 2 of this Final EIR). These changes do not affect the Draft EIR's conclusions regarding the significance of the proposed project's potential impacts.

Also see the response to Comment B3-43.

Response to Comment B4-19

Please see the response to Comment B3-43.

Response to Comment B4-20

Please see the response to Comment B3-43. The assumptions and data used in the traffic analysis were conservative. The changes to the related projects list would not significantly change the projected future traffic volumes identified in the Draft EIR. Consequently, the air quality analyses and conclusions based on those traffic volumes would not change substantially.

Response to Comment B4-21

Please see the response to Comment B3-25.

Response to Comment B4-22

Please see the response to Comment B4-7.

Response to Comment B4-23

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out impacts.”

Response to Comment B4-24

Please see the response to Comment B3-36.

Response to Comment B4-25

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out impacts.”

Response to Comment B4-26

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out impacts.”

Response to Comment B4-27

Please see the response to Comment B3-40.

Also, the Notice of Preparation was sent to the City of Los Angeles Fire Department. The Fire Department’s response, which is included in Appendix A, does not include a statement that the proposed project would significantly affect fire protection services.

Response to Comment B4-28

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out impacts.”

Also see the response to Comment B3-43 regarding the related project’s list.

Response to Comment B4-29

Traffic generated by construction activities would include construction workers travelling from home to work and from work to home as well as trucks delivering and hauling materials, supplies, and equipment to and from the project site. Since construction would be temporary and the majority of construction-related trips would occur during non-peak traffic hours (construction would typically commence before the morning peak hour and finish before the afternoon peak hour), the impacts on the local street and freeway system are not expected to be significant. If lane closures are required to accommodate construction vehicles loading and unloading, they would be temporary and conducted in compliance with the requirements of street closure permits obtained from the City of Los Angeles. Consequently, it is not anticipated that significant impacts would occur.

Response to Comment B4-30

Please see the responses to Comments B3-49 and A1-15.

Response to Comment B4-31

Please see the responses to Comments B3-1, B3-5, and B3-14 for a discussion of “netting out” impacts.

Response to Comment B4-32

Please see the response to Comment B3-56.

Response to Comment B4-33

The commenter confuses a project’s individual impact with cumulative impacts. According to the analysis in the Draft EIR, the proposed project would not individually result in a significant solid waste impact (i.e., it would not require new or expanded solid waste facilities, the construction of which could result in significant impacts on the environment). However, the Draft EIR acknowledges that the proposed project and other development in the County could have a potentially significant cumulative solid waste impact due to diminishing landfill capacity in the County (see page 5-11 of the Draft EIR).

Also see the response to Comment B3-54.

Response to Comment B4-34

The Draft EIR fully complies with CEQA requirements. No new significant impacts have been identified. Therefore, recirculation of the Draft EIR is not required.

Comment Letter C1



Caltrans District 7 Headquarters

COMMENTS

Please use this page to submit your comments on environmental issues regarding the Caltrans District 7 Headquarters. You can answer the questions below or write on any environmental issue of importance to you with regards to this project. Please hand completed forms to any state representative or drop them in the "comments" box. If you need more space, please use the back of this sheet.

1. Did the Draft EIR (DEIR) address the potential environmental issues?

NO

C1-1

2. Do you agree with the findings of the DEIR?

NO

3. Is there anything else you feel should be included in the DEIR?

The report did not include the historical, cultural or community impact of relocating the Latino Museum.

C1-2

To receive updates and further information, please provide your name and contact information.

Name Ileana Landon Organization/Company Landon Agency/Latino Museum
Address 2634 S. Pleasant Ave City/State/Zip Ontario, CA
Phone 909-986-7502 Fax 91761
E-mail Ileana@LandonAgency.com

If you would prefer to mail in your comment sheet, please address it to Susan Stratton, Sr. Environmental Planner, Department of General Services, Real Estate Services Division, Professional Services Branch, 1102 Q Street, Suite 5100, Sacramento, CA 95814. Please note that comments must be submitted by the close of the public review period on August 20th to be considered in the Final EIR.

Response to Comment C1-1

Comment noted.

Response to Comment C1-2

The Draft EIR includes an evaluation of the proposed project's impact on historical resources. According to the analysis in the Draft EIR, the Latino Museum building at 112 S. Main Street does not meet the criteria for listing on the California Register of Historical Resources (see page 4-96 of the Draft EIR).

The Draft EIR also acknowledges that the Latino Museum property would be acquired under Alternatives 2 and 3 and the building demolished. However, measures will be implemented in accordance with City policies to mitigate potential impacts. For example, the City will pay fair market value for the Museum property. The Museum, which has been closed to the public for a number of months pending financial reorganization and restructuring, will also be eligible for relocation assistance pursuant to the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*. These policies, which are summarized on pages 4-154 and 4-155 of the Draft EIR, include providing aid in locating suitable replacement property and reimbursement of costs involved in relocation.

Public Workshop D

0001

CALTRANS - DISTRICT 7
HEADQUARTERS BUILDING REPLACEMENT PROJECT
AUGUST 1, 2001
* * * * *
PUBLIC COMMENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

REPORTED BY:
LINDA D. WHITE, CSR NO. 12009

0002

JAMIE CRUZ: My name is Jamie Cruz. That is J-A-I-M-E, C-R-U-Z. I'm the National Chair for the organization called the National Chicano Moratorium Committee. We're here in support of the Latino Museum and their opposition to Caltrans attempting to demolish the museum and to place this project that has supposedly been made public.

D-1

One of other objections is that there was not adequate or sufficient notice to the public. Especially the Latino community, at large, were not informed of this perhaps occurring of the demolition of the museum.

D-2

The second reason we're opposing this takeover attempt by Caltrans is that it seems that it has a real disregard for the interest of the Latino community and not having approached us on how this would impact the so-called "environment." The environment is just not here in water and what is in the soil; it's the people who make up the land, and this has such a history of Mexican, history, where Los Angeles is, that it is something that needs to be respected and recognized. This being the only Latino museum in the city of Los Angeles makes it even more critical to preserve and develop and expand.

D-3

Again, we oppose the intrusion of Caltrans to demolish this museum. We do not agree with any of their

0003

options, one, two or three. In fact, we would even offer a fourth option to Caltrans, that they could probably utilize the Belmont complex a few blocks from the Sierra Building here to renovate. And I understand

D-4

5 there is plenty of parking there. Perhaps a touch of
6 facetious, but true of how things gets wasted in this
7 State.
8 We will organize the community to oppose what
9 Caltrans is attempting to do because it is a tremendous
10 waste for Caltrans to demolish the Latino Museum, and we
11 will be there to oppose Caltrans. Thank you very much.
12 Again, my name is Jamie Cruz, national chair
13 for the National Chicano Moratorium Committee.
14 JUAN GOMEZ-QUINONES: Caltrans, District 7
15 Headquarters, Building Replacement Project.
16 "Members of the Hearing Committee, Dear Sirs:
17 This letter is to inform the hearing committee that the
18 board of trustees of the Latino Museum did not receive
19 the draft environmental impact report until only
20 two weeks ago. Given the complexity of the report and
21 the serious objections that the Latino Museum has to
22 this project, we must have more time to consider and
23 respond to the issues that the board presents.
24 The Latino museum is a vital cultural
25 institution located in the heart of Los Angeles. And
0004
1 serves a constituency that reflects the whole City of
2 Los Angeles, but most importantly, the population of
3 East Los Angeles. This location (a part of the
4 L.A. Cultural Corridor), is essential to the mission of
5 the museum, the only institution of its kind in the
6 Los Angeles area.
7 We are totally opposed to any project or
8 alternative plans that call for the removal of the
9 Latino Museum from its present location at
10 112 South Main Street, Los Angeles.
11 We ask of you, Caltrans representatives, a
12 public meeting specifically to address the interest and
13 preferences of the Latino Museum of History, Art and
14 Culture.
15 Moreover, we ask for an adequate time of
16 six to eight weeks to secure legal counsel and for this
17 attorney to prepare for our representations and research
18 for us the consequences of your actions. We also need
19 time to inform the public. And during this time, we
20 will consult the community. We ask further for direct
21 communications with an executive officer of Caltrans to
22 deal with us on an ongoing basis.
23 The Latino Museum is a nonprofit institution.
24 We pledge all moneys to delivering services to our
25 constituency. Consequently, we expect all our
0005
1 preparation cost, research, public recommendations,
2 legal consultant and further expenses to be covered by
3 Caltrans. As part of the City of Los Angeles, we ask
4 that these moneys be deposited in the museum's account
5 so that disbursal will be at the museum's discretion.
6 Your reply to this letter is expected and each
7 of its requests within five to seven working days, via
8 certified mail, to each of our trustees."
9 MS. ILEANA LANDON: I oppose the report that

↑
D-4
cont'd

D-5

D-6

D-7

D-8

↓
D-9

10 basically recommends to take over the Latino Museum
11 property. I think the State and the City have not taken
12 into consideration the historical, cultural and
13 community impact that it can have by relocating the
14 Latino Museum outside of its current address.

15 I think the agency of record for the
16 Latino Museum, the public relation agency, we are
17 prepared to get the community behind it and support --
18 behind the museum and try to keep the museum at its
19 current address.

20
21
22
23
24
25

(The proceedings concluded at 7:30 p.m.)

↑
D-9
cont'd

Response to Comment D-1

Comment noted.

Response to Comment D-2

To assure wide release of the Draft EIR, the public notice of this project was published in the Los Angeles Times, LA OPINION, Downtown News, Business Journal, LA RAFU SHIMPO, and Rapid Publishing. The Latino Museum has been notified of all opportunities to participate in the environmental review process for the proposed project in a timely manner. According to the State's records, the Museum received the original and revised Notices of Preparation for the proposed project as part of the respective initial mailings. The Museum was also sent a copy of the Draft EIR as part of the initial mailing to the public and agencies on July 5, 2001.

Response to Comment D-3

The Draft EIR acknowledges that the Latino Museum property would be acquired under Alternatives 2 and 3 and the building demolished. However, measures will be implemented in accordance with City policies to mitigate potential impacts. For example, the City will pay fair market value for the Museum property. The Museum, which has been closed to the public for a number of months pending financial reorganization and restructuring, will also be eligible for relocation assistance pursuant to the *Uniform Relocation Assistance and Real Property Acquisition Policies Act*. These policies, which are summarized on pages 4-154 and 4-155 of the Draft EIR, include providing aid in locating suitable replacement property and reimbursement of costs involved in relocation. The City is also working with Museum representatives to identify a suitable alternative location for the Museum.

Response to Comment D-4

The State has investigated alternative sites and options and has identified Alternative 3 as the preferred alternative because it best meets the project's goals and objectives.

Response to Comment D-5

Please see the response to Comment D-2. Also see the 8/20/01 letter from Robert Sleppy of the California Department of General Services that follows Comment Letter B1.

Response to Comment D-6

Comment noted.

Response to Comment D-7

Please see the 8/20/01 letter from Robert Sleppy of the California Department of General Services that follows Comment Letter B1 for a response to the comment.

Response to Comment D-8

Please see the 8/20/01 letter from Robert Sleppy of the California Department of General Services that follows Comment Letter B1 for a response to the comment.

Response to Comment D-9

Comment noted. Also see the response to Comment C1-2.

CHAPTER 2 - CORRECTIONS AND REVISIONS TO THE DRAFT EIR

The following corrections and revisions have been made to the text of the Draft EIR in response to public comments on the Draft EIR. Deletions are indicated by ~~strikeout text~~ and additions to the Draft EIR are shown in underline.

The fifth paragraph under Section S-4.2 on page S-12 and the third paragraph on page 2-13 of the Draft EIR have been revised as follows:

Auto Shop – A 16,500-sf auto shop would be built within the parking structure for routine maintenance and repair of car pool vehicles, trucks, and vans used by division staff for field activities. The auto shop would be staffed by 4 5 mechanics and would contain a 10 maintenance bays and vehicle wash rack as well as storage for parts and lubricants.

The last paragraph on page S-12 under Section S-4.2 and the sixth paragraph on page 2-13 under Section b. Project Components Common to the Build Alternatives has been revised as indicated below:

Generator – A 1.7-megawatt emergency generator with associated fuel storage facilities would be provided in the parking structure. The generator would run on ~~natural gas or~~ diesel fuel. Sufficient fuel would be stored on the site to run the generator in an emergency situation. The generator would be tested on a weekly basis by running it for a ½ hour per week.

The list of related projects in Table 2-2 on pages 2-17 through 2-20 and Figure 2-7 (located in Section 2-4 of the Draft EIR) has been revised and updated as shown on the following pages:

TABLE 2-2: LIST OF RELATED PROJECTS

| ID # | Projects | Description | Location | Status |
|-------------|---|---|--|--|
| 1 | Vibiana Place | Adaptive reuse: Performing arts center, California State University-Los Angeles, Little Tokyo public library branch, pedestrian plaza, 180-unit mixed-income apartments, and boutique hotel | SW corner of 2nd St & Los Angeles St | Anticipated Start Date December 2001 |
| 2 | Higgins Building | Adaptive reuse: 150-unit loft-style apartments ranging from 800 sf to 1,200 sf. | 108 W. 2nd St | Under Construction, Anticipated Completion Date, Spring 2002 |
| 3 | City Hall Seismic Upgrade & Rehabilitation | Seismic retrofitting and rehabilitation of building systems. Restoration of historic public areas. | NE corner of 1st St & Spring St | Anticipated Completion Date July 2001 |
| 4 | LAUSD Headquarters & Business Services Center | Potential new administrative building for School District. On lot occupied by old State Office Building. | 107 S. Broadway | Proposed ¹ |
| 5 | Sakura Village | New 75-condominium residential development with ground floor retail space. | Little Tokyo Area | Planned ² |
| 6 | 1st Street Properties | Mixed-use development: office, hotel & retail uses. | SW corner of 1st St & Hill St | Approved ³ |
| 7 | Hall of Justice | Proposed rehabilitation of key historic building into office space for sheriff's department and/or other uses. | 211 W. Temple St | Proposed |
| 8 | Federal Court House | Additional Federal Court facilities partially replacing existing Federal Office building. | NE corner of Temple St & Los Angeles St | Proposed |
| 9 | Central Avenue Art Park | Subterranean parking structure with open space, gardens, art-related retail, and potential residential lofts above, abuts site selected for new downtown campus of Children's Museum. | SEC Temple St & San Pedro St | Proposed |
| 10 | Children's Museum | 60,000-sf 100,000-sf "Art Park" | Alameda St & Temple St | Planned for January 2005 opening. |
| 11 | Mangrove Estates | 600-room hotel, 1,200 condo units, 221,048-sf office | Alameda St & 1st St | Proposed |
| 12 | 1st Street South Plaza Project | 415,782-sf retail/office, 1,154-du (condo/apt), 500-room hotel | 1st & Alameda St | Built |
| 13 | Restaurant | 5,625-sf restaurant/bar | Main St & 4th St, located in an office building. | Built |
| 14 | Old Bank District/Continental Bldg. | Adaptive Reuse: 56-unit loft style apartments | 408 S Spring St | Anticipated Completion Date June 2001. |
| 15 | El Dorado Hotel | Building formerly known as the "Pacific Grand Hotel." Owner plans to renovate and convert the 265-room hotel to 140-room boutique hotel. Basement and rooftop bars also planned. | 416 S. Spring St | Currently Planned, Anticipated Completion Date Spring 2001 |

TABLE 2-2: LIST OF RELATED PROJECTS

| ID # | Projects | Description | Location | Status |
|-------------|---|---|--|--|
| 16 | Rowan Building Lofts | Adaptive Reuse: 209-unit loft style apartment, 20% of units affordable. This project is being developed in partnership with Simpson Housing Solutions. The lofts will range in size from 450 to 1,200 sf. Plans also call for the construction of a 600-car parking structure adjacent to the Rowan Building. | 458 S. Spring St | Currently Planned, Anticipated Completion Date 2002 |
| 17 | Security Building | Adaptive reuse: 150-unit loft style apartments. | 500 S. Spring St | Currently Planned, Anticipated Completion Date December 2001 |
| 18 | Arcade Building | Office & retail rehabilitation; possible conversion of some space into cinema complex with subterranean parking. | 541 S. Spring St | Proposed |
| 19 | Clark Hotel | Rehabilitation of building for a 341-room hotel and retail uses. | 426 S. Hill St | Currently Planned, Anticipated Completion Date September 2001 |
| 20 | Subway Terminal Building | Adaptive re-use for live/work lofts. Four phases and 250 units total. Phase I includes: 4-theatres and restaurants on ground floor plus 175 apartment units ranging from 850-1,200 sq. ft. Project is currently on hold pending further study of the building seismic retrofit. | 417 S. Hill St | Planned |
| 21 | Shane Property | Office development at Metro Rail Portal. | 500 S. Hill St | Proposed |
| 22 | Hill Street Avenida | Street renovation including new sidewalks, street lighting, medians, and landscaping. | Hill St from temple St to 12 th St | Currently Planned, Anticipated Completion Date September 2001. |
| 23 | Grand Avenue Promenade Apartment Phase II | Mixed-use development with approximately 300 dwelling units. RFP pending; project will be coordinated with Grand Avenue Promenade. | SW corner of Grand Ave & Gen. T. Kosciusko Way | Proposed |
| 24 | Colburn School of Performing Arts, Phase II | Arts patron Richard Colburn intends to fund an 8-story conservatory addition to the previously completed Colburn School. This 8-story structure would connect to the school and house about 130 college age students, creating a Los Angeles equivalent of New York's Julliard School. | NW corner of Olive St & G.T. Kosciusko Way | Proposed |
| 25 | Grand Avenue Promenade Apartment Phase III | Mixed-use predominantly residential development site for approximately 300 units. RFP pending, project will be coordinated with Grand Avenue Promenade. | SWC Grand Ave & Gen. T. Kosciusko Way | Proposed |

TABLE 2-2: LIST OF RELATED PROJECTS

| ID # | Projects | Description | Location | Status |
|-------------|---|--|-------------------------------------|--|
| 26 | Grand Avenue Promenade | Landscaping, lighting, street trees, kiosks, and special paving treatments, ground floor retail to enhance Grand Ave. | 101 Fwy to 5th St on Grand Ave | Proposed |
| 27 | Walt Disney Concert Hall | 2,268- 2,273-seat concert hall, 266-seat Cal Arts auditorium, and 300-seat outdoor theatre. 2 outdoor amphitheatres that can seat 420 people combined, a Choral Hall, which has 137 seats for performances and can accommodate 229 members for rehearsals. 2,200 2188-space underground parking garage has previously been constructed. Will be home of the LA Philharmonic, the LA Opera, & LA Master Chorale. | SW corner of 1st St & Grand Ave | Currently Under Construction, Anticipated Completion Date Spring 2003 |
| 28 | Cathedral of Our Lady of the Angels | Three phase project: 1) 640-car underground parking structure (completed in 1999); 2) 46,000-sf Conference Center completed early 2001. 3) Cathedral: 63,000-sf, 3,000-seats; completion estimated by 12/2001. 57,000 sf, 10 chapels, plus crypt chapels. The chapels range in size from approximately 800-1,000 sf. Total acreage of 5.5 acres. | NE corner of Grand Ave. & Temple St | Currently Under Construction, Anticipated Completion Date January 2002 |
| 29 | Music Center Renovation | Renovation of the Dorothy Chandler Pavilion, Mark Taper Forum, to better tie the performing arts center to the surrounding neighborhood. | SW corner of Temple St & Grand Ave | Proposed |
| 30 | Burger King | 1,966-sf fast-food w. drive-through | Cesar Chavez Ave & Grand Ave | Built |
| 31 | Mixed Use | 11,000 sf retail/office/fast-food | Spring & Ord St | Built |
| 32 | Pasadena Blue Line, Union Station Connection | Connection between Red Line and Blue Line at Union Station. | Downtown, Union Station | Currently Under Construction, Anticipated Completion Date 2002 |
| 33 | Southern California Institute of Architecture (SCI-Arc) | Conversion of industrial warehouse building with adjacent new construction to house SCI-Arc; up to 400 residential units also planned. | 970 E. 3rd Street | Currently Under Construction, Anticipated Completion Date Spring 2001 |
| 34 | Toy Warehouse Lofts | Loft-style condo with underground parking. The first floor of the building will be for retail use and the second and third floors will contain twenty 2,000-sf units, eight 5-story townhomes and 12 flats. | Corner of 3rd St & Santa Fe Ave | Currently Under Construction, Anticipated Completion Date June 2001 |
| 35 | The Freight Yard | 596,000-sf, 1,200-du condominium/221,048-sf general office | 3rd St & Santa Fe Ave | Built |
| 36 | Santa Fe Loft II | Loft-style apartments. | 121 E 6th St | Proposed |

TABLE 2-2: LIST OF RELATED PROJECTS

| ID # | Projects | Description | Location | Status |
|-------------|--|--|--|---------------------------------------|
| 37 | Pacific Electric Building | Adaptive Reuse: 200 loft-style apartments. | 610 S. Main St | Anticipated Completion Date Fall 2001 |
| 38 | Pan American Building | Adaptive Reuse: 48 loft-style apartments; conversion from office use. | 610 S. Main St | Proposed |
| 39 | The Sassony Building | Loft-style apartments. | 626 S. Spring St | Proposed |
| 40 | Palace Theatre | Undergoing renovations to accommodate meetings and performances. Major restoration is planned within one to two years. | 630 S. Broadway | Currently Under Construction |
| 41 | Los Angeles Theatre Parking | 500-car parking garage adjunct to renovated 2,000-seat theater. | 615 S. Broadway | Proposed |
| 42 | Pershing Square Center | Mixed-use development: office, hotel & retail uses. | NE corner of 5th St. & Olive St. | Approved |
| 43 | Metropolis Project/City Centre Development | Entitled project includes 3 office buildings, a 500-room hotel, a 200,000- to 300,000-sf retail component, and a cultural facility adjacent to the Convention center. Owner is exploring the possibility of increasing visitor-serving uses (hotel & entertainment) and reducing office component. Project commencement date is March 2002. | SEC Grand Ave & 7 th St | Approved, <u>On-hold.</u> |
| 44 | 617 W. 7th Street | Renovation of existing office building | 617 W. 7th Street | Anticipated Completion Date May 2001. |
| 45 | Standard Hotel | Adaptive reuse from office building to 200-room hotel. | 550 S. Flower St | Anticipated Completion Date Sept 2001 |
| 46 | <u>Little Joe's & Capitol Mills</u> | <u>Mixed use development/renovation consisting of a 350-room hotel, 5,000 sf of retail, 20,000 sf restaurant, 30 artists lofts.</u> | <u>NE Corner of Alameda St and College St.</u> | <u>Proposed</u> |
| 47 | <u>Alameda District Plan⁴</u> | <u>Mixed use of 82,000 sf of office space, 750-room hotel, 300 apartments, 2,500 sf of retail, and a 70,000 sf museum.</u> | <u>Alameda St and Los Angeles St</u> | <u>Proposed⁴</u> |
| 48 | <u>Los Angeles Entertainment District (Staples Center Phase II)</u> | <u>A 1,200 room convention "headquarters" hotel on Olympic Blvd., entertainment; retail, restaurant & office space; a parking garage; and outdoor plaza that can accommodate up to 50,000 people; a 600-room, all-suites-extended hotel on Figueroa St., music venues; clubs. Site is currently used as surface parking for the Staples Center</u> | <u>NWC 11th St & Figueroa St</u> | <u>Proposed</u> |
| 49 | <u>Los Angeles Entertainment District (Staples Center Phase III)</u> | <u>Two residential towers with approximately 800 units total, two small office and retail developments, a sports medicine facility and health club, and 5,000-7,000 seat performance theatre.</u> | <u>SEC 11th St & Figueroa St.</u> | <u>Proposed 2004</u> |

TABLE 2-2: LIST OF RELATED PROJECTS

| ID # | Projects | Description | Location | Status |
|-------------|-----------------------|--|--|---------------|
| 50 | Shuwa Investment Corp | In discussion with multiple owners to acquire their property and put together a 7.2-acre site including the historic Parkinson building. Preliminary plans include a 50,000-60,000 sf supermarket, 800 to 1,000 units of housing, some retail. | Block Bounded by Flower, Ninth, Hope and Eighth Street | Proposed |
| 51 | Citicorp Plaza II | New Development: Office Building, approximately 800,000 sf | 755 S. Figueroa St | Approved |

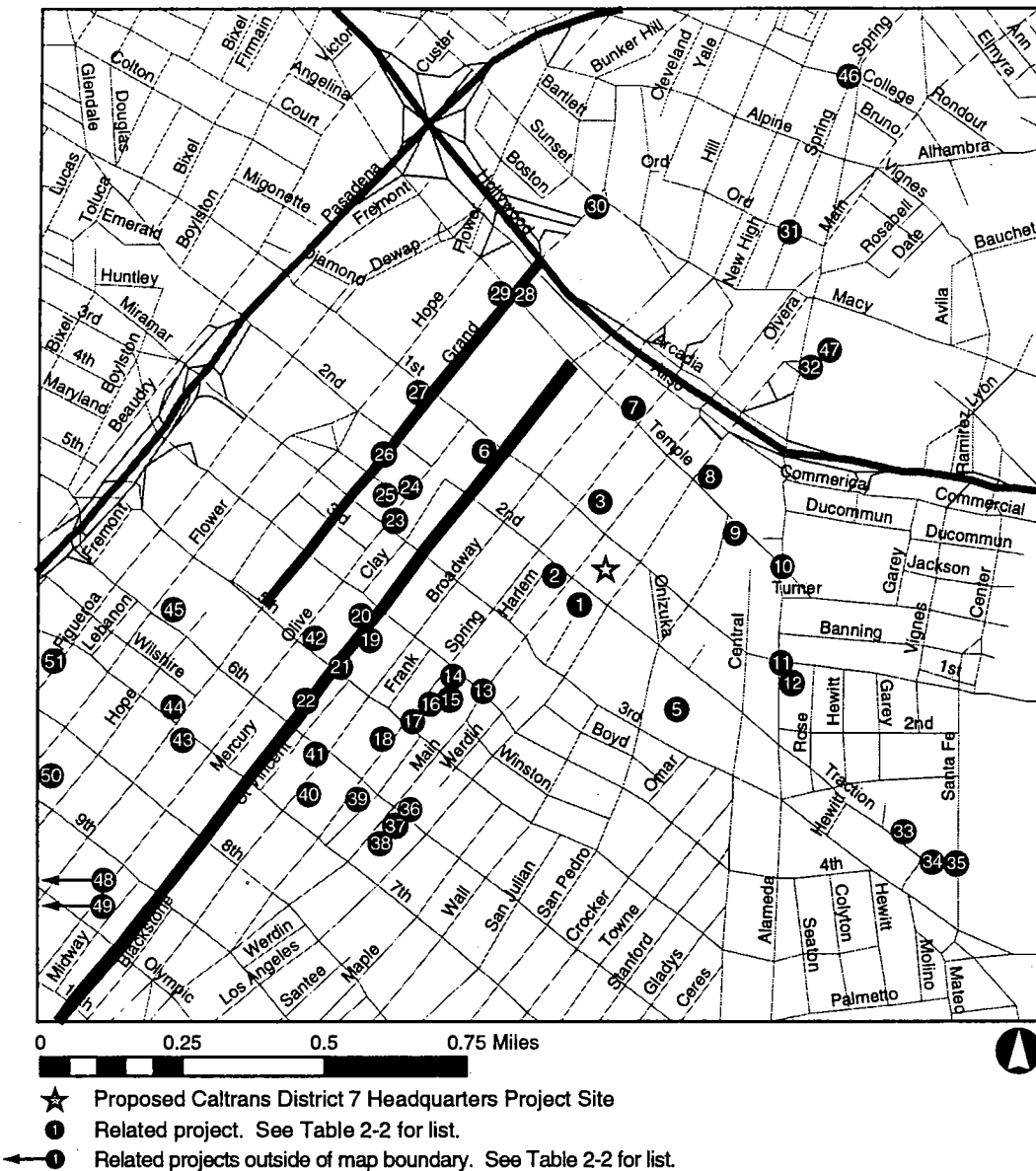
Notes:

1. Proposed: These projects are currently being proposed, and are beginning the planning and permitting process.
2. Planned: These projects are currently in the planning and permitting process.
3. Approved: These projects have gone through the planning and permitting process. The developer may start construction in a relatively short period of time.
4. The only components of the Alameda District Plan that have been completed are the Infomart and the Metropolitan Water District Headquarters Facility. Permits for further development have not been filed at this time.

du = dwelling units

Sources: Kaku Associates, Inc.; Central Business Improvement District; Myra L. Frank & Associates, Inc., 2001.

FIGURE 2-7: LOCATIONS OF RELATED PROJECTS



Sources: United States Census Bureau, 1995; Kaku Associates, Inc., 2001; Central Business Improvement District, 2001; Myra L. Frank & Associates, Inc., 2001.

The discussion of alternatives to the proposed project in Chapter 3 of the Draft EIR has been revised as shown below and on the following pages.

3-1 INTRODUCTION

Section 15126.6(a) of the *CEQA Guidelines* requires that an EIR “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” The objectives of the proposed project are to design, construct, and prepare a new Caltrans District 7 headquarters building for occupancy that:

- Meets Caltrans District 7 long-range programmatic requirements including:
 - sufficient square footage to accommodate consolidation of District 7 employees in a single building in downtown Los Angeles.
 - technological needs and functional requirements.
- Complies with all applicable state and local laws.
- Represents a prudent and cost-effective use of state financial resources.
- Minimizes impacts to the environment.
- Is energy efficient and incorporates technologies that sustain the environment and reduce operating costs over the long term.
- Enhances the working environment for Caltrans employees and the living environment for the people who live and work in the immediate neighborhood.
- Demonstrates design excellence.
- Is consistent with the goals and objectives of the Los Angeles Civic Center Shared Facilities and Enhancement Plan (the “Ten Minute Diamond Plan”).

The word “feasible” is defined by the *State CEQA Guidelines* as “...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (§ 15364).

Three build alternatives, which propose construction of a new headquarters facility on the block bounded by 1st, Los Angeles, 2nd, and Main Streets, are described in Chapter 2 and evaluated in Chapter 4 of this EIR. This chapter discusses other alternatives to development of a new headquarters on the proposed project site that were investigated by Caltrans in prior studies but eliminated from further consideration as potential preferred alternatives for detailed analysis in this EIR because of economic, operational, functional, and other reasons. These alternatives, however, remain potentially feasible alternatives to the proposed project under CEQA. Also

provided below is a discussion of the No Project Alternative as required by CEQA. Additionally, Section 3-4 discusses the “Environmentally Superior Alternative” as required by Section 1526.6(e)(2) of the *CEQA Guidelines*.

3-2 NO PROJECT ALTERNATIVE

According to the *CEQA Guidelines* (Section 15126.6(e)(3)(B)), the No Project Alternative is defined as the “circumstance under which the project does not proceed.” The impacts of the No Project Alternative shall be analyzed “by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” The purpose of describing and analyzing the No Project Alternative is “to allow decisionmakers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project.”

Under the No Project Alternative, Caltrans District 7 employees would continue to be located in the existing headquarters facility at 120 S. Spring Street and in leased space at various locations in downtown Los Angeles.¹ The existing parking lot bounded by 2nd Street on the south and Main and Los Angeles Streets on the west and east would continue to be used for parking by Caltrans employees. No buildings would be demolished under this alternative. As a consequence, the proposed project would not result in any of the potential impacts of the proposed project alternatives described in Chapter 2 of this EIR.

Specifically, the No Project Alternative would not result in impacts to historical resources since it would not require ~~due to~~ demolition of the Caltrans building at 120 S. Spring Street. This building was completed in 1949 and appears eligible for the California Register of Historical Places and the National Register of Historic Places. The No Project Alternative would also not disturb, destroy, or alter archaeological resources that may be present on the project site. No significant construction air quality impacts would occur under the No Project Alternative (note: ongoing improvements to the buildings electrical and fire detection and prevention systems could result in minor amounts of construction-related pollutant emissions). As described in Chapter 4 of this EIR, the three proposed build alternatives could result in nitrogen oxide pollutant emissions generated by construction activities that exceed South Coast Air Quality Management District significance thresholds. Since the No Project Alternative would include no new construction, it would not change the visual setting of the area or affect existing views and viewsheds. It would not result in additional shade and shadow or new sources of light and glare as could occur under the proposed build alternatives. The No Project Alternative would not result in the potential release of hazardous materials. The No Project Alternative would not displace existing uses.

¹ A mitigation program has been implemented to address code violations in the existing Caltrans District 7 main headquarters and annex buildings. This program includes improvements to the building’s electrical, fire, life, and safety systems and improvements to meet ADA requirements. Work is ongoing and is expected to be completed in early 2002. Because of the code violations and implementation of the mitigation program, approximately 600 Caltrans employees have been relocated to leased space at various locations in downtown Los Angeles.

No temporary construction noise impacts would occur under the No Project Alternative. The No Project Alternative would not result in the minor increases in utility consumption and the demand for public services that could occur under the proposed build alternatives. However, it should also be noted that the proposed new Caltrans headquarters building would be substantially more energy efficient and result in significantly less water consumption per employee than the existing Caltrans building. The No Project would result in none of the traffic impacts or hydrology/water quality impacts that would occur under the proposed build alternatives.

Although the No Project would not result in the impacts that could occur under the build alternatives, it would not fulfill the project objectives identified above. Under the No Project Alternative, most Caltrans District 7 employees would continue to be housed in an antiquated building that is physically and functionally obsolete, is energy inefficient, does not comply with current building standards and codes, and contains inadequate space to meet Caltrans needs.

3-3 ALTERNATIVES CONSIDERED PREVIOUSLY **STUDIED BUT REJECTED ELIMINATED FROM** **FURTHER CONSIDERATION**

A Project Proposal and Economic Analysis, Caltrans – District #7, Los Angeles was prepared by the State of California in January 2000. This report included a comparative economic and programmatic analysis of various project alternatives. These alternatives included leasing existing office space elsewhere in the downtown area, renovating the existing headquarters building, purchasing and renovating an existing building, and siting and constructing the project on privately owned land. These alternatives would not include the land exchange between the City and the State that would occur under Alternatives 2 and 3 (see Chapter 2). Each of these economic analysis alternatives, their potential environmental effects, and the reasons they were eliminated from further consideration as potential preferred alternatives for detailed analysis in this EIR are discussed below.

3-3.1 Lease Alternative

According to the January 2000 study, there are currently several buildings of Class “A” quality available in the downtown Los Angeles area that meet Caltrans’ square footage needs. Many of these buildings were constructed in the early to middle 1980s, would need retrofitting to meet current codes, and therefore are not considered to be models of energy efficiency and sustainable design. Since this alternative would involve the use of an existing building, environmental impacts would be generally limited to those that would occur as a result of any construction activities required to retrofit the building (note: this presumes that the building to be leased is currently occupied or has been vacant for less than 2 years). Some new operational impacts may also occur if the Caltrans autoshop is relocated to the leased building. These impacts are described below. ~~It is expected that these impacts would be minimal and would include construction air quality impacts due to interior demolition and renovation work, solid waste impacts due to disposal of construction/demolition debris, construction noise impacts, and~~

~~consumption of utilities during construction.~~ None of the significant impacts of the proposed project would occur under this Lease Alternative.

Aesthetics/Light and Glare

Lease of an existing building would not change the existing visual setting, would not obstruct views, and would not result in new light and glare or shade and shadow. In contrast, proposed project Alternatives 2 and 3 could result in potentially significant shade/shadow impacts on the existing Caltrans headquarters block, if the Caltrans property were developed as a public park or plaza, less than significant light and glare impacts, and minor obstructions of views of existing visual resources.

Air Quality

The Lease Alternative would require interior demolition and renovation work, which would generate minor amounts of air pollutant emissions. Minor amounts of emissions would also be generated by construction workers traveling to and from the site and trucks delivering materials. For comparison, the proposed project (Alternatives 1, 2, and 3) would result in substantially greater pollutant emissions of carbon monoxide, reactive organic compounds, sulfur oxides, particulate matter, and nitrogen oxides during construction; however, only nitrogen oxide emissions would exceed South Coast Air Quality Management District significance thresholds.

The Lease Alternative would not result in new operational air quality impacts. Less than significant increases in operational air emissions would occur under Alternatives 1 and 3, while Alternative 2 would result in a decrease in emissions .

Archaeological Resources

Since no ground disturbance is anticipated under the Lease Alternative, no impacts to archaeological resources would occur. In contrast, excavation required for the proposed project (Alternatives 1, 2, and 3) has the potential to disturb, alter, or destroy archaeological resources that may be present on the site, a potentially significant impact. However, these impacts can be mitigated to a level of insignificance.

Paleontological Resources

No impacts to paleontological resources would occur under the Lease Alternative since no excavation would be required. Under the proposed project alternatives, subsurface Pleistocene alluvium and subsurface deposits of the Fernando Formation, which may contain paleontological resources, are likely to be encountered during excavation. As a result, the proposed project alternatives could result in the destruction of any unique fossil resources that may be present on the site, a potentially significant, but mitigable impact.

Historical Resources

It is unlikely that the Lease Alternative would result in adverse impacts to historical resources since the buildings previously considered date from the early to middle 1980's. Additionally, construction would be limited to interior demolition and renovation activities. In contrast,

proposed Alternatives 2 and 3 would result in the demolition of the existing Caltrans headquarters building. This structure appears to be eligible for the California Register of Historical Resources and the National Register of Historic Places. Demolition of the Caltrans headquarters building would be an unavoidable significant adverse impact of the proposed project.

Geology and Soils

The Lease Alternative would not result in slope instability hazards since excavation that could result in unstable soil surfaces would not be required. In contrast, excavation conducted for the proposed project alternatives would extend to a depth of approximately 35 feet and could result in sloughing of the surface and unstable soil zones, if proper construction procedures are not followed. In addition, artificial fill found to depths of up to 15 feet beneath the proposed project site would be susceptible to liquefaction during a strong earthquake, if it were saturated. The potentially significant geologic/seismic hazards that could occur under the proposed project alternatives, however, can be mitigated to a level of insignificance by following proper procedures and removing artificial fill present on the site. Both the building to be leased under this alternative and the new headquarters building that would be constructed under Alternatives 1, 2, and 3 would be subject to strong ground shaking in the event of a major earthquake on a nearby fault. Although it is presumed that the leased building would be able to withstand strong ground shaking without major structural failure, it is likely that a new headquarters facility constructed in accordance with current building/seismic codes would be even less susceptible to damage in the event of an earthquake.

Hazardous Materials

Demolition and renovation activities under the Lease Alternative could result in the generation of construction debris that may contain hazardous materials, though the amounts of these materials are not expected to be substantial and would vary depending on the age of the building (note: buildings constructed prior to 1978 are more likely to contain asbestos containing materials and lead based paint). For comparison, under Alternatives 2 and 3, the existing Caltrans District 7 facility, which contains asbestos-containing material and lead based paint, would be demolished and could result in exposure and mobilization of these contaminants, a potentially significant but mitigable impact. These and other hazardous materials may also be present in other structures on the Spring/Main and Main/Los Angeles blocks that would be demolished under Alternatives 2 and 3. Excavation required under Alternatives 1, 2, and 3 may expose workers and the public to petroleum contaminated soil and possible contaminated perched shallow groundwater, a potentially significant but mitigable impact.

Operation of a Caltrans District 7 headquarters facility in a leased building would result in similar hazardous materials impacts to the proposed project alternatives if the autoshop is relocated to the leased building. These impacts are not expected to be significant.

Hydrology/Water Quality

Since construction under the Lease Alternative would likely be limited to renovation of the building's interior, no changes to drainage patterns or adverse effects on local water quality are

anticipated. No significant impacts to drainage or water quality would occur under the proposed project alternatives (Alternatives 1, 2, and 3).

Land Use

Lease of an existing office building for use for Caltrans District 7 operations would not result in significant new land use impacts. It is expected that construction activities required to renovate the building to meet Caltrans needs would be generally confined to the building interior. Consequently, disruptions to land uses in the vicinity of the leased building due to construction noise and traffic, for example, would be limited, and less extensive than the temporary disruptions due to the proposed project alternatives. If the autoshop is relocated to the leased building, the compatibility of autoshop operations with nearby uses would depend on the location of the autoshop within the leased building and its proximity to nearby sensitive uses. The Lease Alternative would not displace existing buildings/businesses and would not result in a change in land use. In contrast, Alternatives 2 and 3 would require the full acquisition of 8 privately owned parcels containing an estimated 27 businesses and the Latino Museum. These uses would be displaced and existing buildings demolished in order to develop the new headquarters facility.

Noise

Because construction would be generally limited to renovation of the interior of the leased building, the construction noise impacts of the Lease Alternative would be less extensive than those due to the proposed project alternatives. However, as described in Chapter 4, Section 4-11, of the Draft EIR, noise generated during construction of the proposed project alternatives would be temporary, limited to daytime hours, and would not be significant.

It is not expected that the Lease Alternative and the proposed project alternatives (Alternatives 1, 2, and 3) would result in significant operational noise impacts. The Lease Alternative would not generate additional traffic that would significantly increase community noise levels. If the autoshop would be relocated to the leased building, potential noise impacts due to autoshop operations would depend upon the location of the autoshop within the leased building and its proximity to nearby sensitive uses. However, autoshop operations would be limited to daytime hours and significant noise impacts are not anticipated.

Population, Housing, and Employment

The Lease Alternative would not induce additional population growth or displace existing businesses and housing. No significant impacts would occur. For comparison, Alternatives 2 and 3 would require the acquisition of 8 privately owned parcels containing an estimated 27 businesses and the Latino Museum of History, Art, and Culture.

Public Services

Since the Lease Alternative would not result in an increase in office space in downtown Los Angeles, it would not increase the demand for public services. No impacts would occur to public services other than possible minor disruptions during construction due to potential temporary lane closures. For comparison, the proposed project alternatives would result in minor,

insignificant increases in the demands for public services due to the resulting increases in office space and number of employees in the project area. The proposed project alternatives could also temporarily diminish emergency service vehicle access in the immediate area due to lane closures during construction.

Traffic

The Lease Alternative would not result in increased traffic since no new development would be constructed and no increase in the amount of office space in the downtown area would occur (note: this presumes the leased building has not been vacant for more than 2 years; otherwise reuse of the building may be considered as new development generating new trips to the area). In contrast, the net increase in development that could occur under the proposed project alternatives would result in significant traffic impacts at 2 of the 27 study intersections under Alternatives 1, 2, and 3 (see the Supplemental Traffic and Circulation Study in Appendix A of this Final EIR). These impacts, however, can be mitigated to a level of insignificance. Construction traffic impacts under the Lease Alternative and proposed project alternatives would not be significant; however, it is possible lane closures could be required for longer periods of time under the proposed project alternatives due to the more extensive construction.

Public Utilities & Energy Conservation

Leasing and renovating an existing building would not result in significant impacts to or substantially increase the demand for public utilities. No significant disruptions to utility service are anticipated during construction. Although the proposed project alternatives would increase the demand for water and energy and would generate increased wastewater and solid waste due to the increase in office space and number of employees in the project area, the impacts on public utilities would not be significant. Additionally, it should also be recognized that a new headquarters building would be much more energy efficient than a building constructed in the 1980s. Unless the leased building is substantially upgraded to meet current energy efficiency standards, the energy consumed per employee in the proposed new headquarters building would be substantially less than the energy consumed per employee in the leased building.

Conclusion

Virtually all of the buildings considered in the January 2000 study are high-rise towers and would require Caltrans to ~~break-down~~ divide staff and work flow into smaller work units due to smaller building floor plates. This alternative was also determined to be the most costly of those analyzed in the economic study. For these reasons, this alternative was eliminated from further consideration as a preferred alternative for detailed analysis in this EIR.

3-3.2 Renovation of the Existing Caltrans District 7 Headquarters Building and Development of Other Needed Space

In 1998 the State prepared a study examining the feasibility of renovating the District 7 headquarters (*Renovation Feasibility of District 7 Headquarters*, January 1998). The study

identified proposed improvements that would need to be made to infrastructure elements of the headquarters facility to meet current codes and requirements. The infrastructure elements reviewed in the study included: Mechanical and Plumbing (i.e., heating, ventilation, and air conditioning, plumbing, elevators, escalators, and fire protection systems), Electrical, Telecommunications, Hazardous Materials, Architectural (Fire, Life, and Safety), and ADA requirements. The 1998 study recommended replacement of most of the existing building systems and modernization and/or expansion of others. Additionally, the study identified numerous Fire Marshall violations and determined that there is a large amount of asbestos containing materials that would need abatement during any major renovation project. The study also recommended that during any major renovation project, a complete seismic retrofit of the facility be accomplished as an integral part of the work. Based on the information obtained from onsite investigations and review of previous reports and surveys, the 1998 feasibility study concluded that full renovation of the facility is not considered to be a viable or cost effective option.

The *Project Proposal and Economic Analysis* report prepared by the State in January 2000 elaborated upon the discussion in the 1998 study. The Economic Analysis report concluded that the 1998 feasibility study contained an excellent in-depth analysis of current problems but failed to consider substantial additional design, construction inspection/administration, and seismic upgrade costs. Other costs would include the cost to relocate employees prior to renovation and the cost to lease office space to accommodate the relocated employees. According to the Economic Analysis report, the Department of General Services and Department of Finance reviewed the projected costs associated with a renovation project and concluded that this approach would not be cost effective considering the building would not be large enough to accommodate Caltrans requirements after the renovation. If additional office space were to be constructed on the existing Caltrans employee parking lot between Main and Los Angeles Streets in conjunction with renovation of the existing building, the total cost would be approximately \$175 million according to the Economic Analysis Study (note: this cost estimate does not include the cost of relocating Caltrans employees during renovation and it also does not include the cost of additional office space to accommodate LADOT employees that would be provided under Alternative 3). Based on this cost estimate, the State concluded in the 2000 Economic Analysis study that renovating the current building would not be economically feasible. For these reasons, the Renovation/Reuse Alternative was not identified as a potential preferred alternative for detailed analysis in this EIR. Nonetheless, this alternative is considered to be a potentially feasible alternative under CEQA and a summary of the environmental effects associated with this alternative is provided below.

Under this alternative, the existing District 7 main administration building and annex building would be renovated and retrofitted to bring the buildings up to standards necessary to abate the numerous code, construction, and safety deficiencies that currently exist. The renovated buildings would provide approximately 340,000 gross square feet of floor space. In addition a new 260,000-gross-square-foot office building, with two levels of underground parking and an adjacent 15,000-square-foot warehouse and 16,500-square foot vehicle service facility would be constructed on the site of the existing Caltrans employee parking lot between Main and Spring Streets.

~~Similar to the lease alternative above, impacts would be limited to those that would occur during retrofitting construction activities. However, given the age of the buildings and extent of the existing deficiencies, construction activities would be more substantial and costly than those that would occur under the Lease Alternative. Potential impacts could include construction air quality impacts due to interior and exterior demolition and renovation work, solid waste impacts due to disposal of construction/demolition debris, construction noise impacts, hazardous materials impacts due to presence of asbestos containing building materials, and utilities consumption during construction.~~

Aesthetics/Light and Glare

Except for temporary construction impacts (e.g., stockpiling of materials, construction fencing), renovation of the existing Caltrans buildings would not adversely affect or diminish the visual quality of the immediate project area. Construction of the new 260,000-gross-square foot office building on the adjacent block could alter the visual setting, cast new shade/shadow, create new light and glare, and obstruct views of visual resources in the area. These impacts would be less extensive than those that would occur under Alternative 1 since the new office building proposed under the Renovation/Reuse Alternative would be smaller in size and lower in height. However, neither the Renovation/Reuse Alternative nor Alternative 1 would result in significant visual impacts. The only potentially significant visual impacts that would occur under Alternatives 2 and 3 are shade/shadow impacts on the existing Caltrans headquarters block in the event that block is developed as public square/park in the future.

Air Quality

The Renovation/Reuse Alternative would include renovation of the existing Caltrans District 7 buildings and construction of a new office building on the adjacent block. Construction activities would generate pollutant emissions in amounts that would be similar to or slightly less than the emissions that could occur under Alternatives 1, 2, and 3. As discussed in Chapter 4 of the Draft EIR, only nitrogen oxide emissions are expected to exceed South Coast Air Quality Management District significance thresholds during the peak construction day and peak quarter for Alternatives 1, 2, and 3.

The Renovation/Reuse Alternative would result in similar operational air quality impacts to Alternative 1. These impacts would not be significant.

Archaeological Resources

Excavation required for the Renovation/Reuse Alternative and Alternatives 1, 2, and 3 has the potential to disturb, alter, or destroy archaeological resources that may be present on the site, a potentially significant impact. Most of the excavation under the Renovation/Reuse Alternative would occur on the site of the existing Caltrans employee parking lot. It is anticipated that up to two levels of underground parking would be provided under this alternative, the same as is proposed under Alternatives 1, 2, and 3. Although less excavation would be required because the building footprint for the Renovation/Reuse Alternative would be smaller than what is proposed under Alternatives 1, 2, and 3, the potential still exists that archaeological resources could be present and disturbed during construction. Implementation of the mitigation measures

identified in Chapter 4 of the Draft EIR would reduce the impacts of the Renovation/Reuse Alternative and the project alternatives to a less than significant level.

Paleontological Resources

Under the Renovation/Reuse Alternative and Alternatives 1, 2, and 3, the existing Caltrans employee parking lot would be excavated to provide up to two levels of underground parking. Due to the depth of excavation, approximately 35 feet, subsurface Pleistocene alluvium and subsurface deposits of the Fernando Formation, which may contain paleontological resources, are likely to be encountered during construction. Although the footprint of the new office building proposed under the Renovation/Reuse Alternative would be smaller than the new headquarters buildings proposed under Alternatives 1, 2, and 3, each of the alternatives could result in the destruction of any unique fossil resources that may be present on the site, a potentially significant, but mitigable impact.

Historical Resources

Because of the numerous code violations and safety and seismic deficiencies, renovation of the existing Caltrans main administrative building and annex would require substantial alterations to the existing structures. Renovation of the historic main headquarters building would be governed by regulations in the State Historical Building Code, which provides for alternative structural regulations for historical buildings. Although the intent of the State Historical Building Code is to permit possible alternative cost-effective design solutions that allow for both preservation and building safety, it is likely substantial alterations would be required resulting in the potential loss or removal of original materials and historic fabric, a potentially significant effect. Further analysis and study would be required to determine the extent of exterior alterations and impacts to any character defining features. In contrast, Alternatives 2 and 3 propose the demolition of the existing Caltrans headquarters facility, a significant unavoidable adverse impact. Under Alternative 1, the Caltrans headquarters building would remain, be designated surplus property, and would be properly secured and maintained.

Geology and Soils

The Renovation/Reuse Alternative would require excavation to depth of approximately 35 feet to accommodate two levels of underground parking and a new office building on the site of the existing Caltrans employee parking lot. Though the building footprint is smaller, the depth of excavation is similar to what would be required for Alternatives 1, 2, and 3 and could result in sloughing of the surface and unstable soil zones, if proper construction procedures are not followed. In addition, artificial fill found to depths of 15 feet beneath the proposed project site would be susceptible to liquefaction during a strong earthquake, if it were saturated. The potentially significant geologic/seismic hazards that could occur under the proposed project alternatives, however, can be mitigated to a level of insignificance by following proper procedures and removing artificial fill present on the site.

Both the existing Caltrans buildings and the new headquarters building that would be constructed under Alternatives 1, 2, and 3 would be subject to strong ground shaking in the event of a major earthquake on a nearby fault. Renovation of the existing Caltrans building would include

seismic upgrade improvements to enable the building to withstand strong ground shaking without major structural failure. Notwithstanding these improvements, it is possible that an entirely new headquarters facility constructed in accordance with current building/seismic codes would be even less susceptible to damage in the event of a major earthquake.

Hazardous Materials

Large amounts of asbestos containing materials are present in the existing Caltrans headquarters buildings (main administration building and annex). Renovation of the existing buildings would include a hazardous materials abatement program to address this issue. Under Alternatives 2 and 3, the existing Caltrans facility would be demolished, which could result in exposure or mobilization of asbestos containing materials and/or lead based paint contaminants. Other buildings on the Spring/Main and Main/Los Angeles blocks, due to their age, may also contain hazardous materials. These impacts are considered to be potentially significant but mitigable.

Excavation of the Caltrans employee parking lot between Main and Los Angeles Streets would be required to construct the new office building proposed under the Renovation/Reuse Alternative and Alternatives 1, 2, and 3. Excavation activities may expose workers and the public to petroleum contaminated soil and possible contaminated perched shallow groundwater, a potentially significant but mitigable impact. The amount of excavation that would be required under the Renovation/Reuse Alternative would be less than the three project alternatives because of the smaller building footprint.

The operational hazardous materials impacts under the Renovation/Reuse Alternative would be similar to those of the three project alternatives, Alternatives 1, 2, and 3, which were described in detail in Chapter 4 of the Draft EIR. These impacts are not expected to be significant.

Hydrology/Water Quality

The Renovation/Reuse Alternative and the three project alternatives would not substantially change drainage patterns or have adverse effects on local water quality. No significant impacts would occur.

Land Use

Construction activities associated with the Renovation/Reuse Alternative and the three project alternatives could result in increased noise and traffic and temporary lane closures that could be annoying or disruptive to nearby land uses. These impacts, however, would be temporary and would not be significant. The Renovation/Reuse Alternative would have similar land use impacts to Alternative 1. No significant land use impacts would occur. Unlike Alternatives 2 and 3, the Renovation/Reuse Alternative would not require the acquisition of 8 privately owned parcels and the displacement of 27 businesses and the Latino Museum.

Noise

Construction noise impacts would be similar to those for Alternative 1. The impacts would be temporary, limited to daytime hours, and would not be significant because the contractor will be required to adhere to the applicable city noise ordinances governing construction noise.

It is not expected that the Renovation/Reuse Alternative and the proposed project alternatives (Alternatives 1, 2, and 3) would result in significant operational noise impacts. The Renovation/Reuse Alternative would not generate additional traffic that would significantly increase community noise levels. Under this alternative, it is anticipated that the autoshop would be located in a separate building located along Los Angeles Street. Potential noise impacts due to autoshop operations are not expected to be significant since autoshop operations would be limited to daytime hours and the building structure would provide some noise shielding.

Population, Housing, and Employment

The Renovation/Reuse Alternative would be similar to Alternative 1 and would not induce substantial additional population growth or displace existing businesses and housing. No significant impacts would occur. For comparison, Alternatives 2 and 3 would require the acquisition of 8 privately owned parcels containing an estimated 27 businesses and the Latino Museum of History, Art, and Culture.

Public Services

During construction, minor disruptions to public services could occur due to potential temporary lane closures. The increase in the amount of office space and number of employees under the Renovation/Reuse Alternative and the proposed project alternatives would result in minor, insignificant increases in the demands for public services.

Traffic

The Renovation/Reuse Alternative would result in traffic impacts similar to Alternative 1. As described in the Supplemental Traffic and Circulation Study (see Appendix A of this Final EIR), significant traffic impacts would occur at 2 of the 27 study intersections under Alternatives 1, 2, and 3. The impacts at these two intersections can be mitigated to a level of insignificance. Consequently, it's fair to assume that similar mitigation would occur for this alternative. Construction traffic impacts under the Renovation/Reuse Alternative and proposed project alternatives are not expected to be significant.

Public Utilities & Energy Conservation

No significant disruptions to utility service are anticipated during construction of any of the alternatives. Although the Renovation/Reuse Alternative and proposed project alternatives would increase the demand for water and energy and would generate increased wastewater and solid waste due to the increase in office space and number of employees in the project area, the impacts on public utilities would not be significant. Additionally, unless the existing Caltrans building is substantially upgraded to meet current energy efficiency standards, the energy consumed per employee under the Renovation/Reuse Alternative would be greater than the energy consumed per employee if an entirely new headquarters facility is constructed as proposed under Alternatives 1, 2, or 3.

Conclusion

According to the January 2000 economic study, this alternative would leave the State (Caltrans) with an old, functionally and programmatically inefficient building that would probably be worth less in market value than the amount of money spent to modernize it. The renovated building, by itself, would also not be large enough to accommodate Caltrans' needs and development of the adjacent 260,000 square foot office building would not allow consolidation of Caltrans employees in a single location with adequate onsite parking. For these reasons, this alternative was eliminated from further consideration as a preferred alternative for detailed analysis in this EIR.

3-3.3 Purchasing an Existing Building

This alternative is similar to the Lease Alternative above. However, under this alternative, the State would purchase rather than lease an existing building for use as a new Caltrans District 7 headquarters facility. The environmental impacts of this alternative would be similar to those for the Lease Alternative described above and would be generally limited to construction impacts during building retrofitting (note: this presumes that the building to be purchased is currently occupied or has been vacant for less than 2 years). Some new operational impacts may also occur if the Caltrans autoshop is relocated to the purchased building. According to the January 2000 study, virtually every building that has the square footage necessary to house Caltrans 603,500 gross-square-foot space requirement are high rise towers with small floor plates. The small floor plates would require Caltrans to break down staff and work flow into smaller units adversely affecting work efficiency. These buildings also have square footage capacities far in excess of what Caltrans requires. Purchase of a building by the State would also result in the loss of tax revenues due to the removal of income-generating property from the tax roll. Because of the lack of suitable buildings and probable retrofit and upgrade costs that would be associated with a building purchase, this alternative was eliminated from further consideration as a preferred alternative for detailed analysis in this EIR.

3-3.4 Siting and Constructing the Project on Privately Owned Land

~~This alternative would consist of constructing a new Caltrans District 7 headquarters facility in the downtown area on privately owned land that would be purchased by the State. This alternative could result in impacts very similar to those described in Chapter 4 for the three build alternatives depending upon the location of the privately owned property. If no buildings are located on the property to be purchased, then the impacts could be similar to those described for Alternative 1 (see Chapter 4). Archaeological resources, paleontological resources, traffic, and hazardous materials would depend on the location of the site to be purchased. Land use and visual impacts would also be contingent upon the presence and sensitivity of resources in the vicinity. Under this alternative, the existing Caltrans headquarters building would be vacated, properly secured and maintained, and declared surplus state property.~~

A survey of the project area was conducted for this EIR to identify a suitable site that would be of sufficient size to accommodate the proposed new headquarters facility. Based on this review,

the block bounded by Main, 3rd, Los Angeles, and 4th Streets was identified as a potential alternative location for the proposed headquarters facility. Most of the site is currently used as a commercial surface parking lot, which is operated by Joe's Auto Parks. The Downtown Women's Center occupies two buildings at 325 South Los Angeles Street and several commercial businesses occupy the buildings at the southwest corner of the 3rd and Los Angeles Streets. The entire block encompasses approximately 5 acres. The site is large enough to accommodate a new headquarters building and parking facility as well as the existing commercial buildings in the northeast corner of the block and the Downtown Women's Center located midblock along Los Angeles Street. The impacts of this alternative are described below.

Aesthetics/Light and Glare

A new headquarters facility on this site could cast shade/shadow on the Downtown Women's Center. The Downtown Women's Center includes 47 single residential units, which provide long-term shelter for formerly homeless women. The extent and duration of shade/shadow impacts would depend on the height of the proposed buildings and the location of the headquarters facility on the site; however, the shade/shadow impacts on the Downtown Women's Center could be potentially significant.

A new headquarters facility on this site may also obstruct views of St. Vibiana's Cathedral from the residential units in the San Fernando Building at the southeast corner of 4th and Main Streets. This impact is not expected to be significant because the existing views are diminished by the existing surface parking lots and the distance of the San Fernando Building from St. Vibiana's Cathedral.

Air Quality

The magnitude of construction air quality impacts would largely depend on the amount of excavation required on the site and volume of truck traffic hauling excavated soil and materials. If two levels of underground parking are provided, as proposed under the three project alternatives, construction air quality impacts would be similar to those described in Chapter 4 of the Draft EIR. According to the Draft EIR analyses, Alternatives 1, 2, and 3 would result in emissions of nitrogen oxides that exceed South Coast Air Quality Management District significance thresholds for the peak construction day and quarter. Other emissions would not exceed District thresholds.

Similar to the proposed project alternatives, this alternative would not result in significant operational air quality impacts.

Archaeological Resources

Based on a review of previous records and Sanborn maps, the potential for encountering archaeological resources at this alternative site is expected to be similar or perhaps slightly greater to the potential at the proposed project site. It is possible, based on a review of the Sanborn maps, that subsurface basements and other resources on the site may be more intact than those on the proposed project site. Consequently, excavation at this site and the proposed project site has the potential to disturb, alter, or destroy archaeological resources, a potentially significant impact. However, these impacts can be mitigated to a level of insignificance.

Paleontological Resources

If two levels of underground parking are provided, excavation could encounter subsurface Pleistocene alluvium or subsurface deposits of the Fernando Formation, which may contain paleontological resources. Excavation activities could result in the destruction of any unique fossil resources that may be present on the site, a potentially significant but mitigable impact. The potential for impacts would be similar to the potential at the proposed project site.

Historical Resources

This alternative would not result in the removal or demolition of structures that are historically significant. Under this alternative and Alternative 1, the existing Caltrans headquarters building, which appears eligible for the California and National Registers, would be vacated, properly secured and maintained, and would be declared surplus state property. No significant impacts to historical resources would occur.

Geology and Soils

It is expected that the geology and soils impacts would be similar to those that would occur under the proposed project alternatives. Excavation could result in sloughing of the surface and unstable soil zones, if proper construction procedures are not followed. If artificial fill is located on the site, it could be susceptible to liquefaction during a strong earthquake if it were saturated. Removal of fill material would mitigate potential hazards. Other geologic and seismic hazards could be mitigated by following proper procedures during construction and designing and constructing the new headquarters facility in accordance with current building/seismic codes.

Hazardous Materials

Existing uses on the property include commercial import businesses located in the buildings in the northeast corner of the block, the Downtown Women's Center, and a commercial surface parking lot. These uses and other nearby uses do not appear to be significant hazardous waste generators. Additional investigation would be required to determine the extent of any soil or groundwater contamination caused by previous uses on or near the project site. If hazardous materials were encountered during construction, they would be handled, treated, and disposed of in accordance with all applicable laws and regulations. No significant unavoidable adverse impacts are anticipated.

Hydrology/Water Quality

The project site contains predominantly impervious surfaces and slopes to the east/southeast. Similar to the proposed project alternatives, no significant changes in drainage patterns would occur and no significant adverse impacts on water quality are anticipated.

Land Use

The project site is zoned M2-4 (light industrial uses, height district 4) and designated for community commercial uses in the Central City Community Plan. The community commercial designation allows a wide range of uses including public facilities such as the proposed Caltrans

headquarters facility. Most of the project site is occupied by a commercial surface parking lot. The Downtown Women's Center is located midblock along Los Angeles Street and several businesses are located in the commercial buildings in the northeast corner of the block. This alternative would require the acquisition of the property occupied by the commercial parking lot. Development of a new headquarters building would be consistent with zoning and land use designations for the site. With the exception of the Downtown Women's Center, development of a proposed office building on the site would be consistent and compatible with nearby land uses.

Noise and traffic generated by construction activities could be annoying or disruptive to nearby sensitive land uses including the Downtown Women's Center and the residents of the San Fernando Building located on the south side of 4th Street. These impacts would be temporary and limited to daytime hours and consequently would not be significant.

Noise

Construction noise could adversely affect residents of the Downtown Women's Center and the San Fernando Building due to their proximity to the construction site. The impacts, however, would be temporary, limited to daytime hours, and consequently would not be significant.

It is not expected that this alternative and the proposed project alternatives (Alternatives 1, 2, and 3) would result in significant operational noise impacts. This alternative would not generate additional traffic that would significantly increase community noise levels. Potential noise impacts due to the autoshop are not expected to be significant since autoshop activities would be limited to daytime hours and it is likely that the autoshop would be shielded from nearby uses by the structure of the building in which it is located.

Population, Housing, and Employment

This alternative would not induce substantial additional population growth or result in significant displacements. The only existing business that would be displaced would be Joes Auto Parks, a commercial parking lot. No housing would be displaced. No significant population, housing, or employment impacts would occur. For comparison, Alternatives 2 and 3 would require the acquisition of 8 privately owned parcels containing an estimated 27 businesses and the Latino Museum of History, Art, and Culture.

Public Services

During construction, minor disruptions to public services could occur due to potential temporary lane closures. The increase in the amount of office space and number of employees under this alternative and the proposed project alternatives would result in minor, insignificant increases in the demands for public services.

Traffic

This alternative would result in traffic impacts that are likely to be similar to those that would occur under Alternative 1. There may be slight differences in the intersections affected and the level of congestion at the affected intersections due to the fact that this alternative site is located one block south of the proposed project site. As described in the Supplemental Traffic and

Circulation Study (see Appendix A* of this Final EIR), significant traffic impacts would occur at 2 of the 27 study intersections under Alternatives 1, 2, and 3. These impacts can be mitigated to a level of insignificance. Consequently, its fair to assume that similar impacts and mitigation would occur on this site. Construction traffic impacts under this alternative and proposed project alternatives are not expected to be significant.

Public Utilities & Energy Conservation

No significant disruptions to utility service are anticipated during construction of any of the alternatives. Although this alternative and the proposed project alternatives would increase the demand for water and energy and would generate increased wastewater and solid waste due to the increase in office space and number of employees in the project area, the impacts on public utilities would not be significant.

Conclusion

Purchase of private property by the State would result in the loss of tax revenues due to the removal of income-generating property from the tax roll (note: loss of tax revenues would also occur due to removal of income-generating property under Alternatives 2 and 3). According to the January 2000 economic study, the cost of this alternative would be nearly \$7 million higher than using Caltrans owned land based on additional land acquisition costs alone. Additionally, this site is located slightly farther from other government uses in the Civic Center area and the transit center at Union Station than the proposed project site. Potential construction noise and shade/shadow impacts on the Downtown Women's Center, which provides long-term shelter for formerly homeless women, is also a concern. For this these reasons, this alternative was eliminated from further consideration as a preferred alternative for detailed analysis in this EIR.

3-3.5 Alternative Publicly Owned Sites

A survey of the project area was conducted for this EIR to identify other publicly owned properties that would be suitable and of sufficient size to accommodate a proposed Caltrans District 7 headquarters facility. As a result of the survey, the southern half of the block bounded by West Temple Street, Spring Street, 1st Street, and Broadway was identified as a potential alternative location. This site is approximately 2.5 acres (100,000 square feet) in size and is occupied by a parking lot and vacant area. The site was formerly occupied by a state office building, which was demolished in the 1970s. Los Angeles City Hall is located to the east of the site across Spring Street. The historic art deco Los Angeles Times Mirror building is located to the south across 1st Street. The Los Angeles County Law Library, Court of Flags, and Hall of Records is located to the west across Broadway. The Los Angeles County Criminal Courts Buildings occupy the north half of the block. The impacts of developing and operation a new Caltrans District 7 headquarters building on this site are described below. Portions of the site are owned by the State of California, City of Los Angeles, and the County of Los Angeles. For the purposes of this analysis, it is assumed that the building height and massing would be same for this site as for Alternative 1 but greater than the building proposed under Alternative 2.

Aesthetics/Light and Glare

A new headquarters facility on this site could cast shade/shadow on the Court of Flags and the Paseo de Los Pobladores during the winter months. These are open spaces within the Civic Center area and the shade/shadow impacts could be potentially significant. The Ten Minute Diamond Plan proposes that the existing Civic Center Mall should be completed and transformed into a lush park-like setting to become the “Civic Gardens.” The Civic Gardens would extend from Department of Water and Power headquarters down the hill to City Hall and would border the site on the north. According to the Ten Minute Diamond Plan, the terraced gardens would serve as a green oasis for workers, visitors, tourists, and residents. Development of a new office building would cast shade/shadow on the proposed Civic Gardens, a potentially significant impact. Shade/shadow may also affect City Hall and the lawn area to the south during the late afternoon in early summer (summer solstice).

A new headquarters facility on this site may also obstruct pedestrians’ and motorists’ views of historic Los Angeles City Hall as they travel east along 1st Street between Hill and Spring Streets and north along Broadway as they approach 1st Street.

Development of the site would also result in the removal of the landscaping and trees that border the property on the west, south, and east.

Air Quality

The construction air quality impacts are likely to be similar to those described in Chapter 4 of the Draft EIR. According to the Draft EIR analyses, Alternatives 1, 2, and 3 would result in emissions of nitrogen oxides that exceed South Coast Air Quality Management District significance thresholds for the peak construction day and quarter. Other emissions would not exceed District thresholds.

Similar to the proposed project alternatives, this alternative would not result in significant operational air quality impacts.

Archaeological Resources

According to the *Draft Environmental Impact Statement Los Angeles U.S. Courthouse* (February 2001), no cultural resources have been previously recorded on this site and the archaeological sensitivity of this site is not considered high. However, there is the potential for small areas of undisturbed soil to yield either historic or prehistoric features and consequently archaeological monitoring would be recommended during construction.

Paleontological Resources

Excavation could encounter subsurface Pleistocene alluvium or subsurface deposits of the Fernando Formation, which may contain paleontological resources. Excavation activities could result in the destruction of any unique fossil resources that may be present on the site, a potentially significant but mitigable impact.

Historical Resources

This alternative would not result in the removal or demolition of structures that are historically significant. Under this alternative and Alternative 1, the existing Caltrans headquarters building would be vacated, properly secured and maintained, and would be declared surplus state property. No significant impacts to historical resources would occur.

Geology and Soils

It is expected that the geology and soils impacts would be similar to those that would occur under the proposed project alternatives. Excavation could result in sloughing of the surface and unstable soil zones, if proper construction procedures are not followed. If artificial fill is located on the site, it could be susceptible to liquefaction during a strong earthquake if it were saturated. Removal of fill material would mitigate potential hazards. Other geologic and seismic hazards could be mitigated by following proper procedures during construction and designing and constructing the new headquarters facility in accordance with current building/seismic codes.

Hazardous Materials

The project site consists of a parking lot and undeveloped land. According to the *Draft Environmental Impact Statement Los Angeles U.S. Courthouse* (February 2001), no evidence of surface contamination was identified on the site and historical land uses included no environmentally undesirable businesses. Additionally, the site is not listed on the regulatory database search performed for the Draft EIS for the Courthouse project. However, further investigation may be warranted to confirm the absence of hazardous waste contamination. If hazardous materials were encountered during construction, they would be handled, treated, and disposed of in accordance with all applicable laws and regulations. No significant unavoidable adverse impacts are anticipated.

Hydrology/Water Quality

The project site contains impervious surfaces and undeveloped land and slopes to the south/southeast. Similar to the proposed project alternatives, no significant changes in drainage patterns would occur and no significant adverse impacts on water quality are anticipated.

Land Use

The project site is zoned C2-4 (commercial, height district 4) and designated for civic center uses in the Central City Community Plan. The project site contains a parking lot and undeveloped land. Development of a new office building would be consistent with zoning and land use designations for the site and would be compatible with other civic center uses. The Ten Minute Diamond Plan proposes that the existing Civic Center Mall should be completed and transformed into a lush park-like setting to become the “Civic Gardens.” The Civic Gardens would extend from Department of Water and Power headquarters down the hill to City Hall. According to the Ten Minute Diamond Plan, the terraced gardens would serve as a green oasis for workers, visitors, tourists, and residents. Although the proposed office building would be consistent with other government office buildings in the area including those that currently border the Civic

Center Mall, as noted above, shade shadow could be cast on the proposed “Civic Gardens” during the winter, a potentially significant impact.

Noise

Although there are no sensitive residential uses in the area, construction noise could be annoying and disruptive to persons in the vicinity of the construction site. The impacts, however, would be temporary, limited to daytime hours, and would not be significant.

It is not expected that this alternative and the proposed project alternatives (Alternatives 1, 2, and 3) would result in significant operational noise impacts. This alternative would not generate additional traffic that would significantly increase community noise levels. Potential noise impacts due to the autoshop are not expected to be significant since autoshop activities would be limited to daytime hours and it is likely that the autoshop would be shielded from nearby uses by the structure of the building in which it is located.

Population, Housing, and Employment

This alternative would not induce substantial additional population growth or result in significant displacements. The only existing business that would be displaced would be the operators of the parking lot. No housing would be displaced. No significant population, housing, or employment impacts would occur. For comparison, Alternatives 2 and 3 would require the acquisition of 8 privately owned parcels containing an estimated 27 businesses and the Latino Museum of History, Art, and Culture.

Public Services

During construction, minor disruptions to public services could occur due to potential temporary lane closures. The increase in the amount of office space and number of employees under this alternative and the proposed project alternatives would result in minor, insignificant increases in the demands for public services.

Traffic

This alternative would result in traffic impacts that are likely to be very similar to those that would occur under Alternative 1 since the site is located within a block of the project site. As described in the Supplemental Traffic and Circulation Study (see Appendix A of this Final EIR), significant traffic impacts would occur at 2 of the 27 study intersections under Alternatives 1, 2, and 3. These impacts can be mitigated to a level of insignificance. Consequently, it’s fair to assume that similar mitigation would occur under this alternative. Construction traffic impacts under this alternative and proposed project alternatives are not expected to be significant.

Public Utilities & Energy Conservation

No significant disruptions to utility service are anticipated during construction of any of the alternatives. Although this alternative and the proposed project alternatives would increase the demand for water and energy and would generate increased wastewater and solid waste due to the increase in office space and number of employees in the project area, the impacts on public

utilities would not be significant. Based on information in the U.S. Courthouse EIS, existing utilities including local sewer lines appear to have adequate capacity to accommodate future development on the site.

Conclusion

This alternative would result in potentially greater visual (shade/shadow, obstruction of views) impacts than the proposed project alternatives. Other impacts would be similar to those that would occur under Alternative 1. This alternative would, however, require that the State acquire County owned property and that the City transfer its interest in the property to the State.

3-4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative would be the No Project Alternative because of the absence of environmental impacts. However, as discussed above, the No Project Alternative would not fulfill the project objectives. Under the No Project Alternative, most Caltrans District 7 employees would continue to be housed in an antiquated building that is physically and functionally obsolete, is energy inefficient, does not comply with current building standards and codes, and contains inadequate space to meet Caltrans needs.

According to the *CEQA Guidelines*, if the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. The Lease Alternative would be the environmentally superior alternative among all of the other alternatives considered during the planning process. This alternative, however, was determined to be the most costly of those analyzed in the economic study. It is also likely that leased space would have to be located in a high-rise building with small floor plates, which would not meet Caltrans functional and programming needs. For these reasons, this alternative was eliminated from further consideration ~~in a prior study~~ as a potential preferred alternative for detailed analysis in this EIR. The alternative that proposes development of a new headquarters building on the block bounded by 3rd, 4th, Los Angeles, and Main Streets, would result in similar impacts to Alternative 1, though there are potential visual impacts and land use compatibility issues due the proximity of the Downtown Women's Center. Additionally, this alternative would require acquisition of the privately owned property on the block. Development of a new headquarters on the second alternative site, the southern half of the block bounded by Broadway, Temple, Spring and 1st Streets, would result in generally similar impacts to Alternative 1 with the exception of visual impacts which would be greater and potentially significant. This alternative would also require that the State acquire property from the County and the City. Among the three build alternatives described in Chapter 2, Alternative 1 would be the marginally environmentally superior alternative because it would not result in the acquisition or demolition of the privately owned parcels along 1st Street between Spring and Main and Main and Los Angeles Streets. Excavation would disturb a smaller area, consequently, fewer potential archaeological and historical resources could be affected. Additionally, this alternative would result in fewer construction air quality impacts than the other two build alternatives. However, Alternative 1 would generate greater increases in traffic, utility consumption, and demand for public services than Alternatives 2 and 3 since it would not require the removal of the existing uses on the privately owned parcels on the two blocks between Spring and Los Angeles Streets.

The air quality mitigation measures in Section 4-3.3, on page 4-67 of the Draft EIR have been revised as follows:

- AQ-1 Moisten soil not more than 15 minutes prior to moving soil or conduct whatever watering is as necessary to prevent visible dust emissions from exceeding 100 feet in any direction.
- AQ-2 At the completion of each workday, apply chemical stabilizers or additional water to disturbed surface areas sufficient to prevent any visible dust emissions from blowing during the night or weekend.
- AQ-3 Water exposed surfaces at least twice a day under calm conditions. Water as often as needed on windy days when winds are less than 25 miles per hour or during very dry weather in order to maintain a surface crust and prevent the release of visible emissions from the construction site.
- AQ-4 Wash mud-covered tires and under-carriages of trucks leaving construction sites.
- AQ-5 Sweep adjacent streets, as needed, to remove dirt dropped by construction vehicles or mud that would otherwise be carried off by trucks departing project site.
- AQ-6 Securely cover loads with a tight fitting tarp on any truck leaving the construction site.
- AQ-7 Cease grading earthwork during periods when winds exceed 25 miles per hour.

The second paragraph in Section 4-4.2.a, Significance Criteria, on page 4-76 of the Draft EIR has been revised as follows:

In accordance with the *CEQA Guidelines*, a project will have a significant adverse impact on cultural resources if it results in:

- A substantial adverse change in the significance criteria of an archaeological resource pursuant to Section 15064.5 of the *CEQA Guidelines*;

The archaeological mitigation measures in Section 4-4.3 on page 4-79 of the Draft EIR have been revised as follows:

A combined program of extended archival research and subsurface test excavation is recommended to ensure that the Caltrans District 7 Building Replacement Project will not have significant impacts on important archaeological resources or traditional cultural properties. The initial phases of this program have been implemented including Phase 2 archaeological testing within the southern 2/3 or the proposed project area for alternatives 2 and 3 and extensive archival research on the block bounded by 1st, 2nd, Main, and Los Angeles. Generally, the adjacent block to the west was considered during historical research although a detailed historic context was not prepared. Phase 2 testing within the eastern block demonstrated that there is little likelihood that archaeological deposits remain intact. However, this work also demonstrated that there is still the potential to encounter archaeological deposits in the northern 1/2 of this area. Additional testing has been recommended at this location, if the property is selected as the preferred alternative.

If significant resources are identified, a data recovery program ~~would~~will be designed and implemented to mitigate impacts prior to beginning construction. This program shall include, but not be limited to, site-specific archival research to aid in identifying target areas that may contain potentially important prehistoric, protohistoric, and historical archaeological resources. Archival research shall ~~result in~~ be utilized to develop a research design and work plan focused on the physical identification of intact subsurface archaeological remains. The objective of CEQA-driven cultural resource investigations is not to realize the full data potential of discoveries, but to recognize those potentials and develop a plan to recover ~~a portion of the~~ important information that would otherwise be lost as a result of the improvement project. During the additional testing effort and, if necessary, during the recovery phase of investigations, resource importance, as well as historic significance, shall be evaluated using criteria of the California Register of Historic Resources.

If human remains are encountered during testing efforts, an approach to recover and respectfully treat the remains will be developed in accordance with CEQA requirements. Development of this approach would be in consultation with the culturally affiliated Native American group as identified by the Native American Heritage Commission (NAHC).

Additional ~~the~~ Phase 2 evaluation shall be undertaken where archaeological sensitivity ~~is~~remains high and ~~should~~shall be accomplished in two stages. As necessary, a data recovery/mitigation plan shall be developed.

AR-1 Additional Pre-field Archival Research. Following the pre-field archival research, a report shall be prepared to ~~describe~~ augment the site's historic context and ~~outline~~ develop a focused research design/work plan necessary to guide the location, evaluation, and recovery of archaeological features. The testing phase shall include implementation of the actual field investigations and post-field analysis and reporting. Excavations shall focus on (1) determining if intact prehistoric and historical ground surfaces are present in the northern third of the project; and (2) identifying the features types, variability, and integrity represented therein.

AR-2 Test Excavations. Selected target areas shall be tested in an effort to identify the presence and evaluate the integrity of archaeological deposits and buried eighteenth, nineteenth, and twentieth~~th~~²⁰-century historical surfaces. Because there is a potential to encounter prehistoric cultural material and human remains, a Native American monitor, culturally affiliated with the site, shall be present during test excavations. If significant archaeological deposits are found during test excavations, a mitigation plan shall be developed to ensure that important archaeological data are not lost.

AR-3 If significant resources are identified, a data recovery/mitigation plan shall be developed in consultation with the California State Historic Preservation Officer, the NAHC, and the culturally affiliated Native American groups identified by the NAHC. The mitigation plan shall include methods by which prehistoric, protohistoric, and historical archaeological deposits will be recovered. Specific provisions must also be made for the analysis of artifacts, report preparation and dissemination, and curation and disposition of artifacts, consistent with the State Historical Resources Commission Guidelines for the Curation of Archaeological Collections. The resulting plan would include measures concerning the treatment of unanticipated discovery of human remains and associated

funerary objects, curation of cultural material, and consultation with the affiliated Native American group, as identified by the NAHC, on the selection of a curatorial facility.

- AR-4** Subsequent monitoring following Phase 3 data recovery shall be conducted, if necessary. Further archival research should confirm the extent of Block 24 disturbances on the west side of Main Street, which may reduce the Block 24 measures to monitoring only. As demonstrated on other urban Los Angeles projects, some resources may be buried beneath historic surfaces and defy discovery. Because Native American concerns have been established, additional monitoring shall be conducted, if warranted.

The first two paragraphs on page 4-97 of the Draft EIR (Section 4-6.2.b, Construction Impacts to Historical Resources under Alternative 1) have been revised to read as follows:

Under Alternative 1, the existing Caltrans headquarters building would remain standing, be properly maintained and secured, and be declared surplus property by the State. The original portion of the existing Caltrans District 7 headquarters appears to meet the criteria for listing in the California Register of Historical Resources, and therefore may be an historical resource. This structure was built with the intention that it would contribute stylistically to the Civic Center area that it adjoins. If it is vacated and declared surplus property, it would cause a not substantial adverse change in its significance. However, if it is not reused or otherwise maintained, there is the potential that it may be damaged by neglect, which could cause a substantial adverse change in its significance. None of the structures currently occupying land on the north end of the parcel was determined individually or as a contributing structure to an historic district appearing to meet the criteria for listing in the California Register of Historical Resources, and are, therefore, not historical resources.

Construction of the proposed new headquarters building and parking structure would not directly ~~effect~~ affect or cast shade and shadow on the two historical resources that are on adjacent blocks: St. Vibiana's Cathedral and the Higgins Building. Because these buildings are located in a dense and constantly changing urban environment and because ~~Because~~ they are buffered from the proposed site by 2nd Street, there would be no substantial adverse change in the immediate surroundings of any historical resources such that the significance of those resources would be materially impaired.

The mitigation measures for impacts to historic resources on pages 4-98 and 4-99 of the Draft EIR (Section 4-6.3) have been revised as follows:

Under Alternative 1, the existing Caltrans headquarters building would be vacated and declared surplus property. The following measures shall be implemented to ensure impacts are minimized:

- HR-1** The Caltrans building shall be properly secured (i.e., fire control, vandalism deterrence, etc.) and maintained during the period the resource of concern is to be left vacant. Exterior landscaping shall be properly maintained.

- HR-2** In the event the Caltrans District 7 headquarters building is transferred or sold, a protective covenant shall be attached to the transfer or sale, which will outline the character defining features (primarily the decorative façade elements), such as the

ornamental medallions between the stories, the flattened fluted columns at the entrance, and stainless steel decorative features around the front façade, to be protected, as well as those steps necessary in order to protect the resource. The new owners of the building will protect, as prudent and feasible, these character defining features to ensure compliance with Governor's Executive Order W-26-92, PRC 5024.1, and CEQA (Title 14, Chapter 3).

A covenantee shall be assigned to inspect and regulate said transfer (or sale) and future protection of this resource. The following parties must sign this covenant: Caltrans, the new owner, and the covenantee.

The following mitigation measures shall be implemented for Alternatives 2 and 3 prior to demolition of the original portion (1949) of the existing Caltrans headquarters building:

HR-23 The decorative façade elements of the original portion of the existing Caltrans headquarters building, such as the ~~bronze spandrel plaques~~ ornamental medallions, the ~~flattened Doric~~ stylized fluted columns at the entrance, and the stainless steel elements around the front decorative entrance features, shall be removed prior to demolition. The ~~bronze plaques and other design~~ decorative façade elements shall be used as part of the Art Program, made part of the Caltrans Museum, or used in other ways as decided by Caltrans.

HR-34 Prior to demolition or removal of any character defining fabric, HABS/HAER-like documentation of the existing Caltrans District 7 headquarters shall be undertaken. This completed documentation shall be ~~and this document~~ deposited with the Los Angeles Public Library as well as made available to the proposed Caltrans museum or other local museums.

The text on page 4-118 of the Draft EIR (in Section 4-8.3, Mitigation Measures [for Hazardous Materials]) has been revised as follows:

HM-2 Contaminated Soil or Groundwater. It is anticipated that contaminated soil and groundwater will be encountered in the vicinity of the previously identified soil contamination (APEX, 1992). Sampling and testing of soil and groundwater near the previously identified contamination shall be conducted prior to the start of construction to verify and quantify contamination. Health and safety plans prepared by a qualified and approved industrial hygienist shall be developed to protect the public and all workers in the construction area. Health and safety plans shall be reviewed and approved by the appropriate agencies, such as Los Angeles County Environmental Health or California DTSC. A remediation plan for any contaminated soil or groundwater encountered shall be developed in conjunction with DTSC under their Voluntary Cleanup Program (VCP).

During removal of the asphalt/concrete parking lot surface and during excavation for the proposed buildings the contractor shall observe the exposed soil for visual evidence of contamination. If visual contamination indicators are observed during excavation, work in the vicinity of the contamination shall halt until the contamination and its impacts are understood and work can proceed safely. The contractor shall comply with all local, state, and federal requirements for sampling and testing, and subsequent removal, transport, and

disposal of hazardous materials. Areas with contaminated soil determined to be hazardous waste shall be excavated by personnel who have been trained through the OSHA recommended 40-hour safety program (29CFR1910.120) with an approved plan for excavation, control of contaminant releases to the air and offsite transport or onsite treatment. ~~Health and safety plans prepared by a qualified and approved industrial hygienist shall be developed to protect the public and all workers in the construction area. Health and safety plans shall be reviewed and approved by the appropriate agencies, such as Los Angeles County Environmental Health or California DTSC. A remediation plan for any contaminated soils encountered should be developed in conjunction with DTSC under their Voluntary Cleanup Program (VCP).~~

The second paragraph on page 4-132 (Section 4-10.1.c, Los Angeles Planning and Zoning Code) of the Draft EIR has been revised to read as follows:

The proposed project site, including the entire block between 1st Street and 2nd Street and between Los Angeles Street and Main Street, is zoned “C2-4D” for generally unlimited commercial use in Height District No. CSA 4 (i.e., ~~13:1~~ 6:1 maximum floor area ratio). There are no setback requirements and no minimum required yards as long as the building does not incorporate residential use.

The second complete paragraph on page 4-134 (Section 4-10.2.c, Property Acquisition) of the Draft EIR has been revised as follows:

Under Alternatives 2 and 3, five privately owned parcels on the proposed project site would be fully and permanently acquired and the structures on those parcels would be demolished. A total of ~~25~~ 22 existing commercial uses (~~20~~ 19 businesses, and 3 parking facilities, ~~and 2 outdoor advertising signs~~) would be displaced by these property acquisitions. The Latino Museum of History, Art, and Culture, which has been closed for a number of months, and two outdoor advertising signs would also be displaced. An additional three privately owned parcels adjacent to the existing Caltrans District 7 headquarters building would be fully and permanently acquired and subsequently demolished as part of a land exchange between the State and the City. These parcels contain a total of ~~eight~~ five existing commercial uses (~~4~~ four businesses, ~~2 vacant businesses, and 2 one parking facilities facility~~) that would be displaced. ~~In addition, one parking facility on a publicly owned parcel would be displaced from this block.~~ The total number of full permanent property acquisitions resulting from the proposed project under Alternatives 2 and 3 would be ~~7~~ 8 privately owned parcels containing ~~33~~ 27 commercial uses (23 existing businesses and 4 commercial parking lots), the Latino Museum, and two outdoor advertising signs.

The first complete paragraph on page 4-136 (Section 4-10.2.d, Consistency with Planning and Zoning) of the Draft EIR has been revised as follows:

The zoning designation for the proposed project site does cite public facilities as a permitted use by right, but generally permits high-density development with a ~~13:1~~ 6:1 maximum floor area ratio and no minimum required setbacks or yard sizes. The proposed project is, therefore, generally consistent with the size, scale, and use requirements of the zoning code (note: Alternative 1 would result in an floor area ratio of 6:36:1, which slightly exceeds the floor area

ratio permitted by the City's zoning code; Alternatives 2 and 3 would result in floor area ratios of 4:1 and 5:1, respectively).

The following text has been added to Section 4-11.2.a, Significance Criteria, on page 4-140 of the Draft EIR:

For the purposes of the analyses in this EIR, the proposed Caltrans District 7 Headquarters Building Replacement Project would have a significant impact if:

- it results in construction noise that violates Section 112.03 of the City's Noise Ordinance;
or

The text on page 4-142 of the Draft EIR (Section 4-11.3, Mitigation Measures) has been revised as follows:

Since ~~Although~~ no significant construction or operation noise impacts would occur, ~~no mitigation is required or recommended~~ the following measures shall be implemented to minimize construction noise impacts and assure compliance with the City's Noise Ordinance:

N-1 Noise control devices, such as equipment mufflers, enclosures, and barriers shall be used.

N-2 Truck haul routes shall avoid residential areas.

N-3 All sound-reducing devices and restrictions shall be maintained throughout the construction period.

The following mitigation measure for impacts to police protection services has been added to Section 4-13.3 a. on page 4-166 of the Draft EIR:

PPS-2 Prior to implementation of any construction activities that may interfere with emergency service, the construction contractor shall consult and coordinate with the LAPD.

Revisions were made to the Draft Traffic and Circulation Study that pertain to the text and analysis presented in Section 4-14, pages 4-168 through 4-201, of the Draft EIR. Please see Appendix A: Supplemental Traffic and Circulation Study, of this Final EIR, for the revised traffic analysis.

The first complete paragraph on page 5-8 (Section 5-4.9, Land Use) of the Draft EIR has been revised to read as follows:

The first type of cumulative land use impact would potentially arise as construction activities associated with the proposed project and other related projects create temporary nuisance-like indirect effects such as noise, vibration, air emissions, traffic congestion, and access disruptions. While these types of effects are generally not considered to be significantly adverse when limited in scope and duration, the additive disruption to sensitive land uses could be considered cumulatively considerable if multiple construction activities coincide within similar geographic areas and/or periods of time. The proposed project would possibly contribute to such a scenario because it would be constructed in a dense urban center where a fairly robust level of development has previously occurred and is planned to continue over time. These developments

carry with them some amount of temporary annoyance. For example, as discussed in Section 5-4.2 of this chapter, substantial amounts of pollutant emissions could be generated during construction of the proposed project and other related development. These emissions could have a cumulatively considerable effect on sensitive receptors in the immediate project vicinity. Nonetheless, certain other factors would largely offset the short-term inconvenience of constructing the proposed project and other related projects. Mitigation measures have been included in the proposed project, where feasible, to minimize or eliminate construction-related effects. ~~In addition, it is likely that other related projects have been subject to some level of environmental review and have also incorporated mitigation measures when deemed necessary.~~ The level of sensitivity of certain land uses in the proposed project area and general downtown vicinity also has some bearing to the extent that residents, businesses, employees, and visitors have come to expect, and can better tolerate, the periodic disruptions that are typical of a developing urban center. Accordingly, the likelihood that a substantial incompatibility between new development projects and existing sensitive land uses would be cumulatively considerable appears low enough to be determined less than significant for most nuisance impacts such as construction noise, traffic, etc.

**APPENDIX A – SUPPLEMENTAL TRAFFIC AND CIRCULATION
STUDY**

[PROVIDED UNDER SEPARATE COVER]

APPENDIX B – HELIPORT PERMIT



State of California

Department of Transportation
Division of Aeronautics

HELIPORT PERMIT

This Certifies that CALTRANS DISTRICT 7 HELIPORT
Owned by STATE OF CALIFORNIA
Operated by STATE OF CALIFORNIA
Located at LATITUDE: 34°03'07" N, LONGITUDE: 118°14'38" W.
120 S. SPRING STREET, LOS ANGELES, CALIFORNIA
Has received Permit No. LA-150(H)

Operation of a heliport is hereby authorized under this permit pursuant to the laws of the State of California and the rules and regulations of the Department of Transportation subject to any conditions imposed by the Department.

SEPTEMBER 7, 1984
DATE

JACK D. KEMMERLY, ACTING
CHIEF, Division of Aeronautics



APPENDIX C – DESIGN/BUILD REQUEST FOR PROPOSAL

AVAILABLE UPON REQUEST

or at the

LOS ANGELES CENTRAL LIBRARY
630 W. 5th Street, Los Angeles, CA

**APPENDIX D – RESULTS OF PHASE II TESTING, ANALYSIS,
AND EVALUATION, AND DEVELOPMENT OF A PHASE II
RESEARCH DESIGN**

[PROVIDED UNDER SEPARATE COVER]

APPENDIX E – HISTORIC RESOURCES COMPLIANCE REPORT

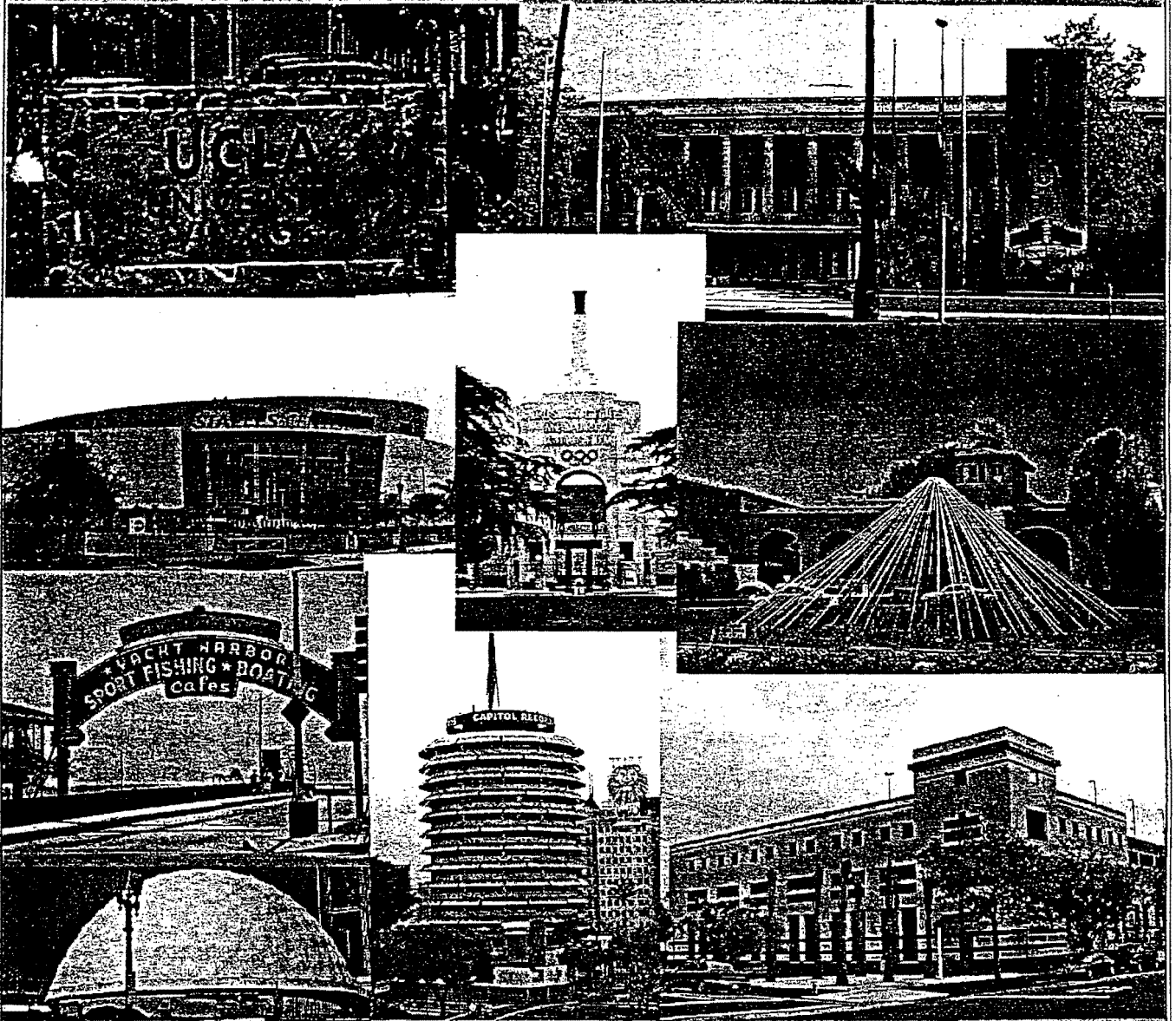
[PROVIDED UNDER SEPARATE COVER]

**APPENDIX F – ATTACHMENT TO AUGUST 20, 2001, LETTER
FROM SHEPPARD, MULLIN, RICHTER & HAMPTON, LLC**

Exhibit A

STATEMENT OF QUALIFICATIONS

Environmental Consulting Services



Christopher A. Joseph & Associates
environmental planning and research

1849 W. Olympic Boulevard, Suite 101 Los Angeles, CA 90064 Phone 310-473-1600 Fax 310-473-9336
35640 Fremont Boulevard, Suite 185 Fremont, CA 94536 Phone 510-304-0668 Fax 510-745-0535
e-mail: cjae@cajaeir.com

EXHIBIT A

COMPANY OVERVIEW

Christopher A. Joseph & Associates (CAJA) has provided environmental planning services to the public and private sectors for over 12 years. Collectively, the company staff has over 60 years of experience in the industry. Having provided consulting services on hundreds of projects, successfully and efficiently guiding them through the environmental clearance process, the company and staff have earned a reputation for comprehensive, thorough and conscientious work. CAJA is valued by clients for its personal, individualized, and efficient service.

Chris Joseph, the founder and owner of CAJA, has been an active participant in the planning, development and environmental review arena for over 20 years. With his extensive project and agency experience and his current role as a member of the Architectural Review Board for the City of Santa Monica, Mr. Joseph holds a respected position in the region as a leader in the environmental consulting industry. **Craig Fajnor**, Principal and Vice President, provides additional leadership to the firm. At CAJA and in previously held positions, Mr. Fajnor has managed environmental clearance programs for a full spectrum of developments, including major regionally-defining projects such as the Staples Center in downtown Los Angeles and the Hollywood & Highland Project in Hollywood.

CAJA's project experience is extensive and varied. The firm has prepared environmental documentation under direct contract with numerous public agencies, including the University of California, Los Angeles; California State University, Northridge; the cities of Santa Monica, Culver City, Malibu, West Hollywood, Carson, Beverly Hills, Long Beach, Monterey Park, Glendora, Chino Hills, and Anaheim; the Community Redevelopment Agency of the City of Los Angeles; and the Los Angeles Memorial Coliseum Commission. CAJA's extensive private sector client list includes Pacific Theatres, TrizecHahn Centers, Majestic Realty, BreitBurn Energy Company, The Los Angeles Arena Company, and the ARBA Group. CAJA's primary service area is the greater Los Angeles region and surrounding jurisdictions, including the City and County of Los Angeles and Kern County.

CAJA's carefully selected staff brings a wealth of knowledge and experience to each new project. Staff educational backgrounds fall within the fields of environmental studies and management, planning, geography and political science. Experience of the staff spans a wide array of projects in both the public and private sectors. Collectively, the CAJA team project experience includes environmental clearance documentation and third party review for all types of projects and programs, including industrial, commercial, residential and mixed-use projects; entertainment/events projects; and public and institutional facilities projects and programs. The CAJA commitment to quality, efficient and individualized service is carried through to each staff member and every project.

COMPANY SERVICES

CAJA specializes in the management and preparation of environmental documents including environmental impact reports and statements (EIRs and EISs), assessments, initial studies, and mitigation monitoring reports as required by state and federal laws (namely, the California Environmental Quality Act [CEQA] and the National Environmental Policy Act [NEPA]). Our primary services are as follows:

EIR/EIS Preparation and Technical Analysis

CAJA prepares comprehensive, factual and legally defensible Environmental Impact Reports and Statements. CAJA is responsible for all document preparation tasks, including quality review and/or preparation of all technical analysis, ensuring compliance with style, format and content requirements of responsible and lead agencies, reviewing technical methodologies, and developing new methodologies as appropriate to meet the specific needs of a particular project. Additionally, since CAJA specializes solely in environmental analysis and documentation, the Principals and staff can apply all available resources towards regularly upgrading our analytical approach and quality standards. CAJA emphasizes a clear and substantive writing style, thorough documentation and responsible management, all of which have given the firm a reputation for being both conscientious in its approach and responsive to tight schedules and emergent problems.

Environmental Review Management

The most important consultant function in the environmental review process is effective project management. In this role, CAJA is responsible for the supervision of numerous technical consultants, coordination with the lead agency and coordination between agencies, the project development team (including the applicant, attorney and architect) and all consultants. Typically, environmental documents involve the concurrent preparation of specialized technical studies that must meet the differing needs of many public agencies and interested parties. Effective project management is critical to ensuring that data for each section meets the wide range of public agency and community concerns, is delivered on time to meet project schedule milestones and that each consultant and team member responsible for and dependent upon related sections is aware of the status of their data. CAJA is recognized for the effective execution of these responsibilities, which ultimately determine the schedule, cost and legal adequacy of the environmental review process for any project. CAJA's management abilities can include working with 10 or more technical consultants at a time, for projects involving government agencies at all levels, while ensuring that each task is performed to the highest professional standard and in a timely manner.

Initial Studies/Negative Declarations

In addition to more extensive environmental documentation, CAJA prepares Initial Studies (at the request of a Lead Agency or a project applicant) to fully determine the scope of potential impacts resulting from a project and whether or not an EIR is required. Initial Studies prepared by CAJA evaluate, document and explain every individual area of potential impact thus reducing the possibility that a project could be litigated as a result of a "naked checklist". Additionally, CAJA will prepare and consolidate all technical support information to provide a comprehensive package for Lead Agency consideration.

CAJA also prepares Negative Declaration packages for projects that may not require an EIR under CEQA. This process includes preparation of Environmental Information/Assessment forms, a detailed Initial Study, the identification of viable mitigation measures and project conditions that would reduce impacts to less than significant levels and the preparation, noticing and distribution of the Negative Declaration itself. The comprehensive approach CAJA brings to this task can provide a more extensive evaluation than a project might typically receive and in so doing, eliminate unnecessary environmental analysis.

Mitigation Monitoring Programs

CAJA prepares "stand-alone" mitigation monitoring programs that may be submitted concurrently with the primary environmental document or subsequent to environmental review. A subsequent program may be needed to reflect mitigation modification or design changes that could affect measures described in the primary environmental document. Programs are developed to meet the specific needs of different agencies to account for all stages of mitigation implementation, responsible and secondary agencies all conceivable enforcement mechanisms, and criteria to be used to determine compliance with mitigation conditions.

Environmental Document Peer Review

Peer review of an environmental document allows a Lead Agency, project applicant or other interested party to fully critique the adequacy of the document and its compliance with CEQA, NEPA, local environmental review guidelines and other applicable legal standards. CAJA offers its services to evaluate the strengths, weaknesses and legal defensibility of environmental impact analysis documents including EIRs, EISs, and Initial Studies. CAJA will review and critique document structure, organization, format and content; provide an assessment of the adequacy of all document components including project alternatives, mitigation measures, findings of (non) significance and cumulative impacts; and provide its findings and recommendations in a written report. Our reviews reflect the most current CEQA and NEPA requirements and the standards of quality established by the firm for preparation of its own environmental documents.

PROJECT EXPERIENCE

The CAJA team has prepared environmental documentation for public agencies and private clients throughout Southern California. Many of these efforts included complex, multi-phased commercial projects where CAJA acted as part of the larger project team. A selection of representative projects that have been undertaken by CAJA staff are listed below.

- **Santa Monica Public Safety Facility.** CAJA prepared an EIR for a 118,700-square foot police station and jail, fire department administrative offices, central dispatch facility, and an emergency operations center located in the Santa Monica Civic Center. The project will include 100 subterranean parking spaces for official vehicles in a subterranean garage. The project will also include an extension of Olympic Drive along the south side of the Public Safety Facility structure.
- **City of Santa Monica Open Space Element.** CAJA is currently preparing a Program EIR for Santa Monica's citywide Open Space Element. The Open Space Element, in conjunction with the City's Parks and Recreation Master Plan, sets forth specific actions to implement open space objectives and policies. The Open Space Element provides recommendations that will significantly increase open space and recreational opportunities in Santa Monica. Under the proposed Open Space Element and Parks and Recreation Master Plan, up to 49.3 acres of new parks, 4.8 acres of new gardens, greens and habitat, and 16 miles of new green streets, pathways, and community forests are planned to be added to Santa Monica over the next twenty years.
- **BreitBurn Energy Pico/Doheny Drillsite Modernization Project.** CAJA prepared a Project EIR for the BreitBurn Energy Pico/Doheny Drillsite Modernization Project, located in the City of Los Angeles. The project site is located on a 0.76 net-acre site and involves the modernization of the existing drillsite through construction of a state-of-the-art, permanent, electrically powered and enclosed derrick, which would replace the diesel workover rig that is currently in use.
- **Monterey Park Towne Plaza Project.** CAJA prepared a combined EIR/EIS for the Monterey Park Towne Plaza, which is proposed to be constructed on a 45-acre Superfund site in the City of Monterey Park. The project consists of a 515,382-square foot retail center including a home improvement store with a garden center, at least one restaurant, and various other retail uses. Approximately 10 acres of the western portion of the site contain a historic landfill. The project also includes the construction of a new access road to the site through a portion of the City of Montebello and the Southern California Edison lands to the east.

- **Cinerama Dome Retail/Entertainment Center EIR.** CAJA prepared a project EIR for the Cinerama Dome Retail/Entertainment Center, located in the Hollywood Redevelopment Area. In connection with the project was the relocation of an existing Greyhound bus depot facility. The Cinerama Dome site is a 6.28-acre, which involved the improvement of the original Cinerama Dome, a single-screen, 959-seat movie theater and additional retail buildings. A 300,000 square-foot community was developed, anchored by a multi-screen movie theater facility. The 5,400-seat movie theater component of the project features retention of the existing Cinerama Dome Theater and the addition of approximately 4,441 new movie theater seats on the second level of a four level entertainment-oriented facility. Additional construction included retail and restaurant space, food court, a "theme entertainment" facility, health club and offices.
- **Holy Cross Residential Subdivision (TT 52539).** CAJA recently prepared a Project EIR for Tentative Tract No. 52539, which consists of a 116-lot single-family residential subdivision on a 28.76-acre project site located in the Mission Hills community of the City of Los Angeles. The proposed residential subdivision includes the construction of 113 new single-family units and the demolition of two existing single-family homes and one accessory building.
- **Hillcrest Christian School and Church Expansion Plan.** CAJA is currently preparing an EIR for the Hillcrest Christian School and Church Expansion Plan, which is proposed to be constructed on a 5.5-acre site located directly across from the existing school site, in Granada Hills community of the City of Los Angeles. Currently the school is comprised of 9.5 acres on two parcels divided by Shoshone Avenue. The proposed project consists of approximately 75,000 square feet of new development to support educational purposes in a three-story education building with classrooms, administration offices, a gymnasium, and other school-related ancillary uses. The project will increase the schools current enrollment of 800 to 1,200 students.
- **Sunset Millennium Brief Project Description.** CAJA prepared environmental documentation regarding the Sunset Millennium Project for the City of West Hollywood. The Project is a pedestrian-oriented hotel, retail, restaurant and office development on the "Sunset Strip," consisting of 662,820 square feet of office, retail, restaurant, live theater, and hotel space. Of this amount, only 544,820 square feet is new construction, as 118,000 square feet of existing on-site office space will be retained and designed into the project. The Project includes demolition of 74,000 square feet of office and theater uses. CAJA prepared the Final Initial Study establishing that the Project was within the scope and impacts identified in the Master EIR for the City's Sunset Specific Plan.
- **City of Glendora Historic Preservation Project.** CAJA prepared a Program EIR for the City of Glendora's Historic Preservation project, which consists of four primary historic

preservation components: 1) Historic Preservation Development Handbook; 2) Historic Preservation Element of the Glendora General Plan; 3) Historic Preservation Overlay Zone (HPOZ) and HPOZ Ordinance, and 4) Amendment to Open Space Element Policy of Glendora General Plan. The HPOZ is situated near downtown Glendora, with generally the same boundaries as the City's Historic District. The HPOZ encompasses 139 privately and publicly owned properties, including single- and multi-family residential units, City Hall, National Forest Service Building, religious uses, and city parking areas. In addition to the Program EIR, CAJA also assisted in the preparation of the new Historic Preservation Element of the City's General Plan.

- **Self-Realization Fellowship Church Revised Master Plan.** CAJA recently prepared a Project EIR for the Self-Realization Fellowship Church Revised Master Plan EIR, which is proposed to be constructed on a 12.5-acre site in the Mount Washington community of the City of Los Angeles. The Revised Master Plan consists of approximately 206,656 square feet of net new construction, including residential units, offices, a kitchen/maintenance building, one chapel, a shrine for the Church's founder, one museum, a classroom, and parking areas.
- **City of Glendora Cumulative Impacts White Paper.** CAJA was retained by the City of Glendora to prepare a "Cumulative Impacts White Paper" for the purposes of informing City staff and decisionmakers on CEQA's requirements for addressing cumulative environmental impacts in EIRs. The White Paper describes the meaning of "cumulative impacts," as defined by CEQA, and presents various CEQA Guidelines sections that pertain to cumulative impact analysis requirements and EIR selection criteria for cumulative or "related" projects.
- **City of West Hollywood Gateway Project.** CAJA recently prepared a Project EIR for the West Hollywood Gateway Project, which is proposed for construction on a 7.75-acre site located in West Hollywood at the intersection of Santa Monica Boulevard and La Brea Avenue. The proposed project consists of a two-phased development consisting of a four-story mixed use development of varying height with 275,000 square feet of retail, office, restaurant, fitness center and movie theater uses, 70,000 square feet of studio uses and a three-level subterranean parking structure.

ACTIVE CAJA PROJECTS

- UCLA University Village Graduate Student Housing (UC Regents);
- Village Center Westwood (the ARBA Group, or "Smedra" project);
- El Segundo Corporate Campus Project;
- Edgewood Estates and Rathgar Court Residential Subdivisions, San Mateo County;
- Chino Hills Town Center Project, City of Chino Hills;
- California Hospital Medical Center Seismic Upgrade;
- Malibu Forge Lodge Bed and Breakfast, City of Malibu;
- Malibu Cross Creek Office and Retail Projects, City of Malibu
- Santa Monica Open Space Element;
- Santa Monica Master Environmental Assessment Update;
- Sunset Millennium Development on the Sunset Strip, City of West Hollywood;
- West Hollywood Gateway Project
- Hillcrest Christian School Expansion in Granada Hills;
- Health Structures/Holy Cross Residential Subdivision, City of Los Angeles;
- Commercial Development of the Anaheim Drive-In Theater site;
- 12th Street Preferential Parking Zone in Santa Monica;
- Civic Center/Metlox Development; City of Manhattan Beach;
- Euclid Avenue Disabled Housing/Public Neighborhood Park Project in Santa Monica;
- BreitBurn Urban Oil Drilling Project in West Los Angeles;
- Retail/Commercial Development Project at San Vicente/Barrington in Brentwood;
- Bristol Farm's Retail Project on the site of the former Chasen's Restaurant, West Hollywood.

RECENTLY COMPLETED PROJECTS

Other recently prepared EIRs and environmental documents that CAJA has prepared include:

- Self-Realization Fellowship Church Master Plan Revision in Los Angeles;
- Cinerama Dome Retail/Entertainment complex in Hollywood;
- Boeing Development/Harbor Gateway Center Project in Los Angeles;
- Monterey Park Crossing, a retail/commercial center on a landfill property listed as a Superfund site in Monterey Park;
- Kinder-Morgan Tank Farm Project in Carson;
- Niklor Chemical Manufacturing Plant near Mojave, in Kern County;
- Commercial Development of the Los Altos Drive-In Theater in the City of Long Beach;
- Price-Costco in Culver City, on the site of the former Marina Place project;
- EIR for Replacement of Municipal Pool at Santa Monica College;
- 1997/1998 City of Santa Monica Master Environmental Assessment Update;
- 1995/1996 City of Santa Monica Master Environmental Assessment Update;
- City of Glendora Historic Resources Project, including preparation of Development Handbook, Program EIR, and assistance in preparation of Historic Preservation Element;
- Carlthorp School Expansion, in Santa Monica;
- T.T. 50718, a residential subdivision project in an unincorporated area of Los Angeles County, near the City of Malibu;
- Santa Monica Chevrolet Auto Dealership;
- Light Manufacturing and Studio District EIR, in Santa Monica;
- Los Angeles Memorial Coliseum Renovation project;
- KTLA Studios Expansion Master Plan, in Hollywood;
- UCLA Family Student Housing Redevelopment Project, in West Los Angeles;
- UCLA Northwest Campus Housing Project, in Westwood;
- Promenade Mall expansion and office development in Woodland Hills/Warner Center;

- Santa Monica Beach Hotel and Community Center (the Michael McCarty hotel project);
- Santa Monica Civic Center Specific Plan;
- Redevelopment of the Santa Monica Pier; and
- City of Santa Monica Public Safety Facility.

STAFF RESUMES

Christopher A. Joseph

Mr. Chris Joseph, founder and owner of CAJA, is responsible for management of the practice and in providing leadership and direction in the preparation of environmental impact documents for both private development projects and government programs. Mr. Joseph has built his firm around the concept of providing personalized, senior level professional services to clients. As such, he maintains an active role with clients and their projects, and assures that he and his senior staff will be accessible and involved in guiding projects through the environmental clearance process. Under his direction, leading a hand-selected team of experienced and specialized environmental professionals, CAJA has earned a reputation for efficiently providing comprehensive, thorough and conscientious work.

Project Experience

Mr. Joseph has personally been involved in the preparation of hundreds of environmental documents as required by the California Environmental Quality Act and the National Environmental Policy Act and is experienced in a wide range of environmental issues affecting a multitude of land uses. Prior to the establishment of CAJA, Mr. Joseph was a founding partner of Environmental Planning Associates, also a consulting firm specializing in the preparation of EIRs and EISs. Previously, Mr. Joseph was the Environmental Project Manager for the Cordoba Corporation, a planning and consulting firm in Los Angeles. Mr. Joseph's responsibilities included project management and environmental analyses for the Metro Rail Subsequent Environmental Impact Report/Supplemental Environmental Impact Statement, and the preparation of Environmental Impact Reports for the redevelopment of Pershing Square and the Eastside Enterprise Zone. With Planning Consultants Research in the mid-1980's, Mr. Joseph served as Project Manager in the research and preparation of environmental analyses for numerous large-scale urban, commercial, and industrial development projects.

Serving as the Environmental Affairs Manager/Environmental Affairs Specialist for Republic Geothermal, Inc. in Santa Fe Springs, Mr. Joseph was responsible for directing and managing the Company's environmental planning, permit acquisition, permit compliance and environmental monitoring activities for all operations. Mr. Joseph provided technical and legal counsel and guidance relative to potential problems and potential corrective actions to ensure compliance without unnecessary impairment of operations. Mr. Joseph represented the company with regulatory agencies, elected officials, and special interest groups.

As an Environmental Specialist and Environmental Engineer for UNOCAL Corporation, Mr. Joseph managed environmental programs in air and water pollution and hazardous waste control affecting company operations. In addition, Mr. Joseph coordinated environmental permitting activity for oil and gas operations, and secured approvals from various governmental agencies prior to operations.

Education And Professional Affiliations

Mr. Joseph holds a Master's of Administration in Environmental Management from UC Riverside and a B.A. in Geography from CSU Northridge. Mr. Joseph and the CAJA staff remain actively involved in professional organizations including the Association of Environmental Professionals (AEP), the American Planning Association (APA), and the Urban Land Institute (ULI) and regularly attend and participate in periodically held CEQA and NEPA workshops and conferences.

Craig Fajnor

Mr. Craig Fajnor, CAJA Vice President and Principal, has over 22 years experience in government and 14 years experience in environmental planning and project management. Prior to joining CAJA, Mr. Fajnor was an Associate Principal at Planning Consultants Research, where he managed numerous projects as well as providing sophisticated technical analyses for regionally significant projects. Mr. Fajnor also operated an independent consulting practice for over four years. Mr. Fajnor specializes in urban projects and has managed large and complex projects in Los Angeles and throughout the Southern California region.

Project Experience

Mr. Fajnor's list of managed projects includes such notable developments as the Staples Center (Sports Arena) in downtown Los Angeles for the Los Angeles Arena Development Company, the Hollywood & Highland project in Hollywood for TrizecHahn Centers, Inc., the Harbor Gateway Center project in Los Angeles for Boeing Realty Company, the Santa Monica-UCLA Medical Center for the University of California, Los Angeles, the Ashland Chemical Distribution Facility for the City of Carson and the Los Angeles Municipal Court, Airport Branch for the Los Angeles County Department of Public Works. He has provided complex technical analyses for major projects such as the Universal City Specific Plan, Playa Vista Project and LAX Master Plan. Mr. Fajnor brings hands-on experience in all forms of environmental documentation, which may be needed to meet the requirements of the California Environmental Quality Act and National Environmental Policy Act.

Education And Professional Affiliations

Mr. Fajnor has a Masters degree in planning from the University of Virginia and a Bachelor of Arts degree in political science from Duke University. He is a member of the American Planning Association and is former editor of *The Dispatch*, newsletter of the Los Angeles Section of APA.

Maggi Giacocie

Ms. Giacocie, a Senior Project Manager at CAJA, has 16 years of experience in the preparation and management of environmental review documents pursuant to the California Environmental Quality Act and the National Environmental Policy Act. Prior to joining CAJA, Ms. Giacocie served as Principal Planner at PCR Services Corporation, where she managed the preparation of environmental documentation for numerous highly sensitive and controversial projects. She also served as principal of an independent consulting practice for four years.

Project Experience

Ms. Giacocie has supervised the preparation of the full range of environmental documentation, for a wide variety of projects including mixed-use complexes, retail developments, entertainment venues, educational facilities, industrial and business parks. Her projects include both public and private sector projects. While primarily urban in nature, these projects have required the evaluation of typical urban issues as well as issues such as vestigial wetlands, brownfield development, proximity to sensitive environments and neighborhood intrusion and land use compatibility. She has considerable experience in working with agency staff and clients and coordinating technical sub-consultants for large-scale, multi-faceted projects and determining appropriate analytical and research methodologies for highly complex and often controversial, large-scale projects. Representative projects include: the Hollywood Marketplace project for Regent Properties, Lennar Partners Taylor Yard Project, United Airlines Cargo Facility Expansion at Los Angeles International Airport; Archer School for Girls in Brentwood; and the SunQuest Business Park project in Sun Valley. Ms. Giacocie has also provided technical analysis for such complex projects as the Staples Center in downtown Los Angeles, Playa Vista development and the LAX Master Plan.

Education and Professional Affiliations

Ms. Giacocie has a Masters degree in planning from the University of Southern California and a B.A. in Geography from UCLA. Ms. Giacocie is also an active member of the Association of Environmental Professionals (AEP).

Marc Melinkoff

Mr. Melinkoff, Senior Project Manager at CAJA, has over 20 years of experience in the fields of environmental and urban planning. Prior to joining CAJA, Mr. Melinkoff was senior project manager for 14 years with Jim Hindzel and Associates, an environmental consulting firm in Playa del Rey. Mr. Melinkoff has also provided environmental consultation services on an independent contract basis.

Project Experience

The emphasis of Mr. Melinkoff's experience is in environmental planning. Mr. Melinkoff has acted both as project manager and principal writer for numerous CEQA and NEPA projects, including redevelopment projects, specific plans, major mixed-use urban developments, office buildings, hotels, university master plans, and residential subdivisions. Mr. Melinkoff's reports have addressed a diversity of unique environmental issues ranging from wetlands preservation, wildlife corridors, beach erosion, crude oil pipeline risk assessment, and historical preservation, to methane gas migration and windjetting effects.

In addition to his experience as an environmental consultant, Mr. Melinkoff also worked for five years with the Los Angeles County Department of Regional Planning where he had lead responsibility for reviewing EIRs for private projects.

Education And Professional Affiliations

Mr. Melinkoff has a Masters of Urban and Regional Planning from the University of Southern California and a Bachelor of Arts in Physical Anthropology from UCLA. His environmental planning experience is supported through membership in the Association of Environmental Professionals (AEP).

Geoffrey A. Reilly

Mr. Reilly, a Project Manager at CAJA, has over 10 years of experience in the preparation and management of environmental review documents pursuant to the California Environmental Quality Act and the National Environmental Policy Act. Prior to joining CAJA, Mr. Reilly served as Project Manager at Envicom Corporation, where he was responsible for the preparation of environmental reports and proposals, supervision of staff and subcontractors, project budgeting and scheduling, and the presentation of work products and recommendations at client meetings and public hearings.

Project Experience

Mr. Reilly has supervised the preparation of virtually all types of EIRs, including Project EIRs, Focused EIRs, Program EIRs, and Supplemental EIRs. Examples of such work products include: Pepperdine University Upper Campus Development EIR, Huntington Beach General Plan Update Program EIR, Butcher Mountain Residential Subdivision EIR (City of Torrance), David Geffen Office Building EIR and Geffen/Salick Corporate Headquarters EIR (City of Beverly Hills), and Pitts Ranch Specific Plan Amendment Supplemental EIR (City of Camarillo). Mr. Reilly has also prepared numerous other environmental review and land use planning documents for both private and public sector clients, including: initial studies, negative declarations, environmental constraints analyses, technical background reports, and third party review.

As a project manager at CAJA, Mr. Reilly has recently managed the preparation of the following environmental review documents: Santa Monica Open Space Element EIR, Glendora Historic Preservation Project EIR, Self-Realization Fellowship Master Plan EIR, West Hollywood Gateway EIR, Monterey Park Crossing Project EIR/EIS, and Holy Cross Residential Subdivision EIR. Mr. Reilly is currently managing an EIR for a 2.55-million square foot commercial office and retail project, which is proposed to be located on the former Rockwell International site in El Segundo. Mr. Reilly is also managing an EIR for two residential subdivisions in San Mateo County, as well as an EIR for a proposed office and retail project in the civic center area of the City of Malibu.

Education And Professional Affiliations

Mr. Reilly holds a B.A. in Resource and Environmental Geography and a minor in Spanish. Mr. Reilly is also an active member of the Association of Environmental Professionals (AEP) and the American Planning Association (APA).

Shane E. Parker

Mr. Parker, a Project Manager at CAJA, has over seven years of professional experience in environmental resource management, planning and research. Mr. Parker has a strong background in all aspects of CEQA and NEPA documentation including Initial Study (IS) Mitigated Negative Declarations (MNDs), Environmental Assessments (EA), Environmental Impact Reports (EIR), and Mitigation Monitoring and Reporting Programs. Mr. Parker's experience includes a variety of multi-faceted developments including mixed-use entertainment/retail uses, institutional redevelopment and expansion projects, inert landfills, residential developments, industrial parks, and high-rise office developments. Mr. Parker has developed significance thresholds, prepared impact assessments and technical analysis, and presented at public hearings for numerous private and public sector projects, particularly in environmentally controversial settings.

Project Experience

Mr. Parker served as the Project Manager for the City of Manhattan Beach Civic Center/Metlox Development Project EIR; a 90,000 square foot mixed use commercial project with a 57,000 square foot Public Safety Facility housing the City's Police and Fire Department facilities. Mr. Parker is currently serving as Project Manager and preparing environmental analysis for the Hillcrest Christian School Master Plan EIR in the City of Los Angeles and the Forge Lodge Bed and Breakfast EIR in the City of Malibu. Mr. Parker's previously managed projects include an IS/MND for the County of Los Angeles MTA's Automated Self-Cleaning Public Toilets and Advertising Media Program and an IS/MND for the Marlborough School Faculty Parking Lot in the Wilshire area of the City of Los Angeles.

Prior to his appointment at CAJA, Mr. Parker served as Project Manager for the Westside Children's Center IS/MND in the Mar Vista/Playa del Rey Community Planning area of the City of Los Angeles and the LARC Ranch Residence and Services Building Replacement Project NEPA/EA in the Saugus area of Los Angeles County. Mr. Parker has provided environmental analysis for a number of controversial and notable projects within the City of Los Angeles including: The Getty Villa Master Plan EIR, Hollywood & Highland EIR, the Universal City Specific Plan EIR, Hughes Entertainment Center Focused EIR, JBM Century City/Constellation Place EIR, and West Bluffs Residential Development EIR. Mr. Parker also conducted specialized land use studies and database collection for the LAX Master Plan and the Westlake Pico Union No. 2 EIR.

Mr. Parker's experience with environmental resource management stems from his prior appointments with National Environmental Testing, where he served as head of laboratory sample control and with the United States Forest Service, where he served as a seasonal firefighter/forestry aide. Mr. Parker's services included fire suppression and forest ecology/resource management.

Education And Professional Affiliations

Mr. Parker received a B.A. Degree in Geography with an emphasis in Environmental Studies from the University of California, Los Angeles in 1996. Mr. Parker is a member of the Association of Environmental Professionals (AEP).

Kerrie L. Nicholson

Ms. Nicholson is an Environmental Planner at CAJA. Ms. Nicholson's responsibilities at CAJA include research and the preparation analysis and preparation of graphics for environmental review documents and proposals. Prior to joining CAJA, Ms. Nicholson worked for the County of Los Angeles Department of Parks and Recreation, where she helped plan for the restoration of a wetland and the Pacific Crest Trail.

Project Experience

Ms. Nicholson is contributing to many of the current CAJA projects, performing research and preparing project analysis for numerous environmental issues, including the public services, utility, population and housing, geology, hazards sections for several environmental documents, including the Santa Monica Open Space Element EIR, the Anaheim Promenade EIR, the Self-Realization Fellowship Church Revised Master Plan EIR, and the West Hollywood-Santa Monica/La Brea EIR. In addition, Ms. Nicholson is assisting in the management of the City of Santa Monica Master Environmental Assessment update. Ms Nicholson is responsible in large for the graphic elements of all projects and proposals produced by the firm.

Education And Professional Affiliations

In May 1998, Ms. Nicholson received a Bachelor of Arts in Geography from California State University, Northridge (CSUN). Special areas of interest emphasized during her education include Architecture, Urban Design, Geomorphology, and Environmental Impact Studies. Ms. Nicholson is also a member of the Association of Environmental Professionals (AEP).

Jocelyn Swain

Ms. Swain is an Environmental Planner at CAJA. Ms. Swain's responsibilities at CAJA include research and preparation analysis for environmental review documents and proposals. Prior to joining CAJA, Ms. Swain worked for Computer Sciences Corporation (CSC) as an Environmental Analyst/Project Manager in support of military projects at Edwards AFB.

Project Experience

Ms. Swain has five years of experience in the preparation of environmental review documents pursuant to the National Environmental Policy Act. While working for CSC, Ms. Swain managed several high profile projects, including the relocation of two Marine Corps helicopter squadrons, and helped develop a Model Environmental Assessment for Edwards AFB. Other duties included reviewing environmental documents, briefing Base organizations, and providing conservation training to Base newcomers and facility managers.

Education and Professional Affiliations

Ms. Swain received a B.A. Degree in Anthropology with a minor in Political Science from the University of California, Riverside in 1994.

Jennifer Daems

Ms. Daems is an Assistant Environmental Planner at CAJA. Ms. Daems' responsibilities at CAJA consist of research and preparation analysis for environmental review documents and proposals. Prior to working for CAJA, Ms. Daems worked for Craig Lawson & Co., LLC, a land use consulting firm, where she worked as an assistant planner on numerous land use and zoning projects.

Project Experience

Ms. Daems has contributed to numerous projects at CAJA focusing on research and preparation for specific sections. Her project experience includes the Initial Study for Galpin Motors, Holy Cross Residential EIR, West Hollywood Gateway Project EIR and the Self-Realization Fellowship Church Revised Master Plan EIR.

Education And Professional Affiliations

In May 1999, Ms. Daems received a Bachelor of Arts in Environmental Studies, with an emphasis in Public Policy and Management (PPMT), from the University of Southern California (USC). Specific areas of study were Public Policy Analysis, Statistics in PPMT (demographics in site location analysis), Environmental Studies, and numerous science series (Biology, Chemistry, Ecology).

Leah Dierkes

Ms. Dierkes has recently been hired at CAJA as a Research Assistant. Ms. Dierkes' responsibilities include site surveys and photography, land use surveys, graphics analysis and presentation, internet research, document production, and quality control quality/assurance protocol.

Project Experience

Ms. Dierkes assists in the preparation of various EIR sections, such as public services and utilities, and related projects lists that are used to address cumulative environmental impacts. Her project experience includes the El Segundo Corporate Campus Project EIR and the Viewpoint School EIR.

Education And Professional Affiliations

In May 2001, Ms. Dierkes received a Bachelor of Arts in Geography, with a minor in History, from the University of Missouri-Columbia. Particular areas of interest included the physical environment and how humans impact their surroundings.

AFFIRMATIVE ACTION STATEMENT

The hiring practices at Christopher A. Joseph & Associates are not discriminatory in any manner, including race, color, religion, sex, sexual orientation, national origin, age, or disability. The firm makes its hiring decisions on the basis of prospective employees' ability to contribute to the objectives of the company. Because the firm's objective will not tolerate social discrimination of any kind, our hiring practices will not either.

CAJA CONTACT INFORMATION

Correspondence and information regarding proposals and projects should be directed either to your primary CAJA contact or directly to Chris Joseph, Owner, at the company address(es) or e-mail address(es) below.

CHRISTOPHER A. JOSEPH & ASSOCIATES

Los Angeles Office

11849 W. Olympic Boulevard, Suite 101
Los Angeles, CA 90064
Phone: (310) 473-1600
Fax: (310) 473-9336

Bay Area Office

35640 Fremont Boulevard, Suite 185
Fremont, California 94536
Phone: (510) 304-0668
Fax: (510) 745-0535

General Company e-mail: cjaeir@cjaeir.com

Staff e-mail: type first name then @cjaeir.com (e.g., chris@cjaeir.com)

Exhibit B

ALTERNATIVE C REDUCED DENSITY/DOME INTERIOR REHABILITATION ALTERNATIVE

Under this alternative, the proposed square-footage would be reduced by 34,000 square feet. This Alternative would preserve the primary character-defining features of the Cinerama Dome (see Section III.B for a listing of the character-defining features of the Dome), and would entail a more modest rehabilitation of the theater auditorium (as compared to the project) and elimination of new construction along the Sunset Boulevard elevation. Under this theoretical Alternative, new construction immediately to the east of the Dome would be eliminated (approximately 11,000 square feet). Furthermore, proposed development west of the building would be pulled back from the Dome to a point approximately half-way from its proposed location on Sunset (eliminating approximately 23,000 square feet of new retail development) to allow its main elevation to remain as a separate visual entity. Thus, the construction of the new retail and entertainment complex would not compromise the integrity of the Dome's main elevation along Sunset Boulevard.

The original plaza, box office, and lobby areas would be retained and upgraded, allowing for the continued use of this entrance for retail uses or, alternatively, premieres or special occasions. The interior of the theater would be rehabilitated in a manner which preserves the character-defining features while making improvements in the areas of lighting, sound, projection, concessions, restrooms, seating and accessibility. Changes to the seating would be limited to replacing the existing seats with wider, luxury seats, and increasing the distance between rows from 3 feet 2 inches to 3 feet 8 inches. This change would, however, result in a reduction in the total number of seats. The sloped floor of the lower tier of seats would remain intact, as well as the cornice. The location of the projection room would remain intact; however, its interior could be modified and possibly enlarged as necessary to accommodate new equipment. The screen and the curtains could be replaced in kind, if deemed necessary. The hexagonal panels on the ceiling which contain asbestos would be duplicated in a new material.

The mix of uses, building locations, and architectural program proposed under the project would otherwise remain the same under this Alternative. In addition, this Alternative would require similar discretionary actions as the proposed project. As with the project, this alternative would require the vacation of Morningside Court and would relocate the Greyhound Bus Depot to the relocation site on Cahuenga Boulevard.

Economic Feasibility. This Alternative would, according to the Project Applicant, substantially undermine the financial and leasing viability of the proposed project. The Alternative, while preserving the appearance of the Dome from Sunset Boulevard, would eliminate any new construction that would front along Sunset Boulevard and between the Dome and Ivar Street (northwestern portion of the property). The intent of this Alternative is to allow the Dome to remain as a separate visual entity, which also will result in a 34,000 square-foot reduction in project size. This reduction in building size is along the most valuable frontage of the property – Sunset Boulevard.

The Sunset Boulevard frontage is critical to the success of the project. It is critical that the project utilizes its entire Sunset Boulevard frontage for new major tenants. Many of the new retailers that are being considered for this project are concerned about making a major investment in what they feel is a potentially questionable and high risk trade area. These major tenants want to have a Sunset Boulevard orientation and will not accept a location that is set back from Sunset and situated “behind” the Dome structure where such space could not be seen by motorists along Sunset. Without this new floor area along Sunset, the project will not attract the quality of national retailers necessary to make the Dome a regional draw, and the balance of the proposed tenant mix will be seriously undermined.

While the multi-screen addition could be implemented under this Alternative, the elimination of gross leaseable area along Sunset Blvd. represents the displacement of a major 25,000 SF tenant on the ground floor as well as about 11,000 square feet of restaurants on the first and second floors of the project. As mentioned, these tenants will not accept other locations within the project, as Sunset Blvd. frontage and visibility is critical to their success.

The loss of these tenants will negatively impact the financial feasibility of the project and will dramatically alter the concept of the project as a multi-use entertainment center. The Alternative’s premise of preserving the Domes’ entire exterior appearance results in the elimination of high value leaseable space, which will result in the loss of high profile tenants who are crucial for the project’s success. Indirectly, the loss of this retail space and associated tenants will also result in reduced rents for other tenants who will now find this project less attractive.

The Alternative’s recommendation to preserve the Dome’s interior character defining features would entail a more modest rehabilitation of the theater that would further undermine the project’s ability to attract major retailers. The theater is currently operating unsuccessfully in its current condition (like most single screen theaters, it is underutilized due to its limitation in film presentation) and is not economically viable going forward. The applicant is proposing a major, state of the art remodel of the Dome to demonstrate to potential tenants the objective of making the property a regional draw for all of Southern California. This major upgrade of the Dome will also be the key in the applicant’s ability to

lease the balance of the center, attract major retailers, and to differentiate this project from other entertainment centers in the region.

Geotechnical

For both this Alternative and the proposed Project, the risk of long-term settlement and/or subsidence and susceptibility to particularly strong ground shaking is considered less than significant. Potential geologic/seismic hazards associated with the project site would apply similarly, and impacts would be considered comparable, for both the proposed Project and this Alternative.

Hazardous Materials

As with the proposed Project, appropriate removal of hazardous materials on the project site, and conformance with regulations dealing with the use, storage, transport, and disposal of hazardous materials, would reduce the risk of upset and exposure resulting from construction and operation of this Alternative to a less than significant level. Hazardous materials impacts resulting from this Alternative would be considered comparable with the proposed Project.

Traffic/Parking

The trip generation pattern of this Alternative was estimated using the same trip rates and formulas used to estimate trips generated by the proposed Project. The total PM peak hour trips under this Alternative will be approximately 86 percent of the trips generated by the proposed Project. The 24-hour trips will be approximately 84 percent of the proposed Project trips. The reduction in trip generation would not result in any meaningful change in the findings of the intersection impact analysis. For both this Alternative and the proposed Project, the impacts on eight intersections would remain significant. In conclusion, traffic impacts resulting from this Alternative would be slightly reduced in comparison with the proposed Project, but would still remain significant.

Air Quality

No significant air quality impacts would result from this Alternative. Daily construction emissions, total combined daily emissions, and carbon monoxide intersection concentrations would be reduced in comparison with the proposed Project with no exceedances of SCAQMD thresholds (in comparison with an exceedance of the nitrogen oxides threshold under the proposed Project). In addition, this Alternative would be consistent with the AQMP. Air quality impacts associated with this Alternative would be slightly reduced in comparison with the proposed Project.

Land Use

As with the proposed Project, this Alternative would be consistent with the "Regional Center" designation of the Hollywood Community Plan and "Regional Commercial" designation of the Hollywood Redevelopment Plan. This Alternative would also require a street vacation, master zoning approval, and zone variance. Neither this Alternative nor the proposed Project would constitute a physical or functional compatibility impact on the project locale. Land use impacts resulting from this Alternative would be considered comparable with the proposed Project.

Shade/Shadow

Both this Alternative and the proposed Project would have less than significant shade/shadow impacts. Impacts associated with this Alternative could be slightly reduced in comparison with the proposed Project.

Artificial Light

Both this Alternative and the proposed Project would have less than significant artificial light impacts, and lighting levels would be compatible with commercial uses in the surrounding area. Artificial light impacts associated with this Alternative would be comparable with the proposed Project.

Views/Visual Character

In comparison with the proposed Project, this Alternative would reduce concentration of development adjacent to Sunset Boulevard. As a result of reduced new construction adjacent to the east and the west of the existing Cinerama Dome, existing views of the Dome would remain, particularly from the north and west. Development of both this Alternative and the proposed Project would not block or obstruct any significant public views, view corridors or vistas from or across the project site. In addition, this alternative would maintain the architectural integrity of the Dome's main elevation along Sunset Boulevard.

Both this Alternative and the proposed Project appear to be generally consistent with the applicable guidelines for the visual character of development as specifically defined in development conditions and standards of the Hollywood Redevelopment Plan. Overall, no significant aesthetics impacts are anticipated to result for both this Alternative and the proposed Project.

Sewer Capacity

A net increase of 75,942 gallons per day (gpd) of sewage would be generated by this Alternative, less than the 84,935 gpd generated by the proposed Project. As with the proposed Project, impacts on sewage generation from this Alternative would be less than significant. Impacts from this Alternative would be decreased in relation to the proposed Project.

Historical

In contrast with the proposed Project, this Alternative is considered to preserve the primary character-defining features of the existing Cinerama Dome, and would maintain the architectural integrity of the building's main elevation along Sunset Boulevard. Under this Alternative, the Dome would remain eligible for listing in the National Register of Historic Places and as a Los Angeles Historic-Cultural Monument. Impacts on historical resources associated with this Alternative would be less than significant. As the proposed Project would result in a significant impact, historical impacts resulting from this Alternative would be reduced in comparison with the proposed Project.

Police Protection

As with the proposed Project, this Alternative would increase the need for police services over existing conditions. Impacts on police protection for both this Alternative and the proposed Project would be less than significant. However, the decreased density and lower average site occupation of this Alternative, as compared with the proposed Project, would result in a decrease in potential impacts on police protection. Police protection impacts resulting from this Alternative would be reduced in comparison with the proposed Project.

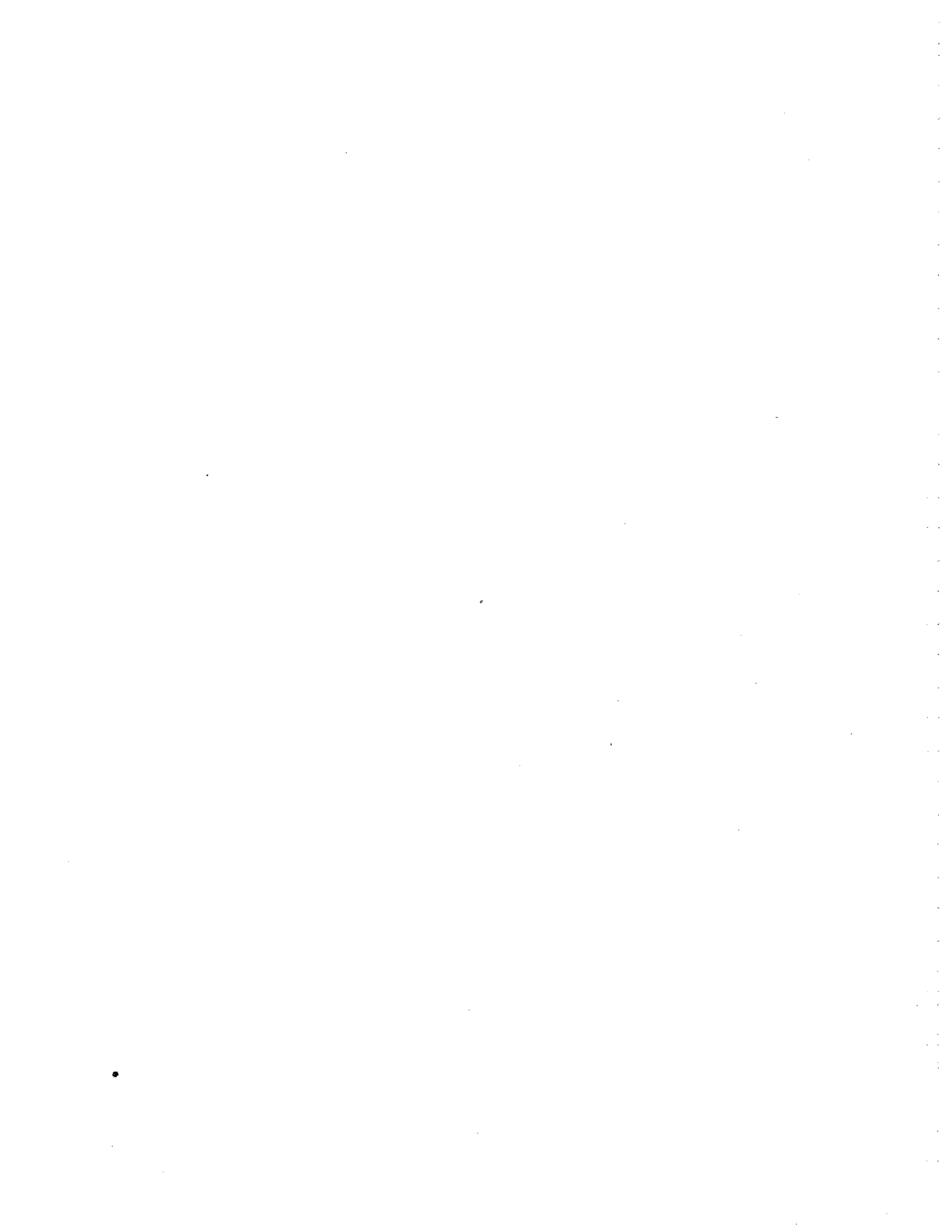


Exhibit C

CalTrans Related Projects Table Differences

On Project Description Table (See Figure 2-7) but Not on Transportation Table(See Figure 4-68)

| <u>Place</u> | <u>Location</u> |
|---|--|
| 1 - Vabiana Place | SW corner of 2 nd St. & Los Angeles St. |
| 3 - City Hall Seismic Upgrde & Rehabilitation | NE corner of 1 st St & Spring St |
| 4 - LAUSD Headquarters & Business Services Center | 107 S. Broadway |
| 6 - 1 st Street Properties | SW corner of 1 st St. & Hill St. |
| 7 - Hall of Justice | 211 W. Temple St. |
| 8 - Federal Court House | NE corner of Temple St. & Los Angeles St. |
| 9 - Central Avenue Art Park | SEC Temple St. & San Pedro St. |
| 18 - Arcade Building | 541 S. Spring St. |
| 19 - Clark Hotel | 426 S. Hill St. |
| 21 - Shane Property | 500 S. Hill St. |
| 22 - Hill Street Avenida | Hill St. from Temple St. to 12 th St. |
| 23 - Grand Avenue Promenade Apartment Phase II | NW corner of Olive St. & G.T. Kosciusko Way |
| 25 - Grand Avenue Promenade Apartment Phase III | SWC Grand Ave & Gen. T. Kosciusko Way |
| 26 - Grand Avenue Promenade | 101 Fwy to 5 th St. on Grand Ave |
| 29 - Music Center Renovation | SW corner of Temple St & Grand Ave |
| 32 - Pasadena Blue Line, Union Station Connection | Downtown, Union Station |
| 34 - Toy Waterhouse Lofts | Corner of 3 rd St. & Santa Fe Ave. |
| 36 - Santa Fe Loft II | 121 E 6 th St. |
| 39 - The Sassony Building | 626 S. Spring St. |
| 40 - Palace Theatre | 630 S. Broadway |
| 41 - Los Angeles Theatre Parking | 615 S. Broadway |
| 42 - Pershing Square Center | NE corner of 5 th St. & Olive St. |
| 44 - 617 W. 7 th Street | 617 W. 7 th St. |

On Transportation Table (See Figure 4-68) and Not Project Description Table (See Figure 2-7)

| <u>Place</u> | <u>Location</u> |
|-----------------------------------|------------------------------------|
| 1 - Texaco Service Station | Olympic Blvd /Grand Ave. |
| 4 - Belmont Learning Center | Beaudry Ave. / 1 st St. |
| 6 - UPS Main St. Hub | Main St./Moulton Ave. |
| 8 - Accessory Mart | Main St. / Moulton Ave. |
| 9 - River Station | Spring St. / Baker St. |
| 10 - Balasco Theatre | Hill St./ Olympic Blvd. |
| 11 - Sav-on Drugstore | Workman St. / Broadway |
| 16 - Little Joe's & Capitol Mills | Alameda St. / College St. |

17 - Alameda District Plan
 19 - LA Center Studios Expansion
 24 - Citicorp Plaza II
 25 - Orsini Apartments
 32 - Halekulani Hotel
 33 - Embassy Hotel
 34 - Visconti
 36 - Metropolitan Lofts
 39 - Medici, Phases IV-VI

Alameda St. / Los Angeles St.
 5th St. / Bixel St
 7th St. / Figueroa St.
 Figueroa St. / Sunset Blvd.
 8th St. / Figueroa St.
 8th St. / Grand Ave.
 3rd St. / Bixel St.
 11th St. / Flower St.
 7th St. / Bixel St.

Names Differing Between the two Tables

Project Description Table

Traffic Table

Mangrove Estates

Mangrove States

1st Street South Plaza Project

1st Street South Plaza

Old Bank District/Continental Building

Continental Building

Rowan Building Lofts

Rowan Buildings

Colburn School of Performing Arts, Phase II

Colburn School of Performing Arts

Walt Disney Concert Hall

Disney Hall

Southern California Institute of
 Architecture (SCI-Arc)

SCI-Arc

Metropolis Project/City Centre

Metropolis

Square Feet Differences

#10 (Proj. Desc.) & #13 (Traffic)

60,000 & 80,000 sf respectively

#27 & #14

2834 & 2859 seats

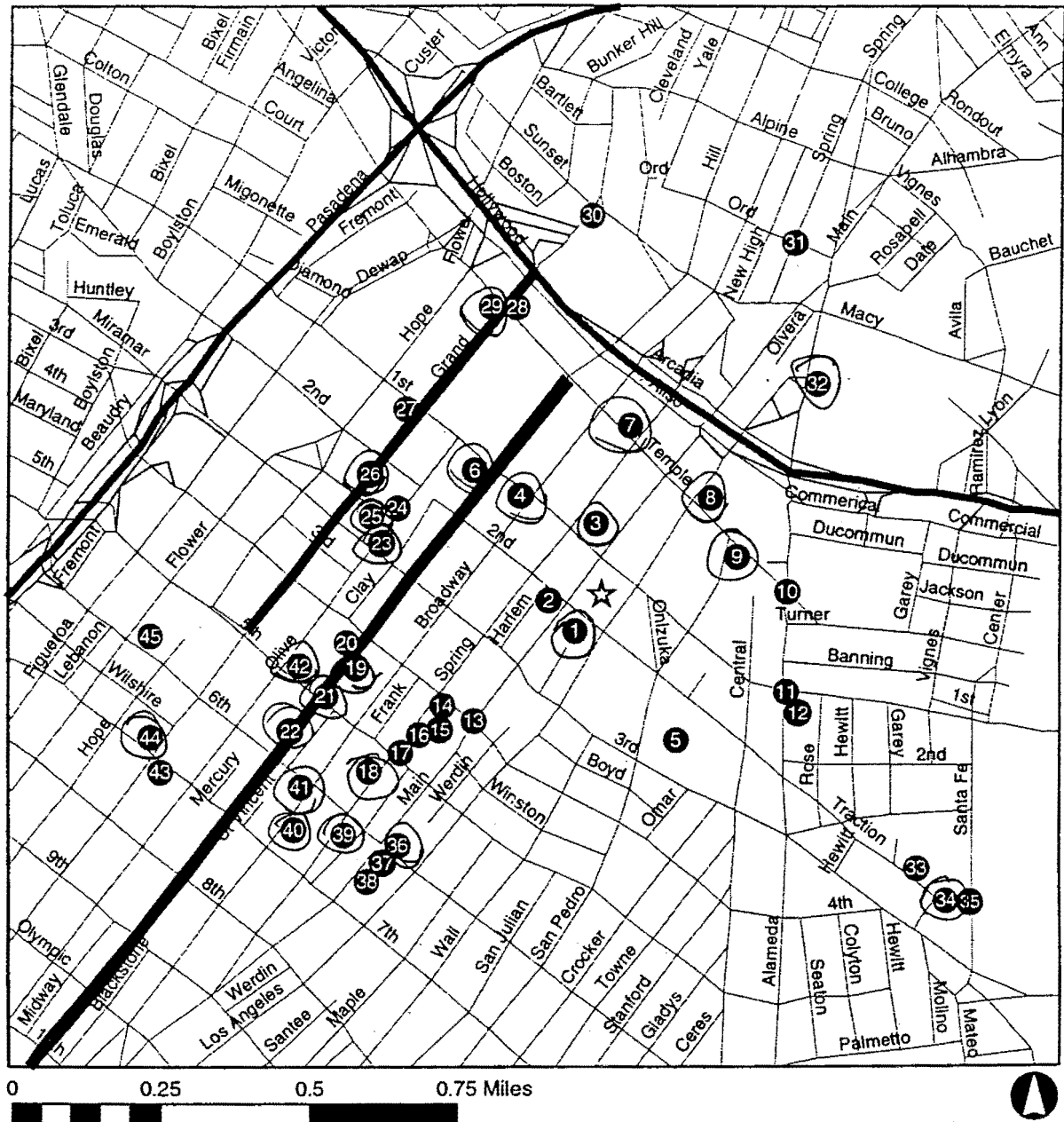
#28 & #14

109,000 sf +640 cars & 160,000 sf

#43 & #18

Hotel: 500 rooms & 600 rooms
 Retail: 200,000-300,000 & 223,000 sf
 Office: Nothing & 1,600,000

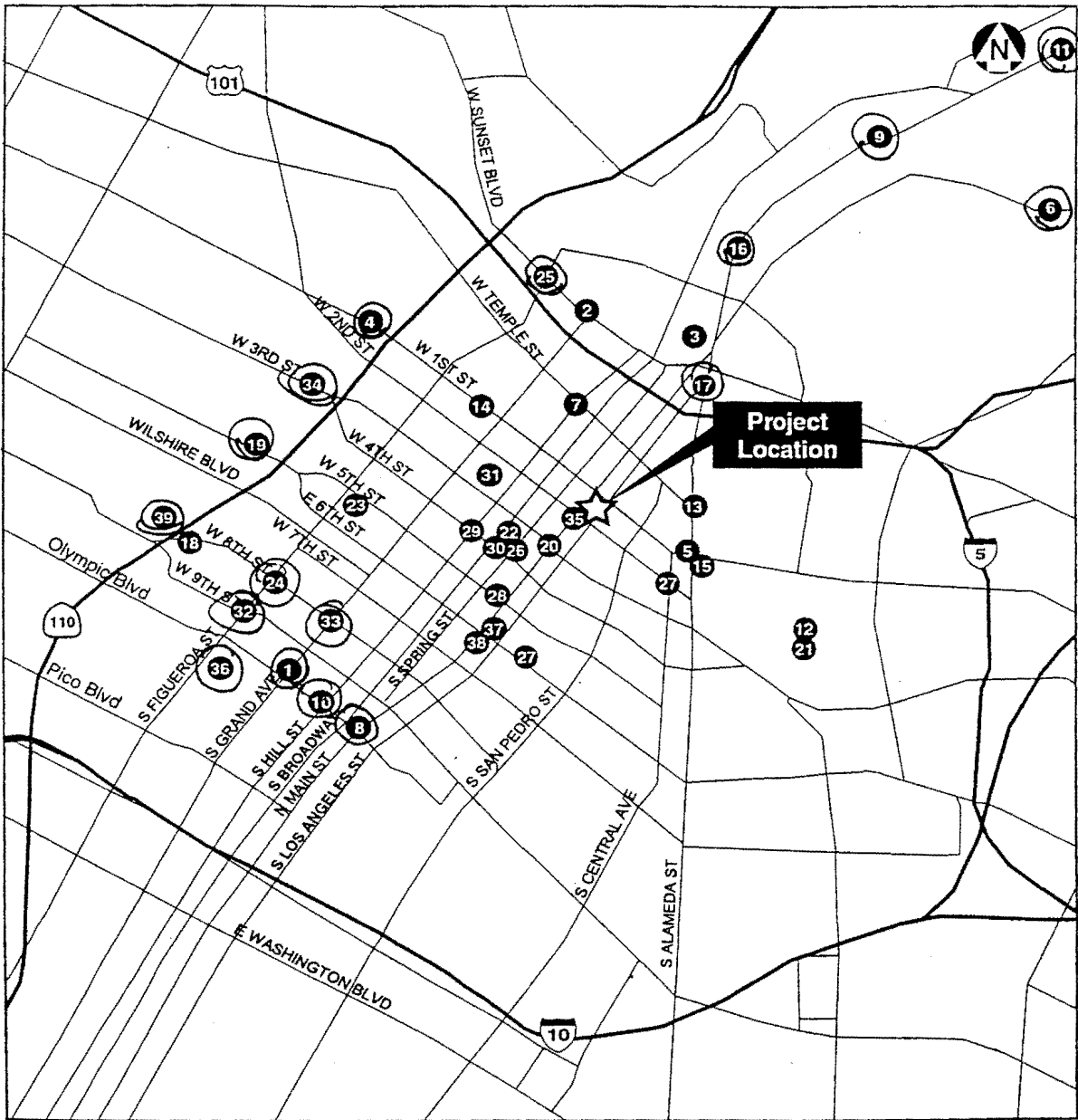
FIGURE 2-7: LOCATIONS OF RELATED PROJECTS



- ★ Proposed Caltrans District 7 Headquarters Project Site
- Related project. See Table 2-2 for list.

Sources: United States Census Bureau, 1995; Kaku Associates, Inc., 2001; Central Business Improvement District, 2001; Myra L. Frank & Associates, Inc., 2001.

FIGURE 4-68: RELATED PROJECTS LOCATIONS



1 Related Projects

Sources: Kaku Associates, 2001; Environmental Systems Research Institute, Inc., 2000; Myra L. Frank & Associates, 2001.

Exhibit 0

IV. ENVIRONMENTAL IMPACT ANALYSIS

I. NOISE

Introduction

A noise study for the proposed project was prepared by Arup Acoustics in May 1999. A summary of the noise study is provided below. The complete noise study is included in Technical Appendix D to the EIR.

Noise is usually defined as sound that is undesirable because it interferes with speech/ communication and hearing, or is otherwise annoying (unwanted sound). The decibel (dB) is a conventional unit for measuring the amplitude of sound because it accounts for the large variations in sound pressure amplitude and reflects the way people perceive changes in sound amplitude. People judge the relative magnitude of sound sensation by subjective terms such as "loudness" or "noisiness." Table IV.I-1 presents the subjective effect of changes in sound pressure level.

Table IV.I-1
Subjective Effect of Changes in Sound Pressure Level

| Change in Sound Pressure Level, dB (Increase or Decrease) | Change in Apparent Loudness (Subjective Ratings) |
|--|---|
| ± 3 | Just perceptible |
| ± 5 | Clearly noticeable |
| ± 10 | Half or twice as loud |
| ± 20 | Much quieter or louder |

Source: Engineering Noise Control, Bies and Hansen, 1988

When describing sound and its effect on a human population, A-weighted (dBA) sound levels are typically used to account for the response of the human ear. The term "A-weighted" refers to a filtering of the noise signal in a manner corresponding to the way the human ear perceives sound. The A-weighted noise level has been found to correlate well with people's judgments of the noisiness of different sounds and has been used as a measure of community noise.

Community noise levels change continuously during the day. The equivalent sound level (Leq) is normally used to describe community noise. The Leq is the equivalent steady-state A-weighted sound

level that would contain the same acoustical energy as the time-varying A-weighted sound level during the same time interval.

Community noise exhibits variation relative to time of day and day of week. To assess noise levels over a given 24-hour time period, the Community Noise Equivalent Level (CNEL) descriptor is used in land use planning. CNEL is the time average of all A-weighted sound levels for a 24-hour period with a 10 dBA adjustment (upward) added to the sound levels which occur in the night (10 p.m. to 7 a.m.) and a 5 dBA adjustment (upward) added to the sound levels which occur in the evening (7 p.m. to 10 p.m.). This penalty was selected to attempt to account for increased human sensitivity to noise during the quieter nighttime period. CNEL has been adopted by the State of California to define the community noise environment for development of a community noise element¹.

Environmental Setting

Regulatory Environment

The following sections of the Los Angeles City's noise regulation are applicable to the proposed project:

Section 111.01.(a) defines ambient noise as "...the composite of noise from all sources near and far in a given environment, exclusive of occasional and transient intrusive noise sources and of the particular noise source or sources to be measured. This section further states that the ambient noise shall be averaged over a period of at least 15 minutes at a location and time of day comparable to that during which the measurement is taken of the particular noise source being measured."

Section 111.02 of the Noise Regulation addresses the "quality" of the sound in terms of its duration and tonal characteristics. The noise regulation imposes a 5dB penalty on the short duration noise sources (occurring more than 5 and less than 15 minutes) and on noise levels that occur at regular time intervals and contain impulsive character.

Section 111.03 specifies presumed ambient noise levels of 50 dBA during the daytime (7 A.M. - 10 P.M.) and 40 dBA during the nighttime (10 P.M. - 7 A.M.) as applicable to residential land uses. The terms "background noise" and "exterior noise" will be used interchangeably with "ambient noise" in this report. The City's presumed ambient noise levels (50 dBA or 40 dBA) shall be deemed to be the minimum ambient noise level where the measured ambient noise level is less than the presumed ambient noise level. For example, if the measured daytime ambient noise level is 45 dBA, the presumed

¹ *State of California, General Plan Guidelines, June 1987*

ambient noise level of 50 dBA, as specified by the City's Noise Regulation, will be used as the ambient noise level for assessing noise impacts.

Section 112.02 applies to the noise created by mechanical equipment (including air conditioning, refrigerating, heating, pumping, and filtering equipment). This section states that it shall be unlawful for any person to operate any equipment in such manner as to create noise on the premises of any other occupied property to exceed the ambient noise level by more than five (5) decibels.

Section 112.05 applies to the noise created by construction equipment operating within 500 feet of a residential zone and limits the noise to 75 dBA at a distance of 50 feet from machinery unless technically infeasible.

Section 114.04 applies to the vehicles loading and unloading. However, it does not have a quantitative standard applicable as it relates to noise. Qualitatively, the noise standard prohibits load or unload any vehicle between the hours of 10 P.M. and 7 A.M. that causes any impulsive sound, raucous or unnecessary noise within 200 feet of any residential building.

The City of Los Angeles does not have a noise regulation pertaining to vehicles on public highways or streets. In absence of a City noise standard for auto traffic on public streets, the California Department of Transportation (Caltrans) guidelines for determining traffic noise impact may be used. Caltrans considered a noise increase to be substantial when the proposed project is expected to increase the existing ambient noise level by a minimum of 5 dBA¹.

With respect to land use planning, the State of California has adopted noise compatibility guidelines for general land use planning. The level of acceptability of the noise environment is dependent upon the activity associated with the particular land use. As described by the State of California land use compatibility for community noise environment, an exterior noise environment up to 65 dBA CNEL is normally acceptable for multi-family residential, without special noise insulation requirements. Noise environment between 60 CNEL and 70 CNEL is considered "conditionally acceptable" for multi-family residential, while 75 dBA CNEL is identified as "clearly unacceptable" noise level for all residential uses.

Existing Noise Environment

The existing noise environment surrounding the proposed project site is comprised primarily of auto traffic on Barrington Avenue, San Vicente Boulevard, and nearby streets. On May 3 and 4, 1999, short-term (15-minute) noise measurements were conducted at three selected sites surrounding the

project site to quantify the existing noise environment. The ambient noise measurements were conducted during the morning peak hour traffic hour between 8 A.M. and 9 A.M. and afternoon peak traffic hour between 5 P.M. and 6 P.M. In addition, a 24-hour measurement was conducted at the proposed project site to document the noise pattern throughout the day and to calculate the CNEL.

**Table IV.I-2
Description of Noise Measurement Sites**

| Site # | Address/Description | Existing Land Use | Approximate Distance from Project Site, feet |
|--------|--|-------------------------------|--|
| R1 | Condominium building located at 838 Barrington Avenue approximately 50 ft north of Gorham Avenue. | Residential - Multiple Family | 75 feet |
| R2 | Back of an apartment building just north of the proposed project site. | Residential - Multiple Family | 100 feet |
| R3 | South of the proposed project site on San Vicente Boulevard, approximately 100ft west of Barrington Avenue | Commercial/ Retail | 75 feet |
| R4 | Project Site, existing flower shop | Commercial/ Retail | Within the site |

Source: Arup Acoustics

Measurement Sites

The nearest residential receptor sites to the proposed project site include; high density multi-family apartment buildings along Barrington northeast of Gorham, along Gorham east of Barrington, and along the alley north of the project site. These residential sites represent the "sensitive" sound receptors in the close vicinity of the project. Figure IV.I-1 shows the location of the ambient noise measurement sites. Table IV.I-2 describes the noise monitoring sites. The noise monitoring sites were selected based on the following factors:

- Relative location to the project site (i.e., noise sensitive receptors nearest to the project site)
- Potential noise exposure to the project site (i.e., direct line-of-sight to the project site)

¹ Caltrans Project Development Procedures Manual, Highway Traffic Noise Abatement, Chapter 3-150, 5/1/95

- Representative of residential uses in the area (e.g., Site R1 represents the typical noise environment for multifamily residential uses in the vicinity of the proposed project site)

Measurement Procedures

Noise measurements were conducted using Larson-Davis 870 Precision Integrated Sound Level Meter (SLM). The Larson-Davis 870 SLM is a Type 1 standard instrument as defined in the American National Standard Institute (ANSI) S1.4. This instrument meets and exceeds the requirements specified by the City of Los Angeles. All instruments were calibrated and operated according to the manufacturer specification. At all measurement sites, the microphone was placed at a height of 5 feet above the local grade.

At Sites R1 to R3, the sound level meter was setup to collect the average (Leq) over a cumulative period of 15 minutes. The City's Noise Regulation (Section 111.01) specifies that the ambient noise measurements should be continuous for a period of at least 15 minutes. For Site R4, the sound level meter was configured to collect hourly Leq levels for 24 hours and provide a CNEL.

Measurement Results

Table IV.I-3 presents the results of the noise measurements at the selected sites. Based on field observation and measured sound data, the existing noise environment in the vicinity of the project site is controlled mainly by auto traffic on San Vicente Boulevard and Barrington Avenue. The existing ambient noise levels at nearest residential receptors, Sites R1 and R2, are within the "normally acceptable" (up to 65 CNEL) as well as the "conditionally acceptable" (between 60 CNEL and 70 CNEL) level for multi-family residential uses.

Based on the 24-hour noise measurements (time of day versus sound levels) at the proposed project site, the existing CNEL was determined to be 63 dBA (see Technical Appendix D for hourly measurements used in calculating this CNEL level). The existing noise levels are consistent with traffic flow in the area, that is, higher noise levels occurred during the daytime when traffic is higher in volume and lower noise levels occurred during the nighttime when traffic is usually lower in volume. It is estimated that the noise patterns at the nearby residential receptors (i.e., Sites R1 and R2) would be similar to that of Site R4.

**Table IV.I-3
Summary of Noise Measurements**

| Site # | Measured Ambient Noise Levels, dBA Leq | | CNEL ^a |
|--------|--|-------------------------------------|-------------------|
| | A.M. Peak Hour (8 A.M. - 9 A.M.) | P.M. Peak Hour (5 P.M. - 6 P.M.) | |
| R1 | 66 ^b | 68 ^b | 65 |
| R2 | 61 ^b | 63 ^b | 60 |
| R3 | 67 ^b | 67 ^b | 65 |
| R4 | 61 ^c | 60 ^c | 63 |

Notes:

a. Estimated based on nearby noise measurements and the short-term noise measurements using procedures provided by the U.S. Department of Transportation, *"Transit Noise and Vibration Impact Assessment Final Report, April 1995)*.

b. 15-minute measurement.

c. 1-hour measurement.

Source: Arup Acoustics

Environmental Impacts

Threshold Of Significance. As it relates to the community noise assessment, changes in noise levels greater than 5 dBA are readily noticeable and would be considered a significant increase, while changes less than 3 dBA are generally not discernible to most people (see Table IV.I-1). In accordance with the Draft L.A. CEQA Thresholds Guide (May 1998), the City allows project-related noise to exceed the ambient by up to 5 dBA and Caltrans also allows project-related auto traffic to exceed the ambient by up to 5 dBA before such increases are considered significant impacts. However, as a conservative approach, a significant impact would result when project-related noise increases the ambient by more than 3 dBA (in terms of Leq). Therefore, a significant noise impact would occur when the construction or operation of proposed project causes any of the following:

- Increases the existing ambient noise levels (Leq) by a more than 3 dBA.
- Results in 3 dBA increase in CNEL that results in a change of the land use noise compatibility for the neighboring properties as identified by the State of California General Plan Guidelines "Land Use Compatibility for Community Noise Environment." For instance, the project related noise levels increase the existing ambient sound level such that the residential land use category changes from "normally acceptable" to "conditionally acceptable".
- Utilizes construction equipment exceeds the City's noise standard of 75 dBA at a distant of 50 feet from the equipment.

Project Impacts. The following noise sources were evaluated in the noise study conducted for the proposed project: (1) construction activities; (2) automobile traffic; (3) outdoor seating areas; (4) mechanical equipment; (5) loading dock area; and (6) parking structure.

Construction

Individual reactions to construction noise usually vary depending on: (a) duration of the construction, (b) scheduling, (c) type of construction equipment used, and (d) category of land use and activities adjacent to the construction site. Usually, construction activity is a "short term" event, which occurs during the weekday daytime hours. Most construction sites contain standard equipment such as trucks, loaders, rollers, concrete pumps, compressors, and pneumatic tools. Typically, residential communities comprise the most noise sensitive land use adjoining construction sites.

Noise levels created by construction equipment vary depending on factors such as the type of equipment, the specific model, the operation being performed and the condition of the equipment. The dominant noise source from most construction equipment is the engine, usually diesel. Table IV.I-4 provides typical noise levels at 50 feet from representative pieces of equipment that are anticipated to be utilized for construction of the proposed project.

Noise from the construction activities would be generated by vehicles and equipment involved during various stages of construction operations: site clearing and grading, foundation preparation, building construction, and finish work. The construction of the Brentwood Park project is estimated to last 18 months.¹

As shown in Table IV.I-4, most of the anticipated equipment that will be used has noise emission levels that exceed the City's noise standard of 75 dBA at 50 feet from construction equipment, which would constitute a significant impact. However, construction activities would be short-term/temporary and normally limited to daytime hours.

Automobile Traffic

Automobile traffic noise levels (including project-related traffic) were estimated using analytical modeling procedures consistent with the FHWA method and California Department of Transportation

¹ *Matt Construction, March 1999*

**Table IV.I-4
Construction Equipment Noise Emission Levels**

| Equipment ¹ | Typical Noise Level 50 ft from Source (dBA) ^{2,3} | Equipment ¹ | Typical Noise Level 50 ft from Source (dBA) ^{2,3} |
|--|--|------------------------|--|
| Backhoe | 80 | Dozer | 85 |
| Compressor | 81 | Dump Truck | 85 |
| Concrete Pump | 82 | Fork Lift | 80 |
| Concrete Truck | 85 | Generator | 81 |
| Crane* | 83 | Grader | 85 |
| Delivery Truck | 85 | Plaster Mixer | 80 |
| Dump Truck | 85 | Water Truck | 80 |
| <p>Sources: 1. Assumed based on similar projects. 2. Federal Transit Administration, "Transit Noise and Vibration Impact Assessment," April 1995. 3. U.S. Environmental Protection Agency, "Noise from Construction Equipment and Operation of Building Equipment and Home Appliances," 1971</p> <p>Source: Arup Acoustics</p> | | | |

(Caltrans) traffic computer noise model, SOUND32. The measured sound data and site traffic counts were used to calibrate the model. The traffic speeds and traffic mix were based on posted speed limit signs and field observations, respectively. Traffic information was obtained from the traffic study prepared by Crain & Associates.

Table IV.I-5 presents the estimated traffic noise levels at noise receptor Sites R1 through R3. Relative to future without project condition, project-generated traffic is estimated to increase the ambient noise levels by less than 1 dBA. This is less than the 1 dBA standard accuracy of the calibrated model and below the 3 dBA threshold of significance. The increase in noise level due to project related traffic volumes would be less than significant.

**Table IV.I-5
Summary of Traffic Noise Impacts**

| Site # ² | Estimated Auto Traffic Noise Levels, dBA ¹ (Peak Hour and CNEL) A.M. / P.M. / CNEL ⁴ | | | Change in Noise Levels, dBA A.M. / P.M. / CNEL | | Impact Criteria | Noise Impacts |
|---------------------|--|---|--|---|------------------------------|-------------------------------|---------------|
| | Existing ³ (A) | Future w/o Project ³ (B) | Future w/ Project ³ (C) | Future w/o Project (B - A) | Future w/ Project (C - B) | | |
| R1 | 65 / 66 / 65 | 65 / 66 / 65 | 65 / 66 / 65 | <1 / <1 / <1 | <1 / <1 / <1 | >3 dBA change in noise levels | No Impact |
| R2 | 61 / 62 / 60 | 61 / 62 / 60 | 61 / 62 / 60 | <1 / <1 / <1 | <1 / <1 / <1 | >3 dBA change in noise levels | No Impact |
| R3 | 68 / 68 / 65 | 68 / 68 / 65 | 68 / 69 / 65 | <1 / <1 / <1 | <1 / <1 / <1 | >3 dBA change in noise levels | No Impact |

- Notes: 1. Predicted noise levels are rounded to the nearest whole number.
 2. Site R4 is not included because it is within the proposed project site.
 3. Estimated based on existing and future traffic volume only.
 4. 24-hour CNEL levels were estimated based on short-term noise measurements and future auto traffic volumes.

Source: Arup Acoustics

Outdoor Seating Area

The proposed outdoor terrace could be used as outdoor seating/eating area for the restaurants. The activities associated with typical use of the outdoor seating area include food services and general conversation and activity levels associated with restaurant patrons. Measured noise levels from a similar outdoor dining area were used in the evaluation of noise impacts from this source.¹

An existing three-story commercial building is located just north of the proposed project site. Residences located to the north of the proposed project site, represented by Site R2, will benefit from acoustical shielding provided by this three-story building. In addition, the proposed project Building One will also provide acoustical shielding from the proposed outdoor seating area. Therefore, noise generated by activities at the outdoor seating area would not significantly impact existing ambient noise levels at Site R2. At Site R1, which has direct line-of-sight to the outdoor seating area, noise levels generated at the outdoor seating area could be audible, specifically in the late evening (after 11 P.M.) when the ambient noise level is generally lower. However, the increase in noise levels experienced at Site R1 due to the outdoor seating area would be 1 dBA above the ambient noise levels, which is less than 3 dBA above the ambient noise levels significance threshold. Thus, significant noise impacts would not result from the proposed outdoor seating area.

Mechanical Equipment

Mechanical equipment will be used for ventilation of the proposed buildings. Detailed information regarding the mechanical design is typically not available during the environmental review process, as the building design is still in progress and mechanical equipment selections are not yet finalized. Therefore, mechanical data from similar projects was used in the analysis.

The analysis assumes that the design of the project-related mechanical services will include standard noise control devices such as duct silencers for exhaust fans and air handling unit intakes. In general, all outdoor mounted equipment will be designed not to exceed the existing exterior ambient noise levels. Therefore, no increase in noise levels would occur as a result of this source and significant noise impacts would not occur.

¹ Measured noise levels at the Marina Del Rey Cheesecake Factory's restaurant outdoor dining area with about 75-100 outdoor seating capacity.

Loading Area

Noise sources associated with loading area activities typically include delivery trucks (engine idling), and small lift trucks. Noise associated with the loading area activities, however, would be intermittent and would occur only when there is a delivery truck present.

The proposed loading area is located at the north side of the property facing the alley with walls on the east and west side. The noise generated by activities at the loading area could be audible at the nearest residential receptor (Site R2). However, as loading and unloading activities would be confined to the hours between 9 a.m. and 5 p.m., noise generated at the loading area would be limited during actual loading and unloading process. Therefore, the loading area is not expected to be a significant noise impact.

Subterranean Parking Structure

Noise sources associated with parking structure typically include tire squeal, engine accelerating, door slamming, and car alarms. A multi-level subterranean parking structure containing approximately 275 parking spaces will be constructed for the proposed project. The entrance to the subterranean parking structure is from San Vicente Boulevard. There will be no opening to the subterranean parking structure that will have a direct line-of-sight to the residential receptor sites. Therefore, no increase in ambient noise levels would occur as a result of the operation of the subterranean parking structure and no significant impact would result from this source.

Total Operational Noise Levels

The total¹ noise effects of the project-related noise were analyzed for the three receptor sites where existing ambient noise measurements were conducted. The overall sound environment at the areas surrounding the proposed project is comprised of contributions from each individual noise source associated with the typical daily operation of the commercial/retail at the proposed project. In order to evaluate the project-related noise impact on a cumulative basis that account for simultaneous operation of all noise sources, the Community Noise Equivalent Level (CNEL) is used.

The total noise levels due to all noise sources associated with the proposed project at the affected residential receptors are presented in Table IV.I-6. As indicated in Table IV.I-6, the major noise

¹ Total noise includes existing conditions, future growth as indicated by traffic analysis, and project-related noise sources.

**Table IV.I-6
Estimated Total Project CNEL (24-hour) Noise Levels**

| Site # | Existing Noise Levels ² , CNEL (A) | Estimated Future with Project Noise Levels, CNEL ¹ | | | | | | Change In Noise Levels (G - A) | Noise Impact |
|--------|---|---|---------------------------------------|--|------------------------------------|-------------------------------|--|--------------------------------|------------------------------|
| | | Traffic (B) | Outdoor Seating Area ³ (C) | Building Mechanical Equipment ⁴ (D) | Parking Structure ⁵ (E) | Loading Dock ⁶ (F) | Cumulative Noise Levels ⁷ (G) | | |
| R1 | 65 | 65 | 55 | 54 | 38 | 51 | 66 | +1 | Less Than Significant Impact |
| R2 | 60 | 60 | 34 | 54 | 34 | 55 | 62 | +2 | Less Than Significant Impact |
| R3 | 65 | 65 | 56 | 54 | 60 | 30 | 67 | +2 | Less Than Significant Impact |

- Notes: 1. Estimated noise levels are rounded to the nearest whole number.
 2. From Table on page 6.
 3. Based on an assumption that outdoor seating area will be utilized between 7 A.M. to 12:30 A.M.
 4. Based on an assumption that mechanical equipment will be operating between 6 A.M. to 12:30 A.M.
 5. Based on an average of 25 delivery trucks between the hours of 7 A.M. to 8 P.M.
 6. Based on average of 100 vehicle entering/leaving the parking structure per hour between the 6 A.M. to 12:30 A.M.
 7. $G = B + C + D + E + F$.

Source: Arup Acoustics

sources attributable to the cumulative noise levels are traffic and mechanical equipment. The total noise levels attributable to the typical operation of the proposed project would vary from a CNEL of 62 dBA at Site R2 to a maximum CNEL of 67 dBA at Site R3. This is a conservative estimate of the change in noise level because the future with project noise level has been compared to the existing noise level rather than the future without project noise levels.

With respect to the land use compatibility CNEL levels, change in land use category would not result from operation of the proposed project. Based on the description of land use compatibility for community noise environment as provided State of California General Plan Guidelines, 1987, categorizes CNEL 60 to 70 dBA as "conditionally acceptable" for multi-family residential land use. Relative to the existing noise environment, the proposed project is estimated to increase the ambient sound level by a maximum of 2 dBA and would not move the CNEL level out of the conditionally acceptable category. Therefore, no significant operational noise impact would result from the proposed project.

Mitigation Measures

Construction

The following noise control measures shall be implemented during construction in order to minimize noise disturbances at the nearby residential community. These noise control measures are conceptual in nature; alternative measures may also be equally effective. The primary goal of any noise mitigation plan is to provide the most effective and practical techniques for controlling the construction site noise emission.

- Ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational.
- Use electric-powered instead of diesel-powered equipment and hydraulic tools instead of pneumatic impact tools whenever possible.
- Turn off idling equipment, whenever possible.
- Provide a sound barrier (a wood fence) at the project site perimeter that will break the line-of-sight between the construction equipment and noise receptors.
- Construction activities shall be limited to daytime hours, 7 a.m. to 9 p.m. on Monday through Friday and 8 a.m. to 6 p.m. on Saturday. No noise generating construction activities shall take place on Sundays and holidays;
- Deliveries shall be limited to the daytime hours of 9 a.m. and 5 p.m.
- Tenants shall not dump trash past 10 p.m.

Operations

Project operational noise sources would not result in significant noise impacts. No mitigation measures are required.

Cumulative Impacts

Development and operation of the proposed project in conjunction with the related projects listed in Section II.B (Related Projects) would result in short-term and long-term increases in existing ambient noise levels. Depending on the nature of the grading/construction schedules for each related project (i.e., length of construction, types of heavy machinery used, etc.), it is possible that construction activity associated with the related projects could overlap with the proposed project. However, the related projects are located at sufficient distance from the proposed project site that cumulative increases in short-term noise levels would not be likely, even if construction schedules were to overlap. Cumulative construction noise impacts would thus be less than significant.

Table IV.I-5 indicates that the cumulative increase in ambient noise levels resulting from traffic associated with the proposed project and the related projects would not exceed the 3.0 dBA threshold at any of the sensitive receptor location (i.e., increase between existing and future without project condition would be less than 1 dBA in all cases). Therefore, cumulative traffic noise impacts from the proposed project and the related projects listed in Section II.B would be less than significant. All other operational noise sources associated with the proposed project (i.e., outdoor seating areas; mechanical equipment; loading dock area; and parking structure) would be localized in effect. Since the related projects are located at sufficient distance from the proposed project site that such noise sources would not interact, cumulative increases in noise levels related to these sources would not occur.

Level of Significance After Mitigation

Project-related operational noise impacts would be less than significant. Application of the mitigation measures will reduce the construction noise impacts; however, temporary increases in ambient noise levels at the affected residential sites would still occur. Since noise increases would be caused by equipment operating at levels that exceed City standards, construction noise impacts would be significant and unavoidable.

Exhibit E

IV.J PUBLIC SERVICES

(Fire Protection and Emergency Access, Police Protection, Parks and Recreation, Libraries, Road Maintenance)

1. Fire Protection and Emergency Access

Environmental Setting

Fire protection and emergency services in the project vicinity are provided by the City of Los Angeles Fire Department (LAFD). These services are provided as directed by the Fire Protection and Prevention Plan (FPPP), an element of the General Plan of the City of Los Angeles (C.P.C. 19708). The FPPP is intended to provide guidance to various City departments and government agencies that operate fire protection facilities within the City. The FPPP also establishes standards for the distribution, design, construction, and location of fire protection facilities, including systems incorporated into private developments. These standards specify fire flow criteria, minimum distances to fire stations, public and private hydrant specifications, and the location criteria and access provisions for fire fighting vehicles and personnel.

The LAFD operates four fire stations within the Mt. Washington area that are illustrated in Figure 62, Public Facilities Map. Table 34 provides a staffing and equipment description of these four stations.

The adequacy of fire protection for a given area is based on required fire flow; response time from existing fire stations, and the LAFD's judgement for needs in the area. The required fire flow is closely related to the type and size of the land use. The quantity of water necessary for fire protection varies with the type of development, life hazard, occupancy, and the degree of fire hazard. City-established fire flow requirements vary from 2,000 gallons per minute (gpm) in low-density residential areas, to 12,000 gpm in high-density commercial or industrial areas. A minimum residual water pressure of 20 pounds per square inch (PSI) is to remain in the water system while the required gpm is flowing. The overall fire flow requirement for the Mount Washington area is 4,000 gpm, whereas, the on-site fire flow requirement for existing structures on the project site is approximately 2,000 gpm. Currently, water pressure and availability in the project area are sufficient to meet the LAFD's fire flow requirements.¹

¹ The Los Angeles Department of Water and Power, Milad Tagavi, telephone conversation, July 31, 1998.

Insert Figure 62, Public Facilities Map

Table 34
City of Los Angeles
Fire Stations Serving the Project Area

| Fire Station | Location | Staff & Equipment | Distance from Project Site (miles) |
|--------------|---|--|------------------------------------|
| No. 1 | 2230 Pasadena Ave. Los Angeles, Ca 90031 | Task Force Truck Engine Company Paramedic Rescue Ambulance Staffing: 12 | 3.2 |
| No. 55 | 4455 E. York Blvd. Eagle Rock, Ca 90041 | Single Engine Company Battalion 2 Headquarters Paramedic Rescue Ambulance Staffing: 7 | 2.1 |
| No. 12 | 5921 N. Figueroa St. Los Angeles, Ca 90042 | Task Force Truck and Engine Company Staffing: 10 | 2.7 |
| No. 44 | 1410 Cypress Avenue Los Angeles, Ca 90065 | Single Engine Company Staffing: 4 | 3.5 |

Response time relates directly to the physical linear travel distance (i.e., miles between a fire station and a site) and the Fire Department's ability to successfully navigate the given accessways and adjunct circulation system. Roadway congestion and intersection level of service (as defined in Section IV.I, Traffic) along the response route can affect the response distance when viewed in terms of travel time. The LAFD has a preferred response time of five minutes to emergency calls. The average citywide response time is 6.6 minutes for 90 percent of all emergency calls.²

The average response time to emergency calls for service in LAPD's Northeast Area during 1998 was 8.1 minutes. Response times to the Mt. Washington area are greater than the Citywide average due to (a) the distance of the closest fire station (approximately 2.1 miles), and (b) the non-linear and narrow roads serving the project site and vicinity.

According to the LAFD, the Mount Washington area is considered to be located in a high fire hazard area based on prevailing environmental conditions, including the following: 1) climate patterns and weather conditions; 2) the fuel loading (i.e., the quantity of flammable vegetation per unit of land); and 3) slope steepness.

As discussed in Section IV.B (Air Quality), the climate of Southern California is classified as a Mediterranean type in which hot summer droughts are followed by winter season rainfall. The hot, dry summers subject vegetation to prolonged periods of moisture stress at times when wildfire is most

² The Los Angeles Fire Department, Terrance O'Connell, telephone conversation, August 3, 1998.

likely. Seasonal weather changes introduce periods with distinctly different "fire weather" conditions. At the end of the summer, Santa Ana winds can exacerbate fire hazard levels in the project vicinity.

As described in Section IV.D (Biological Resources), the natural vegetation coverage in the Mount Washington area is a mixture of drought tolerant coastal sage scrub and grasslands. Drought causes plants to accumulate dead plant material annually during their dormant stages, which contributes to a build-up, or fuel-loading, of volatile plant material. This vegetative response produces conditions that may exacerbate the intensity of potential fires, and thereby, the degree of the fire hazard over time.

Slope steepness and the ruggedness of terrain influences the speed of fire spread and the fire-fighting accessibility and response times. Up-slope fires move significantly faster than down-slope fires because of an up-slope "wind effect" which accelerates the spread of fire. As slope steepness increases, the ability to utilize firetrucks and bulldozers to directly attack fires decreases.

The Mount Washington area experienced a relatively serious brush fire in May 1997. The fire began in Elyria Canyon located to the west of the project site and burned 35 acres, severely damaging one residence. The LAFD's investigation of the fire did not uncover the fire's origin; they believe that the fire may have been arson-related. No fires in the Mount Washington area have originated from the project site.³ However, the project site is bordered on the northeast by Rainbow Canyon. The canyon is characterized by its relatively steep slopes and drought-tolerant vegetation coverage.

The project site is in compliance with various LAFD mandatory fire safety requirements (e.g., emergency access, fire flow, fire hydrants, etc.). In addition, two poured-in-place concrete underground water storage tanks containing 24,000 gallons of water each, located at the east end of the main drive, can be used to protect against fire hazard. Each water tank is equipped with a pump, a hose, and a standby generator. Finally, the project site has been made available to the LAFD as a staging area during fires and is also available as an evacuation site for the public during fires and other natural disasters.

Environmental Impacts

Threshold of Significance. Fire and emergency services impacts would be considered significant if existing available Fire Department personnel or equipment can not adequately meet the demand for fire and emergency services caused by the proposed project.

³ The Los Angeles Fire Department, Bill Cass, telephone conversation, September 18, 1998.

Project Impacts. Implementation of the proposed project could result in additional calls for emergency and fire service resulting from the increase in the residents, employees, and visitors at the project site. The frequency and nature of future emergency calls from the proposed project is difficult to predict. Nonetheless, as the intensity of activity within an area increases, so could the potential incidence of emergency calls. However, the potential increase in fires on the project site would be mitigated to a large extent because the Administration Building and all new buildings would contain fire suppression systems to protect against fire hazard. Further, the proposed project would continue to comply with the LAFD's various fire safety requirements (e.g., emergency access, fire flow, fire hydrants, etc.). As such, it is not anticipated that the increase in residents, employees, and visitors resulting from the proposed project would substantially increase the requirement for services from the LAFD.

Development of the proposed project would transform a portion of the site's terrain, including the on-site ravine, by removing and replanting native and non-native vegetation. Manufactured slopes, a stepped-sequence of level building-pads, and paved access roads would be constructed. The project applicant would implement fuel-modification and/or brush clearance up to 200 feet on adjacent terrain as required by the LAFD. The Department of Water and Power has indicated that water supply and pressure in the project vicinity are adequate to accommodate the project's fire flow requirements. Also, a total of five access points would be provided into the project site, including two access points off of Mount Washington Drive, one access point off of San Rafael Drive, and two off of Rome Drive (see Figure 11, Revised Master Plan).

Because existing response times to the project area are greater than the Citywide average, LAFD would require all new buildings on the project site to be installed with sprinkler systems. Additionally, the proposed project would incorporate a number of fire safety features in accordance with applicable City fire-safety code and ordinance requirements for construction, access, fire flows, and fire hydrants. According to the LAFD, the existing staffing levels and facilities can accommodate the proposed project's increased demand for fire service.⁴ Therefore, impacts to fire services by the proposed project would not be significant.

Cumulative Impacts

Implementation of the proposed project in conjunction with the various related projects identified in Section II.B would further increase demands for fire and emergency services. The development of the proposed project, along with other cumulative development, could increase calls for fire and emergency services resulting in the need for additional fire protection staff, equipment, and facilities. The LAFD continually evaluates fire station placement and overall Department services for the entire City, as well as specific areas. Impacts created by related development listed in Table 2 would be reduced by the

⁴ *The Los Angeles Fire Department, Terrance O'Connell, telephone conversation, August 3, 1998.*

incorporation of mitigation measures into the related development, as well as compliance with existing fire-safety code and ordinance requirements. In addition, the LAFD would monitor the need for fire services, and would propose appropriate service enhancements through the yearly budgetary process. According to the LAFD, the existing staffing levels and facilities can accommodate the increased demand for fire service by the proposed project and related projects.⁵ Therefore, cumulative impacts to emergency and fire service resulting from the proposed project and related projects would not be significant.

Mitigation Measures

As no significant fire and emergency service impacts have been identified, no mitigation measures are required. However, the following measures are recommended to further reduce the proposed project's need for fire and emergency services:

- All new structures associated with the proposed project, as well as the Administration Building, when renovated, should be installed with sprinklers, with standpipe spacing plans to be reviewed and approved by the Fire Department. Definitive plans and specifications should be submitted to the Los Angeles Fire Department and requirements for necessary permits satisfied prior to commencement of any portion of the proposed project.
- Building permits issued for the proposed project and construction of the proposed project should be subject to the most recently adopted Uniform Building Code (UBC) and Uniform Fire Code (UFC).
- Access points for the purpose of rescue should be provided to all structures associated with the proposed project. The access points should be reviewed and approved by the Fire Department prior to construction plan approval.

- The applicant shall submit an emergency response plan for approval by the City Planning Department and the Fire Department. The emergency response plans shall include but not be limited to the following: mapping of emergency exits, evacuation routes for vehicles and pedestrians, location of nearest hospitals, and fire departments.

Level of Significance After Mitigation

Impacts to fire and emergency services resulting from the proposed project would not be significant.

⁵ The Los Angeles Fire Department, Terrance O'Connell, telephone conversation, August 3, 1998.

Exhibit F

Construction Traffic Review

The following paragraphs provide an overview of the anticipated vehicular traffic associated with the construction of the proposed project. Issues outlined in this section include a review of the expected number of truck trips per day related to project construction, discussion of the haul routes and hours of construction, as well as construction signage, equipment and area clean-up, and discussion of parking/staging areas.

Construction Traffic - Trucks During Excavation

As discussed in Section III.D of the EIR (Project Characteristics), the project's grading plan would include export of approximately 32,000 cubic yards of soil over a 30-year period. The traffic impacts of the grading program are discussed below.

The amount of material to be exported to accommodate the grading plan project is estimated to be a total of 32,000 cubic yards for all three construction phases with the proposed grading plan. Assuming a capacity of 10 cubic yards of material per truck, it is estimated that the following number of truck trips would be needed to completely remove the soil required for export using the proposed grading plan:

- Phase I: No export of soil
- Phase II: 8 trucks making 5 round trips per day for roughly 24 days (9,700 cubic yards)
- Phase III: 8 trucks making 5 round trips per day for roughly 54 days (22,000 cubic yards)

It is anticipated that the excavated soil would be transported to a local landfill such as Scholl Canyon. The anticipated haul route to and from the project site includes San Rafael Avenue. Loaded trucks would egress from the site via San Rafael Avenue and Avenue 50. Other surface streets used to access regional freeways could include Figueroa Street and San Fernando Road. Prior to commencement of grading, a haul route would be established to the satisfaction of the City of Los Angeles. The final approved haul routes and all the conditions of approval would be available at the project site at all times.

Excavation is proposed to occur between the hours of 7:00 AM to 6:00 PM Monday through Friday, and occasionally on Saturdays within permitted hours. Furthermore, no soil hauling truck traffic would be allowed on San Rafael Avenue near Mt. Washington Elementary School during typical school peak drop-off and pickup periods (e.g., 7:45 to 8:30 AM and 2:15 to 3:00 PM).

Trucks and construction equipment would not be staged in adjacent residential areas during the construction periods. To reduce noise impacts associated with starting the trucks in the morning, there would be no overnight storage of haul trucks on the project site or on the streets in the vicinity of the project site. Construction-related trucks would be staged and stored on-site. Some equipment may stay on the project site at the end of the workday; however, the equipment would not be in operation at times outside the allowable construction hours.

Temporary "Truck Crossing" warning signs would be placed 300 feet in advance of the site exit in each direction during times of construction. One flag person would be required at the project site to assist the truck operators in and out of the project area, as well as minimize conflicts with motorists. The flag person and warning signs would be in compliance with Part II of the 1985 edition of *Work Area Traffic Control Handbook*. The Traffic Bureau of the Los Angeles Police Department, telephone (213) 485-3106, would be notified prior to the start of hauling.

Construction Traffic - Employees and Other Trucks

The peak period for construction traffic is expected to occur during the final completion of construction for each building, when electrical, mechanical, plumbing, painting, etc., contractors are on-site. During the period for peak construction activities at the site, it is anticipated that construction employee-related traffic would generate a total of 66 daily trip ends (33 inbound and 33 outbound). In addition, up to 8 trip ends per day (4 inbound and 4 outbound) would be generated by material trucks (e.g., electrical materials, mechanical materials, lumber, etc.). Using a passenger car equivalency factor of three cars per truck, this is equivalent to 24 additional trip ends. Thus, during the peak activity of construction, the equivalent of 100 daily trip ends (50 inbound and 50 outbound) are anticipated to be generated by construction employees and material trucks. This would occur after any required grading work was completed; thus the peak construction employee traffic would not coincide with the grading period when haul trucks are coming to and from the site. When compared with the net increase in daily traffic volumes due to the proposed project, the temporary increase in traffic volumes due to construction employee-related traffic is considered insignificant (492 new daily trips at project build-out as compared to 100 temporary daily trips during the peak construction activity). In addition, construction employees would not be allowed to park along adjacent residential streets in the project vicinity.

The greatest potential for significant traffic impacts related to construction activity may occur between Phases II and III of the proposed project. At this point, approximately two-thirds of the anticipated increase in levels of the monastic population and commuting employees would be achieved coinciding with construction activities related to Phase III. Following build-out of Phase II, the proposed project

is forecasted to generate 328 new daily trips (i.e., two-thirds of the estimated 492 new daily trips attributed to Phases I, II and III). The addition of the estimated 100 daily trip ends due to the peak construction activities yields a total of 428 daily trips generated by the site following build-out of Phase III. This combined figure is less than the total new daily trips forecasted for full build-out of the proposed project (492 daily trips). Therefore, the impacts of the project due to construction related activities are expected to be insignificant.

Project Parking

Parking conditions at the project site were analyzed to evaluate the existing parking supply at the site, as well as the future parking supply proposed as part of the project. The analysis was based on a count of actual parking usage at the project site, and the current number of staff members (monastics living on-site and commuting employees) at the site. These data were used to determine existing parking usage, a Design Parking Ratio which reflects overall existing parking characteristics, and projected future parking at full build out of the proposed project.

Design Parking Ratio

For purposes of forecasting the future on-site parking demand following implementation of the proposed project, a Design Parking Ratio was derived from the data collected from the parking accumulation survey. The peak accumulation of 121 vehicles was observed at 11:00 AM on Wednesday, July 22, 1998. As stated above, a total of 235 staff members currently staff the site. From this information, the existing measured peak parking demand ratio for existing conditions is calculated to be 0.52 parked vehicles (hence spaces) per staff member. The calculation is as follows:

- $121 \text{ [vehicles parked]} / 235 \text{ [staff members]} = 0.52 \text{ occupied spaces/staff member}$

To arrive at the Design Parking Ratio, the measured peak parking demand has been increased by five percent in order to make appropriate allowance for circulation within the existing parking supply (to avoid having the last vehicle search for the last open parking space). Based on the observed parking demand analysis data, the Design Parking ratio for existing conditions is calculated to be 0.55 parking spaces per staff member. The calculation is as follows:

- $\text{Design Parking Ratio} = 0.52 \text{ [spaces/staff member]} \times 1.05 \text{ [5\% Factor]} = 0.55 \text{ spaces/staff member}$

Exhibit 2

CHAPTER 16

EXCESS LAND TABLE OF CONTENTS

| | |
|-------------|---|
| 16.01.00.00 | GENERAL |
| 01.00 | Function and Responsibility |
| 02.00 | Creation of Excess Land |
| 03.00 | Definitions |
| 03.01 | Excess Land |
| 03.02 | Inventory Parcel |
| 03.03 | Non-Inventory Parcel |
| 03.04 | Planning Parcel |
| 03.05 | Disposal Unit |
| 03.06 | Inventory Value (VTA) |
| 03.07 | Acquisition Price |
| 03.08 | Direct Conveyance of Easements |
| 03.09 | Direct Conveyance Pursuant to Cooperative Agreement |
| 03.10 | Direct Fee Sale to Government Agencies |
| 03.11 | Direct Sale to Eligible Present Occupants |
| 03.12 | Direct Sale to Former Owners |
| 03.13 | Direct Sale to Housing Entity |
| 03.14 | Exchange Per Contract |
| 03.15 | Finding "A" Sales |
| 03.16 | Finding "B" Sales |
| 03.17 | Miscellaneous Conveyances |
| 03.18 | Appraised Value |
| 03.19 | Nominal Value Appraisals |
| 03.20 | Public Sale Estimate (PSE) |
| 03.21 | Private Sale |
| 03.22 | Public Sale |
| 04.00 | Organization |
| 05.00 | Review of Appraisal Maps |
| 06.00 | Map Review Prior to Plans, Specifications, and Estimates (PS&E) |
| 07.00 | Parcel File |
| 08.00 | Parcel Diary |
| 09.00 | Excess Land Parcel Acquisition/Disposal Summary |
| 10.00 | Excess Land Inventory Memorandum |
| 11.00 | Excess Land Fiscal Transmittal |
| 12.00 | Discriminatory Rezoning |
| 13.00 | Initiating Zoning Upgrades of Excess Land |
| 16.02.00.00 | EXCESS LAND INVENTORY |
| 01.00 | Inventory |
| 02.00 | Inventory Categories |
| 03.00 | Inventory Process and Control |
| 04.00 | RPRRC and Transmittal of Hold Requests |
| 05.00 | Inventory Value - Value at Time of Acquisition (VTA) |
| 05.01 | Items Not Included in VTA |
| 05.02 | Adjustments to VTA |
| 06.00 | Annual Inventory Review |

(Rev. 7/2000)

EXHIBIT 2

- 16.03.00.00 CLEARANCE PROCEDURES
 - 01.00 Various Functional Reviews
 - 02.00 Environmental Compliance
 - 03.00 Hazardous Substances
 - 03.01 Lead-Based Paint Disclosure
 - 04.00 Notices to Other State Agencies
 - 05.00 Offers to Local Public Agencies and State Resources Agency
 - 06.00 Outdoor Advertising Signs
 - 07.00 Clearance of Other Items

- 16.04.00.00 EXCESS LAND APPRAISAL
 - 01.00 General
 - 02.00 Public Sale Estimates (PSE)
 - 03.00 Market Value Appraisals
 - 04.00 Nominal Value Appraisals

- 16.05.00.00 DISPOSAL METHODS AND PROCEDURES
 - 01.00 General
 - 02.00 Methods of Disposal
 - 03.00 Internal Transfers
 - 03.01 Incorporation of Excess Parcels Within Operating Right of Way
 - 03.02 Inter-Program Transfers
 - 03.03 Charging Excess Land to Projects
 - 04.00 Public Sales
 - 04.01 General
 - 04.02 Purchase Agreement
 - 04.03 Default or Withdrawal of Highest Bidder
 - 04.04 Minimum Bids
 - 04.05 Unannounced Minimum Bid
 - 04.06 Credit Term Agreement
 - 04.07 Notice of Surplus Real Estate Sale
 - 04.08 Posting of Property and Physical Inspection
 - 04.09 Public Sales of Landlocked Parcels
 - 04.10 Transfer Costs
 - 04.11 Oil, Gas, and Mineral Reservations
 - 04.12 Delinquent Taxes
 - 04.13 Mailing List
 - 04.14 Advertising Excess Property - Public Sale
 - 04.15 Conduct of Public Auction Sales
 - 04.16 Personal Checks
 - 04.17 Conduct of Sealed Bid Sales
 - 04.18 Notification of Tenants
 - 04.19 Sale of Excess Land and Improvements Leased as Resident Engineer's Offices
 - 04.20 Public Sale of Fragmentary Remainders
 - 04.21 Protection of Improvements on Excess Land Following Public Sale
 - 04.22 Change in Terms and Conditions of Sale Subsequent to Publication of Sales Notice
 - 04.23 Eviction of Occupants of Excess Property
 - 05.00 Direct Sale to Adjoining Owners, Finding A and B
 - 05.01 Adjustment of Sales Price to Adjacent Owners
 - 05.02 Payment of Recording Fees - Purchase Consideration \$100 or Less
 - 05.03 Finding A and B Sales to Other Governmental Agencies
 - 05.04 Informal Time Payment Sales, Finding A or B
 - 06.00 Direct Sale
 - 06.01 Direct Sale of Commercial Property Pursuant to S&H Code Section 118.1

- 16.05.00.00 **DISPOSAL METHODS AND PROCEDURES (Continued)**
 - 06.02 Direct Sale to Present Residential Tenant-Occupant at Fair Market Value
 - 07.00 Private Sale Among Adjoining Owners
 - 08.00 Exchange by Right of Way Contract
 - 09.00 Other Direct Conveyances
 - 09.01 Governmental Agencies
 - 09.02 Direct Sales to Governmental Agencies
 - 09.03 Conveyances to Utility Companies
 - 09.04 Cooperative Agreements
 - 09.05 Joint Exercise of Powers Agreement With Department of Parks and Recreation
 - 10.00 Coastal Zone
 - 11.00 Transfer of Control and Possession
 - 12.00 Requests to Decertify and Purchase
 - 13.00 Option Purchase Agreement up to Two Years (Public Sales and Qualifying Direct Sales)
 - 14.00 Lease-Purchase Agreement and Partnering with an Adjoining Owner (Public Sales and Qualifying Direct Sales)
 - 15.00 Use of Private Brokers (Including Public Auction Brokerages)

- 16.06.00.00 **FEDERAL HIGHWAY ADMINISTRATION REQUIREMENTS ON DISPOSAL OF EXCESS LAND**
 - 01.00 General Policy Regarding Acquisition of Excess
 - 01.01 Non-Federally Participating Excess Sold for Less Than Acquisition Cost
 - 01.02 Sales of Federally Participating Excess
 - 01.03 FHWA-Exempt Sales
 - 02.00 Design Changes Subsequent to Acquisition
 - 03.00 Decertifications
 - 04.00 Excess Created by Rescinded Route
 - 05.00 Incorporation Into the Right of Way
 - 06.00 Hardship or Protection
 - 07.00 Relinquishment or Sales of Access Rights Requiring FHWA Approval
 - 08.00 Civil Rights Assurances
 - 09.00 Foreclosures

- 16.07.00.00 **PROCESSING TRANSACTIONS**
 - 01.00 General
 - 02.00 Deed Approval Delegated to Region/Districts
 - 03.00 Transmittal of Director's Deed to HQ R/W
 - 04.00 Deadline for Submitting Package to HQ R/W - CTC-Approved Deeds
 - 05.00 Airspace Advisory Committee Review (AAC) of Excess Land Transactions
 - 06.00 Recordation of Director's Deeds
 - 07.00 Cancellation of Sale Prior to CTC Approval
 - 08.00 Cancellation of Sale Prior to Recordation
 - 09.00 Correction Deeds

- 16.08.00.00 **CREDIT SALES**
 - 01.00 General
 - 02.00 Low- and Moderate-Income Housing
 - 03.00 Credit Sale by Trust Deed
 - 03.01 Escrow Requirement
 - 03.02 Provisions of Trust Deed and Note
 - 03.03 Processing of Director's Deed Sale With Trust Deed
 - 03.04 Deposit of Director's Deed With Escrow Agent
 - 03.05 Retention of Trust Deed and Note
 - 03.06 Full Reconveyance Upon Payment

16.00.00.00 - EXCESS LAND

16.01.00.00 GENERAL

16.01.01.00 Function and Responsibility

The Excess Land function is responsible for administering the inventory and disposition of Department-owned real property that is no longer required for rights of way or other operational purposes.

District and Region Excess Land staff have full delegation to operate and approve within the parameters outlined herein, and as shown in the matrix in R/W Manual Section 2.05.00.00. Any activities outside the scope of this Manual and/or the delegation matrix shall be subject to approval by HQ R/W. Such approval may be conveyed either in writing or by electronic means. A copy of said approval shall be placed in each Excess Land parcel file to which it applies.

16.01.02.00 Creation of Excess Land

Excess land may be created in several ways. Landlocked or uneconomic remnants not required for the right of way may have been acquired. Downscoped projects, superseded highway segments, route rescissions, route unadoptions by legislative action, and lands decertified at the request of adjoining owners may also create excess. Properties no longer required for operating purposes, such as maintenance facilities or material and disposal sites, may be declared excess.

16.01.03.00 Definitions

16.01.03.01 Excess Land

Excess land is real property, title to which is vested in the State of California, Department of Transportation, and which is determined and certified to be not required for rights of way or other operational purposes of the Department. The requirements for rights of way are established by the certificate of sufficiency contained in the appraisal report. Requirements for real property for other operational purposes are established and authorized by approval of specific Project Reports.

Excess land does not include:

- Airspace under or over State highways
- Hydrocarbon, mineral, or water rights
- Personal property
- Operating material and disposal sites

16.01.03.02 Inventory Parcel

An inventory parcel is excess land that is carried on the accounting inventory as an asset. Each inventory parcel has a VTA, Value at the Time of Acquisition. Inventory parcels are all excess land, as defined above, except those parcels specifically defined as non-inventory. Inventory parcels include land decertified at the request of adjoining owners.

16.01.03.03 Non-inventory Parcel

A non-inventory parcel is excess land the Department intends to convey to a specific entity under the terms of a written agreement, and decertified access rights. These parcels are not part of the Accounting Service Center (ASC) inventory and do not have a VTA.

Examples of non-inventory parcels of excess land include:

- Property rights to be conveyed pursuant to an executed utility agreement for facility relocations.
- Property specifically acquired for another agency under terms of a written agreement.
- All decertified access rights where no other property rights are involved.
- Property rights, including underlying fee in local streets, to be conveyed to a local agency under terms of a freeway and/or cooperative agreement.

- Parcels acquired for exchange pursuant to a written agreement.
- Parcels acquired for replenishment housing facilities.
- Parcels acquired for functional replacement (see Section 8.30.00.00).

16.01.03.04 Planning Parcel

A planning parcel is a parcel identified only for planning purposes. It represents unacquired or undeclared excess land which may or may not eventually become excess. These parcels are not part of the ASC system.

16.01.03.05 Disposal Unit

A disposal unit is the number given to the property for disposal purposes. It may consist of one or more parcels. When parcels are grouped for disposal, the lowest parcel number becomes the disposal unit number. Multiple parcel disposal units may be split or combined (along the original parcel lines ONLY) at the discretion of the Excess Land Manager to optimize marketability or disposal potential as necessary.

16.01.03.06 Inventory Value (VTA)

Inventory Value (VTA) is the fair market value of the excess at the time of acquisition, considered as a separate parcel. The inventory value may not exceed the pro rata cost of the parcel.

16.01.03.07 Acquisition Price (Pro Rata Cost)

The amount paid by State for the excess parcel at the time of original acquisition.

16.01.03.08 Direct Conveyance of Easements

This category is limited to the State's conveyance of easements to public utility companies and political subdivisions, special districts, etc., or by direct sale where grantee has the power of eminent domain.

16.01.03.09 Direct Conveyance Pursuant to Cooperative Agreement

Pertains to the State's conveyance of property acquired pursuant to an agreement under which the public body and the State agree to jointly share in the acquisition and construction of an improvement jointly benefiting the State and the public body, with the fee or easement title to be conveyed to the public body for their future maintenance of the facility.

16.01.03.10 Direct Fee Sale to Government Agencies

Used when excess fee-owned property is sold to public entities without calling for competitive bids for consideration equal to the appraised fair market value of the property (CTC Resolution G-2).

16.01.03.11 Direct Sale to Eligible Present Occupants

Direct sale, either at fair market value to present occupants (tenants) who meet the eligibility requirements under CTC Resolution G-2 (as amended), or at less than fair market value (i.e., at an affordable price), to present occupants subject to Government Code Section 54235 - see Section 16.10.00.00 (CTC Resolution Nos. G-66, G-70, and G-72).

16.01.03.12 Direct Sale to Former Owners

Direct sales, at fair market value, to former owners who have remained in occupancy (CTC Resolution G-2).

16.01.03.13 Direct Sale to Housing Entity

Direct sale, at less than fair market value (i.e., at a reasonable price), to a housing entity that will use the property for low- and moderate-income housing purposes pursuant to Government Code Sections 54235, et seq. - see Section 16.10.00.00 (CTC Resolution G-80).

16.01.03.14 Exchange per Contract

Authorized by S&H Code Section 118, whereby excess land is conveyed to a party from whom the State is acquiring right of way and by using the value of the excess land as whole or part consideration for the required property or interest needed for State highway purposes.

16.01.03.15 Finding "A" Sales

Direct sale to adjoining owner, without calling for competitive bids, of small, odd-shaped, fee-owned parcels incapable of independent development and having a higher and better use as part of the adjoining property or, if sold to other than the adjoining owner, would cause an undue or unfair hardship to such adjoining owner in the normal development or operation of their property (CTC Resolution G-2 - as amended).

16.01.03.16 Finding "B" Sales

The sale of such excess parcels to other than the adjoining owner would deprive such adjoining owner of vested right of access to a public highway and would create a possible cause for action against the Department (CTC Resolution G-2 - as amended).

16.01.03.17 Miscellaneous Conveyances

Pertains to the sale of State's interests (such as access rights, mineral rights, or easements outside of the operating right of way) no longer required for operation of the highway facility.

16.01.03.18 Appraised Value

An estimate of the highest price the property will bring under the market conditions to which it is exposed as supported by a written staff or independent fee appraisal report.

16.01.03.19 Nominal Value Appraisals

Parcels with a value of \$15,000 or less are designated as having a nominal value.

16.01.03.20 Public Sale Estimate (PSE)

An abbreviated report that estimates the fair market value of the parcel for the purpose of a public auction.

16.01.03.21 Private Sale

When property is sold by sealed bid after Notices of Sale have been mailed only to adjoining owners due to the peculiar size, shape, or landlocked condition of the property which precludes its independent development.

16.01.03.22 Public Sale

Public sales are by voice auction, sealed bid, or continuous bid after Notices of Sale are mailed to prospective purchasers.

16.01.04.00 Organization

The DDC-R/W shall establish a District Excess Land Unit, hereinafter referred to as Excess Land, to efficiently and expeditiously dispose of excess land and improvements thereon in accordance with S&H Code Section 118.6. Responsibilities for all parcels in the Excess Land Inventory shall be properly assigned to ensure disposal in accordance with the principles outlined herein. HQ R/W will evaluate the effectiveness of the Excess Land Unit through periodic reviews and audits of district procedures.

In accordance with community planning and environmental values, sound business practice, integrity, and State law, Excess Land will:

- Minimize the number of parcels on the Excess Land Inventory.
- Minimize the holding period from date of acquisition to date of disposal.
- Maximize the return from sale of the land or interest conveyed.

16.01.05.00 Review of Appraisal Maps

Subject to final approval of the District Director (DD), Excess Land is responsible for reviewing and approving the location of right of way lines to assure that fragmentary remainders are minimized. Right of Way approval is required prior to:

- Issuance of any appraisal map that contains excess land.
- Revision of any appraisal map that affects or creates excess land.

The appraisal certification should contain documentation of the review of appraisal maps for minimizing excess.

Excess Land reviews all initial right of way requirements and any design changes in accordance with criteria in the table entitled "Review Criteria" on the following page.

16.05.00.00 - DISPOSAL METHODS AND PROCEDURES

16.05.01.00 General

Excess property shall be disposed of as soon as possible commensurate with sound business practices, statutes, and CTC Resolution G-2 (as amended), so the number of parcels on inventory is maintained at minimum levels.

Property is not to be withheld from sale without full justification, including economic, environmental, and community considerations. Parcels shall be offered for sale within one year of becoming available for sale, pursuant to Streets & Highways Code Section 118.6. All efforts made to sell the property shall be documented in the file, and all offers are input into the ELMS.

16.05.02.00 Methods of Disposal

Excess real property can be disposed of as follows:

- **Internal transfers**
- **Public sale** - by auction, sealed bid, or continuous bid
- **Direct sale** - to adjoining owner (Findings A and B), to former owners in occupancy, and to eligible present occupants
- **Private sale** - between adjoining owners
- **Exchange** - by Right of Way Contract
- **Functional Replacement** - by agreement (see Section 8.30.00.00)
- **Other direct conveyances:**
To other governmental agencies
Pursuant to utilities agreement
Pursuant to cooperative agreement
Pursuant to legislation
- **Leasing** - pursuant to S&H Code Section 104.15
- **Lease-Purchase**
- **Transfer of Control and Possession** - to other State agencies
- **Private Brokers**

All conveyances of excess property are subject to the CTC's final approval, except where statutory or delegated authority vests with the Director. (See also Section 16.07.01.00.) Incorporations of property

within State highway operating rights of way are at the discretion of the DDs.

All direct conveyances of inventory property valued at \$1 million or more are subject to Airspace Advisory Committee (AAC) review prior to submittal to the CTC. (See also Section 16.07.05.00.)

All printed matter, including the terms of sale, must clearly state that the sale is subject to Department approval, AAC review (if required), and CTC approval, and is not binding upon the State prior to such approval.

16.05.03.00 Internal Transfers

16.05.03.01 Incorporation of Excess Parcels Within Operating Right of Way

Excess Land initiates appraisal map reviews, as set forth in Sections 16.01.04.00 and 16.01.05.00, to eliminate small remnants of excess land that can be included within the right of way. Examples include:

- **Park and Ride** - If any excess land is selected for a possible Park and Ride lot, a feasibility study should be undertaken comparing the economics of using the excess land to purchasing alternate sites. The study includes an analysis of the savings resulting from fewer cars on the road because of the facility. A determination is made of the lot size necessary for the particular location and the estimated time necessary to complete a project report.
- **Enhancement of Air Space** - Excess land situated adjacent to air space may be incorporated into the right of way to enhance utility of the air space. The file must be documented with an economic justification.
- **Unsalable Excess Parcels** - Consideration should be given to incorporating small unsalable parcels into the right of way.

Once the location and size of a possible Park and Ride lot are determined, Excess Land holds the area necessary for the lot for the time needed to process a project report, normally less than six months. Any remaining excess should be released and processed for sale as soon as possible. Special consideration should be given to the sale of any remaining excess. Particular attention should be given to access and

economic enhancement since the Park and Ride site will be deleted if the project report is not approved.

Excess land is not to be transferred into the right of way until a project report for the Park and Ride facility is approved.

The Ridesharing Coordinator is responsible for working with Excess Land to determine the best site available for the cost. The project report discusses use of alternate sites and includes reasons for using the excess land.

16.05.03.02 Inter-Program Transfers

Excess property may be transferred within the Department to another program, such as Maintenance or Administration. An accounting transaction transfers the property at its VTA to the appropriate program. Excess Land initiates the transfer by completing RW 16-1 and RW 16-28 with the required supporting data and submitting them to ASC.

16.05.03.03 Charging Excess Land to Projects

The following rules apply to projects on which construction has not been completed:

- If there is no Federal participation in the project cost, the amount to be charged to the project is the VTA.
- If a non-Federally-participating excess parcel or portion thereof was acquired on a Federally participating project and it will be included in the right of way for the same or any other Federally participating project, the amount to be charged to the project receiving the excess land is the prorata cost of the parcel if the parcel is approved in an FNM-76 covering the original project. Where FHWA approval has not been obtained (i.e., no FNM-76), the project should be charged the VTA.
- If an excess parcel acquired on a non-participating project will be included in the right of way for a participating project, it is not eligible for Federal participation. This is because it was acquired before Federal approval of the project for which it is used.
- If fragmentary excess land will be incorporated in the right of way of completed projects with a closed EA, the amount charged is the VTA.

Charges to EAs on active projects for incorporation of parcels require the EA to be adequately funded to receive the charges. Charges exceeding \$10,000 could surpass the programmed amounts for any given project. Charges should not be made until it has been verified that the project can adequately receive the amount to be charged, or until a program supplement has been approved.

16.05.04.00 Public Sales

16.05.04.01 General

Excess Land shall develop sales procedures to attract the widest possible market and to obtain the maximum return. The sales standards described in R/W Manual Section 16.05.04.08 and 16.05.04.14 are the minimum necessary to ensure adequate exposure of public sale property.

16.05.04.02 Purchase Agreement (RW 16-5 and RW 16-6)

Generally if an excess parcel is capable of independent development compatible with its environment, it should be disposed of by public sale. Public sale may be by oral auction, sealed bids, or continuous bid, whichever provides the greatest return. Bids that fall below the published minimum shall be rejected. If no bids are received, the minimum is reanalyzed before the property is again offered for sale.

The right to purchase is awarded to the highest responsive bidder. If the highest bidder defaults, consideration should be given to awarding the right to purchase to the second highest bidder at the second high bid amount.

The right to purchase is for a definite period commencing on the first day after the date of sale. The usual right to purchase period is 60 - 90 days; the maximum right to purchase period is 180 days. Extensions of the right to purchase period must be approved in accordance with the current Executive Order Delegation Matrix in Section 2.05.00.00, and a 1% per month penalty is assessed (NOT to be applied to the purchase price). Refer to Sections 16.05.13.00 and 16.05.14.00 for alternative sales methods utilizing an Option-Purchase Agreement or a Lease-Purchase Agreement.

The purchase deposit must be sufficient to cover out-of-pocket costs of the sale, e.g., printing and mailing

the Sales Notice and advertising. The minimum deposit shall be:

| Minimum Bid Amount: | Minimum Deposit Required: |
|---------------------|--|
| Over \$5,000 | 10% of minimum bid rounded down to the nearest \$100 |
| \$500 to \$5,000 | \$500 |
| Under \$500 | Actual amount of bid |

16.05.04.03 Default or Withdrawal of Highest Bidder

If the highest bidder fails to exercise the purchase rights within the prescribed period or fails to comply with the sale terms, the Region/District retains the deposit until damages and costs are determined. Damages and costs include but are not limited to staff time and overhead, costs associated with advertising and marketing the property again, and the reduction in the market value, if any, at a subsequent sale. See Section 16.07.07.00 for procedure when a bidder requests cancellation of a sale prior to CTC approval.

Upon default, Excess Land notifies the highest bidder that the deposit is being retained until damages are determined through subsequent resale of the property. The remainder of the deposit, if any, is refunded to the bidder. Excess Land has the implied responsibility to schedule another sale as soon as practicable. If Excess Land determines that it is in the best interests of the State not to schedule another sale attempt, the deposit (less appropriate costs) is to be refunded to the bidder immediately.

If the highest bidder defaults or withdraws from the sale pursuant to Section 16.07.06.00 prior to recordation of the deed, Excess Land may offer to award a right to purchase to the second highest bidder. If the second highest bidder accepts award, the deposit required and the terms of right to purchase are the same as stated in the Sales Notice. However, the right to purchase period shall commence on the first day following the date Excess Land receives written notice of acceptance by the second highest bidder.

16.05.04.04 Minimum Bids

The following guidelines apply to property available for public sale and property previously offered to

public agencies in accordance with S&H Code Section 118.6.

- **First Offering** - As soon as possible after the property becomes available, offer it for sale within a range of 75-100% of PSE. The Excess Land Manager should consider the expected demand for the property, its shape and conformity of use with the neighborhood, and development potential when setting the minimum bid within the range.
- **Subsequent Offering** - If the property is not sold at first attempt, the Region/District shall prepare a marketing plan that outlines and substantiates the marketing effort and justifies the minimum bid for subsequent offerings. A copy of the marketing plan must be retained in the Region/District's excess land parcel file. If the marketing plan indicates a minimum bid below 75% of the PSE, the Region/District shall request a revised PSE.

After receipt of the revised PSE, if Excess Land believes that a minimum bid between 60% and 75% of PSE is warranted, that decision will be fully documented by memorandum to the file, signed by a Supervising R/W Agent or above. Properties are not to be offered with minimum bids below 60% of PSE. This authority may not be delegated below the Supervising R/W Agent level.

- **Marketing Plan** - The Region/District must consider the following while preparing the marketing plan: Reducing the minimum bid
 - Using an unannounced minimum.
 - Reviewing appraisal/PSE for concepts that may be inappropriate and revising appraisal/PSE as necessary.
 - Combining with other parcels.
 - Reducing the number of parcels in the disposal unit.
 - Expanding advertising.
 - Using other innovative marketing techniques.
 - Alternate sales methods.
 - Holding the disposal unit until market conditions improve. (See Section 16.02.04.00 for Hold Request procedures.)

16.05.04.05 Unannounced Minimum Bid

Parcels may be auctioned with an unannounced minimum bid, in which case all the foregoing requirements apply, with the following additional conditions and exceptions:

- All other terms of the sale, including required deposit, are indicated in the Sales Notice with the word "unannounced" after the term "Minimum Bid." NOTE: Deposit amount should vary from the 10% standard in order to keep bidders from determining the minimum bid.
- The PSE and the unannounced minimum bid are confidential information and shall not, under any circumstances, be divulged to a prospective bidder or the general public. Excess Land is responsible for the actual amount of the minimum bid, which shall be established in writing by concurrence between the Excess Land Manager and his/her immediate supervisor). The minimum bid amount must be kept in a confidential and secure file. If the PSE or minimum bid is given to a prospective bidder, Excess Land shall cancel the sale and initiate a resale of the parcel using the PSE as the basis for the minimum acceptable bid.
- The Sales Notice shall include a provision allowing 10 days to evaluate the bids received. Excess Land has discretionary approval to accept any bid that exceeds 80% of the unannounced minimum acceptable bid. Otherwise IIQ R/W approval is required prior to acceptance of the bid. Requests for acceptance will include the total number of bids, the bid amounts, and the Region/District's recommendation with reasons therefor.
- Bids accepted by Excess Land that are less than the unannounced minimum bid shall be justified by an Administrative Authorization memorandum signed by a Supervising R/W Agent. This authority may not be delegated.
- Unannounced minimum bids must be at least 75% of PSE.

16.05.04.06 Credit Term Agreement (RW 16-5)

The Credit Term Agreement provides that the purchaser has a prescribed number of days during the right to purchase period to open an escrow at purchaser's expense. Purchaser shall deposit a sum that equals 30% of the successful bid when added to the initial bid deposit. The total period for making final payment shall be no longer than the right to purchase period prescribed in the Sales Notice.

It may be in the Department's best interest to extend the right to purchase period if requested by the purchaser. Excess Land may extend the period as supported by a full analysis (to be retained in the Region/District files) on the following terms:

- A right to purchase extension charge of 1% per month on the bid amount is made for the period of the extension. If the transaction closes prior to the end of the extension period, Excess Land may prorate the extension charges allowing monies for the unexpired term of the right to purchase period to be credited to the purchase price or refunded.
- The extension charge is not applied to the purchase price.
- If the right to purchase is not exercised, neither the bid deposit nor the extension charge is refunded.

16.05.04.07 Notice of Surplus Real Estate Sale (RW 16-4)

A Notice of Surplus Real Estate Sale (Sales Notice) is used for properties sold by public auction, sealed bid, or continuous bid. Deviations from the standard terms and conditions require documentation and DDC-R/W approval. Innovation in preparing the front covers of these notices is encouraged, particularly for those properties having specialized uses or high values. The Sales Notice shall clearly state if credit terms are being offered, and, if so, all sales are subject to satisfactory proof of the buyer's creditworthiness. Credit reports will be obtained at buyer expense.

Accuracy about access, zoning, and availability of utilities is important when describing the characteristics of the property. Investigations

regarding such factors should be thorough so the Sales Notice is reliable.

Copies of the Sales Notice shall be mailed or delivered to ASC, all adjoining owners, and all other persons who may be interested in purchasing the property. Emphasis should be on reaching those segments of the market that specialize in the particular class of property.

If a public sale is by sealed or continuous bid, the appropriate bid form shall be attached and mailed with the Sales Notice.

16.05.04.08 Posting of Property and Physical Inspection

Real estate type "For Sale" signs shall be placed on excess land offered for public sale and shall contain information about the parcel, the words "For Sale," and the address and phone number of the appropriate Region/District office. Signs should be of sufficient size and shape to be readily identifiable by the public and constructed of materials that will withstand the elements. Where high value or special purpose properties are for sale, consideration should be given to more extensive signing, or other types of display, to assure maximum exposure.

At the time of the appraisal and again upon posting, an Agent shall physically inspect the property to determine existence of any adverse interests, advertising signs, hazardous material/waste, persons in possession (trespassers or State's tenants), or easements. These interests shall be checked against the State's title policy and either cleared or brought to the attention of prospective bidders in the Sales Notice or during the auction.

Excess Land should check the property periodically during the advertising period to assure that "For Sale" signs are still posted.

16.05.04.09 Public Sales of Landlocked Parcels

Excess Land should undertake public sales of landlocked parcels of substantial area or value only after it has attempted to secure an access option from adjoining owners. Negotiations should be based on securing adequate rights commensurate with the highest and best use of the parcel.

The parcel diary should contain a notation that Excess Land reviewed the landlocked parcel with Design and

no alternate means of access was or could be made available.

Resumé packages for sales of landlocked parcels must include a statement in the remarks section of the resumé form about attempts made to secure an access option. If an option is secured, a copy of the option agreement is included in the package.

Options to purchase access may only be obtained on a voluntary basis, and the following guides should be used in attempts to secure options:

- **Option Period** - Sufficient to allow grantee to exercise the option within the terms prescribed in the Sales Notice. Allow sufficient time to advertise and complete all aspects of the sale.
- **Option Value** - Appraisals shall certify that the price to be paid for the optioned property is reasonable and that the optioned rights are adequate to serve the excess land.
- **Consideration for Option** - Shall normally be \$500.
- **Form of Agreement** - The option agreement follows the form shown in Exhibit 16-EX-5. (To be issued.)

16.05.04.10 Transfer Costs

The Department shall not pay fees for recording, escrow, title insurance, documentary stamp tax, or any other charges involved in the transfer of title to excess property. This policy should be stated in the Sales Notice and brought to the attention of prospective bidders.

16.05.04.11 Oil, Gas and Mineral Reservations

Excess Land shall avoid retention of oil, gas, and mineral rights at the time a fee-owned parcel is disposed of. In areas where active community oil and/or gas leases are in effect, the income or royalties therefrom are considered in the valuation of the excess property.

16.05.04.12 Delinquent Taxes

Excess Land shall investigate the status of taxes and assessments and report the status on Form RW 16-1 under "Fee Title" information section. Although property will generally not be subject to delinquent

taxes, cancellation should be requested if they do exist. If property must be sold subject to delinquent taxes or assessments, this fact shall be brought to the attention of prospective bidders in the Sales Notice.

16.05.04.13 Mailing List

Excess Land in each Region/District shall maintain a comprehensive mailing list or file with names and addresses of persons and firms who are interested in purchasing State property. These lists must be reviewed and purged annually in accordance with Government Code Section 14911. (See Section 16.12.03.00.)

A separate, return-addressed verification card may be attached to the material mailed. The card should state that the mailing list is reviewed annually as required by State law. It should provide a space for the recipient to affix postage when returning the card as an indication of desire to remain on the mailing list.

Suggested text for the message side of the verification card:

"Your name is on our mailing list to receive notice and terms of sale for lands to be sold at public sale. If you wish to continue to receive these notices, please sign this card, place adequate postage on the reverse side, and mail immediately. If this card is not returned by (specify date), your name will be removed from our list. This notice is required annually by Government Code Section 14911. Please correct the address shown if incorrect; be sure to include zip code."

The mailing list is confidential and shall not be made available to the general public.

16.05.04.14 Advertising Excess Property - Public Sale

Since advertising is the key to successful sales of real property, Excess Land must be thoroughly familiar with advertising practices of the local and national real estate markets.

Prior to the sale, Excess Land must take the following actions as a minimum, and document them in the file:

- Send notifications to appropriate governmental agencies.
- Post "For Sale" sign on property.

- Place advertising in newspaper(s).
- Provide copy of Sales Notice to adjoining owners.

Use of advertising should be maximized with attention given to specialized publications, notices, or other information outlets (e.g., the Internet) for properties with special uses or characteristics. Format and placement of real estate advertisements, as well as cost, shall be in conformance with normal real estate transactions. Minimum advertising requirements are listed in the table below entitled "Minimum Advertising Requirements."

| MINIMUM ADVERTISING REQUIREMENTS | |
|--|--|
| Minimum Bid | Requirement |
| Less than \$5,000 | Advertising is discretionary. |
| More than \$5,000 | Advertise in a newspaper of general circulation in the area in which the property is located. |
| More than \$50,000 or Special Purpose Properties | Advertise in newspapers of the major metropolitan areas of the state, as well as specialized real estate publications having regional or national distribution. The Public Information Officer shall be advised of all such sales for consideration of a news release. |

Minimum content includes size, location, zoning, topography, other pertinent information, and date, time, and method of sale. In the case of public auctions, the location of the auction should be carefully specified. If sale is by sealed bid, the advertisement shall include date and time for receipt of bids and information on where bid proposal forms may be obtained. It should be made clear that bids must be made on the Department's bid forms. The address and telephone number of the office where additional information may be obtained should be included.

16.05.04.15 Conduct of Public Auction Sales

When excess property is sold by public auction, the auction shall be conducted by two Agents from Right of Way, one of whom shall act as the auctioneer. The auction may be held on the premises or at another location. Sufficient copies of the Sales Notice must be available for people attending the auction.

At the time of the auction, the auctioneer ascertains that everyone present has at least one copy of the Sales Notice and is familiar with the terms and conditions. The auctioneer should be prepared to provide any additional or special information that affects the property and to answer any questions from prospective bidders. Upon reading the breach of contract provisions and the minimum bid and deposit requirements, the auctioneer requalifies bidders, if practical, by asking for the showing of deposit/registration checks. The auctioneer then announces, "The bidding is now open."

The auctioneer shall assure that adequate time is allowed for bidding before closing the sale. A right to purchase shall be awarded to the highest responsive bidder.

One of the Agents secures all necessary signatures on the proposal. The highest bidder signs the original proposal sheet, showing address and telephone number. The Agent accepts the deposit/registration remittance by cashier's check or certified check and delivers a receipt and a duplicate proposal sheet to the high bidder. Personal checks are not acceptable. Cash deposits should be discouraged. The Agent transmits the monies to Accounting with a RW 16-29, which places the funds in the special deposit account.

The highest bidder must furnish the required deposit at the time of the auction as prescribed by the Sales Notice, otherwise the auctioneer may reopen the bidding and award the right to purchase to the second highest bidder. Alternatively, the sale may be canceled and rescheduled.

One of the Agents shall obtain the name, address, and telephone number of the second highest bidder to be used in the event the highest bidder defaults. (See R/W Manual Section 16.05.04.03 for procedures when the highest bidder defaults.)

16.05.04.16 Personal Checks

Excess Land may not accept personal checks.

16.05.04.17 Conduct of Sealed Bid Sales

When sales are by sealed bids, a representative of Right of Way opens the bids at the prescribed time and place in the presence of prospective purchasers. The representative tabulates all bids and announces the highest bidder.

Immediately after the bid opening, deposits shall be returned to the unsuccessful bidders. If an unsuccessful bidder is present when the deposits are released, the check may be hand delivered if a receipt is obtained.

See Section 16.05.04.03 for procedures when the highest bidder defaults.

The number of bids received shall be kept confidential prior to opening bids, and no additional bids shall be accepted after the bid submission deadline. Bidders may withdraw or revise their bids prior to the bid submission deadline.

16.05.04.18 Notification of Tenants

To meet statutory requirements and maintain good public relations, Excess Land should advise tenants of progress made toward the sale of the property they occupy. Written notification shall be sent as follows:

- Notify tenants on rescinded routes that they may have a right to purchase pursuant to CTC Resolution G-2 (as amended) or Government Code Section 54237 (see Section 16.10.00.00).
- Send a copy of the appropriate Sales Notice to each occupant so they can bid on purchasing the parcel, if they so desire.
- Immediately notify each occupant of the name, address, and phone number of the purchaser upon completion of the public sale. Notify each occupant if the parcel does not sell at the public sale.
- Notify each occupant of the specific date of the recording of the Director's Deed that divests the State of ownership of the particular property.

16.05.04.19 **Sale of Excess Land and
Improvements Leased as
Resident Engineer's Offices**

The procedures in this section apply to properties proposed to be leased back to the State as Resident Engineer's Offices after a sale subject to the lease.

The proposed lease is attached to a consent memorandum from Construction to Right of Way. Two copies of the proposed lease are made part of the Sales Notice and are executed by the State's purchaser at the time the purchase agreement is executed. Execution of the lease by the State is in accordance with the subdelegation matrix in R/W Manual Chapter 2, Policy.

After approval by the CTC of the Director's Deed, HQ R/W returns the deed to Excess Land for execution and recordation. These leases should not be recorded but may be delivered to the escrow holder with the Director's Deed for recordation and delivery of the lease to the purchaser.

The property must be advertised and offered for sale within 90 days of the date of the consent memorandum. Rent payments to the purchaser commence on the date of recordation of the Director's Deed.

See RW 11-2 in the Property Management Chapter for the lease form to be used in these circumstances.

16.05.04.20 **Public Sale of Fragmentary
Remainders**

Whether landlocked or not, fragmentary remainders of nominal value are normally sold under Finding A procedures. If the adjoining owners have refused to purchase the parcel, it may be sold at public sale after a public sale estimate has been obtained. A documented refusal must be obtained from all adjoining owners within a reasonable time prior to public sale of the parcel. It is not appropriate to spend inordinate amounts advertising these parcels.

16.05.04.21 **Protection of Improvements on
Excess Land Following Public
Sale**

It is the Department's policy to minimize losses resulting from vandalism of improvements located on excess property on which a sale has been awarded. The policy is considered satisfied if the improved

property is occupied by tenant(s) under a Department rental agreement.

For sales of unoccupied improved excess parcels, Excess Land should include terms in the purchase agreement obligating the purchaser to execute an agreement that results in:

- Immediate possession of the property by the purchaser.
- Elimination of the Department's liability for claims for damage resulting from injury to any person or property.
- Cancellation on the date of expiration or extension of the sale period or recordation of the Director's Deed, as applicable.
- Return of possession of the property to the Department in the event of default in a condition equivalent to that which existed on the date the sale was awarded.

These provisions may be satisfied by minor modifications to a standard rental agreement, but the Department must receive a fair rental for the property for the specified use. Temporary access for one day or less may be given to purchasers to facilitate sale of the property. Property Management shall assist Excess Land in preparing the agreement and establishing a fair rental rate.

Property Management is responsible for notifying Excess Land immediately of the receipt or issuance of a 30-day termination notice involving tenants of improved excess property on which escrow is still open. Excess Land notifies the purchaser of the pending termination date of the tenancy. If the property will become vacant more than 15 days prior to the last day of the right to purchase period, the purchaser is requested to accept a Right of Entry. If the purchaser will not accept a Right of Entry, Excess Land should make all efforts to either expedite close of escrow or ensure security of the improvements. "No Trespassing" signs and periodic checks by local police, the California Highway Patrol, and Excess Land personnel may be necessary in high-risk areas.

Improvements that contribute a zero or negative value to the property may be removed prior to public sale of the parcel with proper documentation and a request to the Clearance Agent.

16.05.04.22 **Change in Terms and Conditions of Sale Subsequent to Publication of Sales Notice**

Occasionally it is necessary to alter the terms and conditions of sales after initial publication of the Sales Notice. Maintenance may request reservation of a slope easement; Right of Way may discover a zoning change. Or, some other significant change may occur that has a direct bearing on the price a purchaser may be willing to pay. If time permits, Excess Land should mail an addendum to the Sales Notice to all persons known to have received the original Notice. In addition, the State representative must announce the changes at the sealed bid opening or at the public auction. The highest bidder shall be required to execute a written statement of understanding that the sale is made subject to those specific terms and conditions, as well as the terms and conditions contained in the original Notice.

16.05.04.23 **Eviction of Occupants of Excess Property**

Excess land is normally sold subject to the occupancy of existing tenants since a Department-initiated eviction may create renewed RAP eligibility, unless the eviction is for cause. Relocation Assistance and Excess Land must agree to all proposed evictions of former eligible occupants. Evictions of former RAP eligibles should only take place where there is a clear economic advantage or other compelling reason.

The sale of occupied excess to another public entity for ultimate clearance and use may also create RAP eligibility. All sales agreements with other public agencies must contain a clause specifying that the purchasing agency assumes responsibility for relocation benefits that may accrue to existing occupants. If agreement cannot be reached, Excess Land should request a legal determination of liability before consummation of the sales agreement.

16.05.05.00 **Direct Sale to Adjoining Owners, Finding A and B**

Excess Land may sell small, odd-shaped, fee-owned, excess parcels directly to adjoining owners without calling for competitive bids under the provisions of CTC Resolution No. G-2, Exhibit 16-EX-6. Finding A and B parcels are defined as follows:

- Finding A - Direct sale to adjoining owner,

without calling for competitive bids, of small, odd-shaped, fee-owned parcels incapable of independent development and having a higher and better use as part of the adjoining property or, if sold to other than the adjoining owner, would cause an undue or unfair hardship in the normal development or operation of such adjoining owner's property.

- Finding B - The sale of such excess parcels to other than the adjoining owner would deprive such adjoining owner of vested right of access to a public highway and would create a possible cause for action against the Department.

Upon making either a Finding A or B determination, Excess Land may sell the excess parcel to the adjoining owner. The minimum consideration shall be the appraised fair market value of the parcel considered as part of the adjoining property.

If the adjoining owner refuses to purchase the excess for such consideration, Excess Land may sell it by competitive bid at public auction. The Department shall retain title to the excess if sale to another party would deprive an adjoining owner of an existing vested right of access to a public highway (Finding B).

All offers of direct sales made to an adjoining owner are confirmed in writing. Any refusal to purchase at the offered price shall be documented and, if possible, signed by the adjoining owner.

16.05.05.01 **Adjustment of Sales Price to Adjacent Owners**

The DDC-R/W has the authority to approve Finding A and B sales when there is a difference between the proposed sales price and the approved market value appraisal. The DDC-R/W provides a memorandum of administrative authorization for the file, approving the sale. The memorandum shall fully justify the sale and state the reasons, based on sound business judgment and in accordance with statute and policy, for selling the parcel for less than the approved market value appraisal. Generally speaking, the greater the variance between the sale price and the appraised value, the more substantial the justification needs to be.

All sales are subject to CTC approval, and Excess Land must fully justify and document the reasons for

selling the parcel below the approved market value appraisal.

16.05.05.02 Payment of Recording Fees -
Purchase Consideration \$100 or
Less

When the total consideration is \$100 or less, Excess Land may pay recording fees in consideration of the savings in maintenance costs. The sales agreement must contractually obligate the Department to pay the recording fees.

16.05.05.03 Finding A and B Sales to Other
Governmental Agencies

Finding A and B sales may be made to other governmental agencies in the same manner and under the same conditions that apply to privately-owned adjoining property.

Sales made to other governmental units for public road or street widening or extension purposes shall be treated as direct sales.

16.05.05.04 Informal Time Payment Sales,
Finding A or B

CTC Resolution G-2 provides for an informal time payment plan for a period not to exceed 18 months when the adjoining owner is unable to pay the value of the subject property in one payment. When property is sold under this plan, no interest is charged and a letter form of agreement is satisfactory. The signed acceptance of the conditions shall be made on one copy of the letter to be retained in the parcel files.

This letter shall include:

- Description of the property or attached map.
- A statement that the purchaser is in fact an adjoining owner.
- A statement that the sale must be approved by the CTC.
- A statement about purchase price and monthly payments.
- A statement that the sale may be canceled if payments become delinquent, in which case the Department retains one month's installment and returns the balance to the adjoining owner.

- Provision that the purchaser will pay the recording fee.
- A statement about the vesting of the Director's Deeds.
- A statement about the Department's reservations, if any.
- A listing of any title encumbrances affecting the conveyed property.

Excess Land requests Director's Deeds and makes entries for removal of the parcel from the Excess Land Inventory after the adjoining owner executes the agreement (Exhibit 16-EX-7).

16.05.06.00 Direct Sale to Eligible Present
Occupants

16.05.06.01 Direct Sale of Commercial
Property Pursuant to S&H Code
Section 118.1

Except as provided in S&H Code Section 118.6, Excess Land must first offer commercial property on rescinded routes to the State's tenant if the tenant has made improvements that are valued in excess of \$5,000 and are consistent with the terms of the Rental Agreement. In the clearance procedure for excess land created by route rescission, Property Management identifies all improved excess commercial properties where the present tenant, at their own expense, has made authorized capital improvements valued in excess of \$5,000.

Commercial property is defined as real property used for the production of income through the sale of products or services, and excludes agricultural, industrial, or residential uses. Typical commercial properties are banks, service establishments, restaurants, parking lots, retail stores, and office buildings.

Improvements must be capital improvements that add value to the real property. The term does not include expenditures for maintenance and repair. In addition:

- The value must be documented.
- The tenant must not have been reimbursed for improvements through rental offsets.
- The improvements were made consistent with terms of the Rental Agreement.

Excess Land must determine if the eligible tenant is interested in purchasing the property at current fair market value and must document the tenant's intention in the parcel file. When there is more than one eligible tenant, the opportunity to purchase at fair market value by direct sale must be offered to each tenant.

- If waivers can be obtained from the other tenants, the property may be offered to one tenant.
- If waivers cannot be obtained, tenants may purchase property jointly or Excess Land can offer the property at a private sale.

When an eligible tenant indicates a desire to purchase at a direct sale, Excess Land shall obtain two independent appraisals of fair market value from qualified staff or fee appraisers and offer the property at the approved appraised value. The Excess Land Transaction Resumé must contain a description of the improvements and must fully document the qualifying conditions set forth in the above definition of improvements.

If the eligible tenant refuses the offer to purchase at the approved appraised value, Excess Land should immediately schedule the parcel for public sale.

Excess Land should refer legal issues or questions that occur because of unusual circumstances to HQ R/W for reference to the Legal Service Center for resolution prior to committing the Department to a course of action.

16.05.06.02 **Direct Sale to Present Residential Tenant-Occupant at Fair Market Value**

CTC Resolution G-2 (as amended) (Exhibit 16-EX-6) authorizes the direct sale to present residential tenant occupants provided that:

- The purchase price shall be at fair market value, as supported by an approved appraisal prepared for such sale;
- The tenant is current in all rent obligations; and
- The tenant has been in occupancy as a tenant of the State for a minimum of five consecutive years.

Excess Land must determine whether an eligible residential tenant is interested in purchasing the

property at fair market value, and must document the offer of direct sale and the tenant's intentions in the parcel file.

If an eligible residential tenant refuses the offer to purchase at the approved appraised value, Excess Land should immediately schedule the parcel for public sale.

16.05.07.00 **Private Sale Among Adjoining Owners**

Excess Land shall offer an excess parcel that qualifies under Finding A procedures for direct sale to more than one adjoining owner by private sale, sealed bid, or auction among all adjoining owners if:

- The parcel can be properly used by two or more adjoining owners, and the sale is consistent with normal land use and would not impose a hardship on any of the remaining adjoining owners.
- Written waivers cannot be obtained from all but one of the adjoining owners.

Waivers from adjoining owners are retained in the Excess Land files. Where written waivers cannot be obtained, certified letters to the adjoining owners confirming their non-interest will suffice.

The value of the excess land may differ depending upon which adjoining ownership it is considered a part of for appraisal purposes. In this case, the minimum bid is set at the lowest appraisal value as plottage to the owners who have expressed interest in bidding.

When a parcel is offered by private sale among adjoining owners, Excess Land shall send a Sales Notice to all adjoining owners by certified mail whether waivers have been obtained or not. The Notice sets forth the terms and conditions of sale and contains sales terms in the manner detailed in Section 16.05.04.00 for public sale parcels. Sale by sealed bid or auction is discretionary.

16.05.08.00 **Exchange by Right of Way Contract**

The Department is authorized by S&H Code Sections 104.1 and 104.2 to acquire lands in excess of its needs and to exchange the same for other property needed for State highway purposes. Information regarding exchange transactions is contained in the Appraisal and Acquisition Chapters. Appropriate documentation

of exchange transactions is found in the table in R/W Manual Chapter 16.07.00.00 entitled "Excess Land Disposal File Documentation."

16.05.09.00 Other Direct Conveyances

16.05.09.01 Governmental Agencies

CTC Resolution G-2 governs direct conveyances of excess land to public agencies, including redevelopment agencies and Federal agencies. This does not apply to conveyance of fee-owned land to public agencies that:

- Qualify for direct sale under Finding A and B procedures.
- Qualify for direct conveyance pursuant to special legislation.

In negotiating with another public agency for direct sale, it is important for the agency to understand that the agreed sale price is subject to final approval by:

- **CTC** - if a Director's Deed is required.
- **Director** - if a Transfer of Control and Possession Agreement is required.

16.05.09.02 Direct Sales to Governmental Agencies

Direct sales to public agencies shall be for a public use, and generally at fair market value. The governing body of the public agency must provide a resolution that states the excess land will be used for public purposes. "Public purposes" means the preponderant area of the property shall be substantially for government, as opposed to proprietary, functions. The intended specific use of the property shall be stated in the resolution. A copy of the resolution shall be submitted with the resumé package to the CTC for approval.

For direct sales to public agencies at less than fair market value, Excess Land shall include a reversionary clause in the Director's Deed. The clause shall require substantial public use for a period of 15 years to control use and resale of the property consistent with the intent and language of the statute or other authority authorizing or mandating the direct sale. Refer to R/W Manual Engineering Chapter, Section 6.13.13.04, for approved clause. A direct sale to a redevelopment agency MAY be exempt from this section if the property is within the redevelopment

agency's jurisdiction and identified in the redevelopment plan.

Proposed public sales at less than the approved market value appraisal shall be in accordance with R/W Manual Section 16.05.05.01.

The sales agreement with a governmental agency for the purchase of real property may be in the form of a one-year exclusive right to purchase. This requires a minimum 10% nonrefundable cash deposit that will be applied to the purchase price if the right to purchase is exercised.

If the agency wishes to extend the option, it must request the extension prior to expiration. The exclusive right may be extended for an additional one year provided:

- The appraisal is updated to reflect the current market value of the property and the sale price adjusted accordingly.
- The agency pays the Department an additional 10% nonrefundable deposit, also to be applied to the purchase price.

16.05.09.03 Conveyances to Utility Companies

Land acquired in the State's name for replacement of public utilities facilities pursuant to a Utilities Agreement is disposed of in accordance with the terms of the Agreement. The acquisition appraisal shall stand in lieu of the excess land appraisal.

Where the property was not acquired specifically for replacement purposes but by terms of the Utilities Agreement it is necessary to relocate a utility facility on excess land, an excess property appraisal shall be provided and the degree of title required by the Utilities Agreement shall be conveyed pursuant to terms of the specific agreement.

If the excess parcel is sold before the easement is conveyed to the utility company and the easement was acquired in the State's name, an easement shall be reserved to the State. The easement is subsequently conveyed to the utility company.

To avoid processing these items through the CTC, every effort should be made to acquire these replacement facilities easements directly in the name of the utility company involved. If possible, use the utility company's easement form.

If a utility was located in a public street or highway that was incorporated into a State highway pursuant to S&H Code Section 83, and the area occupied by the utility is subsequently declared excess, an easement should be reserved to the utility company in the Director's Deed conveying the excess.

16.05.09.04 Cooperative Agreements

Land acquired in the name of the State for use or partial use by another agency pursuant to a Cooperative Agreement is conveyed under the terms of the Agreement. The acquisition appraisal serves as the excess appraisal.

If the Agreement provides for conveyance of lands acquired for other purposes, an excess property appraisal shall be provided.

When the Agreement provides for conveyance of land or lesser interests for non-monetary consideration (such as construction work to be performed by the other agency or savings in future maintenance costs to the Department), the functional unit responsible for originating the Agreement must provide an evaluation of the benefits or savings accruing to the Department. This assures that the consideration being received is commensurate with the value of the property being conveyed.

**16.05.09.05 Joint Exercise of Powers
Agreement With Department of
Parks and Recreation (Exhibit
16-EX-8)**

Transfers made pursuant to the above agreement are subject to the Property Acquisition Law; they are transmitted pursuant to the procedures specified in Section 16.05.11.00.

16.05.10.00 Coastal Zone

Article XIX of the State Constitution, Section 9, requires the Department to offer excess land parcels in the Coastal Zone, as defined by Section 30103 of the Public Resources Code (see Section 16.12.04.00), to the following agencies and departments (see Section 16.03.04.00):

- Department of Parks and Recreation
- Department of Fish and Game
- Wildlife Conservation Board
- State Coastal Conservancy

These parcels may be transferred for a consideration at least equal to the Department's acquisition costs, including overhead. Any proposed sale requires authorization by the Legislature, and the acquiring agency is responsible for pursuing Legislative authorization.

**16.05.11.00 Transfer of Control and
Possession**

All transfers are authorized by Government Code Section 14673. However, the Public Works Board must approve proposed payment to the Department of Transportation for transfers subject to the Property Acquisition Law (PAL), Government Code Sections 15850, et seq. It is the responsibility of the agency acquiring property to inform Caltrans if the transfer of excess land is subject to PAL.

Procedures for preparing and approving Transfer of Control and Possession Agreements are shown in the following two tables:

| TRANSFERS NOT SUBJECT TO THE PROPERTY ACQUISITION LAW Government Code Section 14673 | |
|--|--|
| Responsible Party | Action |
| Requesting State Agency | <p>Responds within 60 days of Region/District's Notice of Intent to Sell Excess Land. Informs the Region/District of the following:</p> <ol style="list-style-type: none"> 1. To transfer the excess parcel to them at fair market value and for a specified purpose. 2. The budget authority to pay for the excess parcel and that payment is NOT subject to the PAL. 3. Legislative authority if for less than fair market value. |
| Region/District | <ol style="list-style-type: none"> 4. Prepares an appraisal, legal description, maps, and the Transfer Agreement, Exhibit 16-EX-15. 5. Requests ASC to prepare Accounts Receivable Bill (or credit to the appropriate land bank after the Transfer is recorded*) in the amount of the agreed purchase price. |
| Accounting Service Center | Provides Accounts Receivable Bill to Region/District. |
| Region/District | <ol style="list-style-type: none"> 1. Has the Region/District Director or designee sign the original and one copy of Agreement. 2. Transmits agreements, maps, and the A/R Bill to the requesting agency for execution. 3. Retains a copy of the Agreement and A/R Bill for reference during processing. |
| Requesting Agency | Signs the original and one copy of Agreement and sends both along with maps to DGS for approval. |
| DGS, Real Estate Services Division | <ol style="list-style-type: none"> 1. Reviews the transaction and has the Director of General Services approve and sign the original and one copy of the Agreement. 2. Returns one of the fully-executed Agreements to the Region/District for recording. 3. Retains the second signed Agreement for conforming recording reference on the Agreement and for the State Proprietary Index (SPI) and archives. |
| Region/District | <ol style="list-style-type: none"> 4. Sends one copy of executed Agreement to HQ R/W. 5. Records the Transfer Agreement. 6. After recorded, sends original Transfer Agreement to requesting agency. 7. Sends a copy of the recorded Agreement to DGS. DGS can then conform recording reference on their original signed agreement. 8. Retains one copy of recorded Agreement in file. 9. Make entries in the ELMS according to Pages V-69 and V-70 of the ELMS Manual. 10. Forwards RW 16-1 to ASC to record transaction and remove parcel(s) from inventory. *If this is a credit to a land bank account, provide ASC a memo of explanation at this point. |
| HQ R/W | Enters the date the Agreement was approved by the Director of General Services in the CTC Approval field on the Disposal Unit Screen. |

2.5.5.1 Mitigation through Framework Policy

Policies 9.1.1, 9.2.1, 9.2.2, 9.2.3, 9.2.5 and 9.3.1 will provide measures to insure that the City's future wastewater treatment need can be met through:

- monitoring wastewater generation;
- collecting and treating wastewater as required by law;
- maintaining wastewater treatment capacity commensurate with development;
- providing for additional wastewater treatment capacity in the Hyperion Treatment Service Area;
- reviewing other means of expanding the wastewater system's capacity; and
- minimizing wastewater flow and protecting the system from hazardous substances.

2.5.5.2 Additional Recommended Mitigation

The proposed General Plan Framework's policies, goals, and objectives provide adequate mitigation measures and no additional mitigation measures have been identified or are believed to be necessary.

2.5.6 Level of Impact Significance

The increased wastewater treatment need as a result of the proposed Project Buildout is considered to be a significant adverse impact which can be feasibly mitigated (Class II) through implementation of the General Plan Framework's policies, goals, and objectives.

2.6 WATER RESOURCES

2.6.1 *Introduction*

This section will analyze and discuss the growth-induced impacts of the proposed Los Angeles General Plan Framework on the Cities Water Resources. The tables in this section present water demand projections by Community Plan Areas (CPA). The impact analysis however is on a Citywide level; for example, total Citywide water demand projections are compared with total Citywide available water supply projections to determine whether significant impacts will occur. Population statistics from the Bureau of Census, 1990 Census Data, were used as baseline data along with employment statistics from the Southern California Association of Governments (SCAG), 1990 Employment Survey.

2.6.2 *Thresholds of Significance*

- a. A significant impact to water supply would occur if anticipated water demand generated by the proposed Plan exceeds anticipated water supply at buildout.
- b. A significant impact to water supply would result if implementation of the Plan would result in growth in an area with an insufficient water distribution system.

2.6.3 *Existing Conditions*

Los Angeles is located in a semi-arid area on the seacoast. Because of its limited local water resources, it is largely dependent upon imported water. The Department of Water and Power (DWP) has the responsibility of supplying, conserving, treating and distributing water for fire fighting, agriculture, domestic and industrial uses.

The City of Los Angeles obtains its water supply from local wells in the Los Angeles ground water basin, the Los Angeles aqueducts, and by purchasing water from the Metropolitan Water District. A certain amount of wastewater is also reclaimed for reuse in certain irrigation applications. Table WR-1 shows DWP water supply statistics for years 1990-1993 from the Los Angeles Aqueduct, local groundwater, and purchases from the Metropolitan Water District (MWD). Table WR-2 indicates the supply quantities available to the City of Los Angeles for fiscal year 1989-1990 from these sources.

The population of Los Angeles was 3,485,000 in 1990. The City's 1989-1990 per capita water consumption was 180 gallons per day. Per capita water use may actually be 10-20 percent lower due to the presence of a large uncounted population in Los Angeles. Approximately 25 percent of the City's total water use is for irrigation of lawns and gardens, parks, golf courses, and other greenbelts. See Table WR-3 for operating statistics relating to water sales.

TABLE WR-1

1989-1990 Water Supply

| Source of Supply | Cubic Feet Per Second | Cubic Meters Per Second | Percentage |
|----------------------------------|-----------------------|-------------------------|------------|
| Los Angeles Owens River Aqueduct | 243.3 | 8.1 | 30% |
| Local groundwater development | 129.8 | 3.7 | 13% |
| Metropolitan Water District | 545.6 | 15.5 | 57% |
| Total Supply | 959.7 | 27.3 | 100% |

Source: City of Los Angeles Department of Water and Power Facts & Figures 1990.



