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By E-mail and U.S. Mail

Milena Zasadzien
Los Angeles Department of City Planning
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Los Angeles, CA 90012
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Re: Comments on Revised Draft Environmental Impact Report for the ICON at
Panorama Project (Case No. ENV-2016-1061-EIR, SCH No. 2016081031)

Dear Ms. Zasadzien:

I am writing on behalf of the Southwest Regional Council of Carpenters ("SWRCC") and Laborers International Union of North America Local Union 300 ("LIUNA") (collectively, "Commenters") concerning the Revised Draft Environmental Impact Report ("RDEIR") for the ICON at Panorama Project (Case No. ENV-2016-1061-EIR, SCH No. 2016081031) (the "Project").

We appreciate the City's efforts to address some of the issues we raised in our letter dated May 22, 2017, however, after reviewing the Project and the RDEIR together with our expert consultants, it is evident that the RDEIR contains numerous errors and omissions that preclude accurate analysis of the Project. As a result of these inadequacies, the RDEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project's impacts. Commenters request that the Los Angeles Department of City Planning address these shortcomings in a new revised draft environmental impact report and recirculate the document prior to considering approvals for the Project.

Commenters submit herewith comments of the environmental consulting firm Soil/Water/Air Protection Enterprise ("SWAPE"), from civil and traffic engineer Daniel Smith, PE, who determined that, the RDEIR significantly understates the Project's traffic impacts.

Mr. Smith's and SWAPE's comments and curriculum vitae are attached hereto as Exhibits A and B and are incorporated herein by reference. Each of SWAPE's and Mr. Smith's comments requires separate responses from the City. These experts and our own independent review demonstrate that the DEIR is woefully inadequate and that a revised DEIR should be prepared prior to Project approval to analyze all impacts and require implementation of all feasible mitigation measures.

I. PROJECT DESCRIPTION

The Project proposes to demolish three existing but vacant commercial buildings and the removal of associated surface parking areas currently at the Project site in order to construct a 540,000 gross square foot mixed-use development on an 8.9 acre site in Los Angeles, California. The Project includes construction of seven buildings, with approximately 200,000 square feet of commercial floor area, and 422 multi-family residential units. The Project also includes parking for approximately 1,690 vehicles and 858 bicycles. The commercial uses would be located in five separate one and two-story buildings on the south and east parts of the site, and would be served by a six-level parking structure in the center of the Project site. The residences would be located in two separate seven-story buildings, with five stories of residential over two levels of above-ground parking, on the western and northern parts of the Project site.

II. LEGAL STANDARDS

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report (“EIR”) (except in certain limited circumstances). *See, e.g.*, Pub. Res. Code § 21100. The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Comms. for a Better Env’t v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1). “Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR ‘protects not only the environment but also informed self-government.’” *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm’rs.* (2001) 91 Cal. App. 4th 1344, 1354 (“Berkeley Jets”); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures. CEQA Guidelines § 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal. App. 4th 1344, 1354; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564. The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.” CEQA Guidelines § 15002(a)(2). If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible”

and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.” Pub.Res.Code (“PRC”) § 21081; CEQA Guidelines § 15092(b)(2)(A) & (B).

The EIR is the very heart of CEQA. *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652. CEQA requires that a lead agency analyze all potentially significant environmental impacts of its proposed actions in an EIR. PRC § 21100(b)(1); CEQA Guidelines § 15126(a); *Berkeley Jets*, 91 Cal.App.4th 1344, 1354. The EIR must not only identify the impacts, but must also provide “information about how adverse the impacts will be.” *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831. The lead agency may deem a particular impact to be insignificant only if it produces rigorous analysis and concrete substantial evidence justifying the finding. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692. “The ‘foremost principle’ in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” *Communities for a Better Env’t v. Calif. Resources Agency* (2002) 103 Cal.App.4th 98, 109.

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” *Berkeley Jets*, 91 Cal. App. 4th 1344, 1355 (emphasis added), quoting, *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 391 409, fn. 12. A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 722]; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal. App. 4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 946. As discussed below, and in the attached expert comment letters of expert hydrogeologist Matthew Hagemann, P.G., C. Hg., and expert urban planner Terry Watt, Ph.D, the EIR for this Project fails to adequately analyze and mitigate the Project’s impacts.

III. THE RDEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE ALL POTENTIALLY SIGNIFICANT TRAFFIC IMPACTS.

SWAPE and traffic engineer Daniel Smith, both conclude that the RDEIR inaccurately calculates traffic impacts of the Project. Mr. Smith, a traffic engineer with over 40 years of experience concludes that the DREIR significantly underestimates traffic impacts of the Project, and that as a result, the Project will have significant traffic impacts that are not disclosed or analyzed in the RDEIR. Mr. Smith states:

A. The RDEIR Underestimates Gross Trip Generation of Significant Project Components

The DEIR Project Description, which remains unchanged in the RDEIR, clearly states

that the Project's theater component would be a 1200 seat multiplex theater.¹ However, the RDEIR traffic study at page IV.K-26 estimates the theater's gross daily trip generation at 2112 trips which corresponds to a daily trip rate of 1.76 trips per seat. This is the daily trip generation rate for Land Use Code 443 (single screen theater without matinee) in the Institute of Transportation Engineers publication *Trip Generation, 9th Edition*, the source document reportedly relied on in the DEIR and DSEIR analyses. The PM peak hour estimate of 84 gross vehicle trips reflects a trip rate of 0.07 trips per seat, which is the trip rate in the subject source document also for Land Use Code 443 (single screen theatre without matinee). The trip rates the DEIR and DSEIR should have been using are for Land use Code 445 (multiplex theater). That rate for the PM peak hour is 0.08 trips per seat for a total of 96 trips in a 1200 seat multiplex. *Trip Generation, 9th Edition* does not give a daily trip rate for Land Use Code 445 (multiplex theater). However, if we assume the multiplex theater has about the same PM peak hour to daily trip ratio as Land Use Code 444 (single screen theater with matinee), an entirely reasonable assumption, then the gross daily trip total for the Projects theater component would be 3072 trips, not 2112 as estimated in the DSEIR. This is more than 45 more gross daily trips than estimated in the DSEIR.

A similar understatement of gross Project tripmaking occurs because the DEIR and DSEIR estimate the gross tripmaking for the Project's 80,000 square feet of unspecified retail uses at the average rates for shopping centers (Land Use Category 820) instead of, as *Trip Generation, 9th Edition* recommends, calculating the trips based on the published fitted curves in that source document relating trip generation to specific size of the shopping use. The problem with using the average rates for a small sized shopping use is this. The data in Land Use Category 820 reflects shopping centers from under 100,000 square feet to over 1,000,000 square feet. The data shows a substantial discrepancy in the trip rates per thousand square feet between smaller centers (which have larger trip rates per thousand square feet) and larger centers (which have much smaller trip rates per thousand square feet). This is why *Trip Generation, 9th Edition* advises using the fitted curves rather than the average rates. Had the DSEIR analysis used the fitted curve, it would have found the gross trip generation of the 80,000 square foot retail component to be 5233 trips instead of 3416 and the pm peak gross trips to be 454 trips instead of 297. These values are 53 percent greater than the gross trip estimates for this component of the Project in the DEIR and DSEIR.

Mr. Smith also concludes that the RDEIR improperly assumes maximum traffic reductions, thereby further underestimating likely traffic from the Project. Mr. Smith states:

B. The RDEIR Assumes That Project Traffic Will Realize the Maximum Traffic Reductions That LADOT Traffic Impact Analysis Guidelines Allow

¹ A multiplex theater is a motion picture theater with multiple screening rooms with modest numbers of seats (often there are more than a dozen screening rooms) with showings in the individual screening rooms offset in time and often with 2 or more productions available for viewing in different screening rooms at overlapping times.

Certain reductions from gross trip generation estimates are allowed for passerby attraction, trips internal to a multi-use project site and for transit use under Los Angeles Department of Transportation Guidelines for Traffic Impact Analysis. The RDEIR assumes the Project will achieve the full extent of all categories of trip reduction credits potentially applicable to it. This is neither reasonable nor in keeping with the good faith effort to disclose impact that CEQA demands. Consider the following.

The LADOT TIA guidelines allow projects located within ¼ mile (1320 feet) of a RapidBus stop to qualify for a 15 percent transit credit or a lesser 10 percent transit credit (reducing gross trip generation by those percentages). There are 2 RapidBus lines that operate along Van Nuys Boulevard. The near corner of the Project site is about 850 feet from the near corner of Van Nuys Boulevard, well within ¼ mile. But if the locations of the entries to most of the Project buildings are considered as well as the locations of the bus stops on Van Nuys, the actual walking distance to the bus stops is more like 1600 feet, well beyond the ¼ mile range. Yet the RDEIR still claims the full 15 percent transit credit for all uses. Beyond being outside of real ¼ mile walking distance, there is no demonstration that the Project meets any of the other conditions for receiving the 15 percent or even the lesser 10 percent transit credit. Those conditions are:

To obtain the maximum credit, applicants should implement the following improvements listed in priority order:

- Provide a wider than standard sidewalk along the streets fronting the project through additional sidewalk easement or by dedicating additional right-of-way beyond street standards.
- Improve the condition and/or aesthetics of existing sidewalks leading to transit station(s) with adequate lighting to provide for a safer pedestrian
- Provide continuous paved sidewalks / walkways with adequate lighting from all buildings in the Project to nearby transit services and stops. This may include mid-block paseos.
- Implement transit shelter improvements/beautification.

If the development is not within 1/4 mile walking distance of a transit station or a RapidBus stop, the Project may still qualify for up to 10% transit credit. To obtain this credit, the Project should include specific features in its design that promote alternative travel modes and provide certain amenities to tenants and employees. Features and amenities that may qualify a Project for this credit include the following:

- An on-site transit information kiosk and/or on-site transit pass sales;
- On-site facilities such as ATM machines, cafeteria and convenience shopping;
- Charging for single occupant auto parking;
- Car share programs;
- Bicycle racks or other facilities on-site;

- Provision of on-site concierge service to facilitate use of transit, taxis, or private shuttles by employees/residents;
- Provision of shuttle service for employees and/or customers.

The RDEIR provides no indication that any of these conditions for either the 15 or 10 percent transit credit would be met. Furthermore, the Project proposes to provide copious parking making high transit reliance unlikely. The RDEIR indicates that 660 parking spaces will be provided for the 425 apartment units – a provision of more than 1.55 spaces per unit, quite high by modern apartment development practices. It proposes to provide 1030 parking spaces for the commercial development where it discloses that the demand will be only 749 spaces on weekdays and 846 on weekends. With such extensive parking provision, there will be little incentive for residents or others to rely on transit, making realization of the assumed transit-related reductions in trip generation unlikely.

Similarly, given the extreme competition in the immediate local area of the Project site, it appears highly unlikely that the proposed high-turnover restaurant, health/fitness club, theater, shopping center and market uses could all achieve even close to the 15 percent internalization assumed for the PM peak hour. For instance, consider the theatre. There is a 16 screen multiplex within walking distance of the project site and 3 more multiplexes within 4 miles. Virtually anyone who lives on the Project site or is on site for some other purpose but also wants to see a movie is much more likely to pick a movie they want to see at whatever nearby theater it is playing in at a time period they want to view it in than to just accept whatever is currently playing at the theater on site. There are at least 2 major supermarkets within 2 blocks walking distance of the Project site. There are numerous shopping opportunities, health/fitness clubs and high-turnover restaurant opportunities within easy walking distance of the Project site. This and the copious free parking both on site and at nearby competing sites works counter to achievement of high internalization rates.

As a result of the above miscalculations, Mr. Smith concludes that the Project will have more significant traffic impacts than disclosed in the RDEIR. Mr. Smith states:

C. Traffic Impacts Are Likely To Be More Severe and More Extensive Than Disclosed

If the RDEIR traffic analysis had used correct trip generation rates per the discussion above and taken more realistic trip generation discounts for internalization and transit use, the conditions at the intersections where significant traffic impacts have been disclosed would obviously be more severe. Moreover, DSEIR Table IV.K-9 reveals that, in the analysis as performed, during the PM peak hour intersections “1” and “2”, Nordhoff with Sepulveda and Nordhoff with Van Nuys, are not significantly impacted but are on the cusp of being so. If the analysis had used the correct trip generation rates and more reasonable discounting factors as described above, these additional intersections would have been disclosed to be significantly impacted in the PM peak hour.

A new CEQA document is required to accurately describe and analyze the Project's traffic impacts.

D. The RDEIR Fails to Analyze Cumulative Impacts.

In addition, Mr. Smith concludes that the RDEIR improperly analyzes the cumulative impacts of the Project together with reasonably foreseeable future projects. In particular, the RDEIR contends that two projects will help mitigate the Project's traffic impacts: the East San Fernando Valley Corridor Transportation Project along Van Nuys Boulevard and the Complete Streets Mobility Network Plan which would affect both Van Nuys and Roscoe Boulevards. But Mr. Smith concludes that, "While these projects may have transportation benefits over a broad region, locally the traffic lane reductions necessary to implement them would intensify the severity of the Project traffic impacts disclosed, and would likely cause Project traffic to have significant impacts at additional locations."

CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Resources Code §21083(b); CEQA Guidelines §15355(b)). If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE v. Calif. Resources Agency*, 103 Cal.App.4th at 98, 114; *Kings County Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 721. It is vital that an agency assess "the environmental damage [that] often occurs incrementally from a variety of small sources . . ." (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214. The RDEIR fails to properly analyze the cumulative impacts of the Project together with the East San Fernando Valley Corridor Transportation Project and the Complete Streets Mobility Network.

E. The RDEIR Improperly Defers Mitigation.

Mr. Smith explains that the RDEIR assumes that the Project's traffic impacts will be mitigated by an as yet undisclosed Transportation Demand Management Program that will target lowering traffic by 15 percent. The deferral of mitigation by leaving articulating the substance of the TDM plan to a later date is a violation of CEQA. Moreover, the effectiveness of a TDM plan is highly unlikely at a Project that has already assumed reductions of 44.7 percent of its understated gross trip generation, that has a copious oversupply of parking as described above, and that is located in a suburban location and whose traffic impacts are likely to be increased to additional locations and in severity by other planned transportation improvement programs.

CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "meaningful information' reasonably justifying an expectation of compliance." (*Sundstrom* at 308; see also *Sacramento Old City Association v. City Council of*

Sacramento (1991) 229 Cal.App.3d 1011, 1028-29 (mitigation measures may be deferred only “for kinds of impacts for which mitigation is known to be feasible”.) A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).) This approach helps “insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug.” (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

IV. THE DEIR FAILS TO PROVIDE SUBSTANTIAL EVIDENCE TO SUPPORT A FINDING OF OVERRIDING CONSIDERATIONS.

The DEIR admits that the Project will have significant, unmitigated environmental impacts. As a result, a statement of overriding considerations will be required. Under CEQA, when an agency approves a project with significant environmental impacts that will not be fully mitigated, it must adopt a “statement of overriding considerations” finding that, because of the project’s overriding benefits, it is approving the project despite its environmental harm. 14 CCR § 15043; PRC § 21081(B); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222.) A statement of overriding considerations expresses the “larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes and the like.” *Concerned Citizens of South Central LA v. Los Angeles Unif. Sch. Dist.* (1994) 24 Cal.App.4th 826, 847.

A statement of overriding considerations must be supported by substantial evidence in the record. 14 CCR § 15093(b); *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1223. The agency must make “a fully informed and publicly disclosed” decision that “specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project.” 14 CCR § 15043(b). As with all findings, the agency must present an explanation to supply the logical steps between the ultimate finding and the facts in the record. *Topenga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.

Key among the findings that the lead agency *must* make is that:

Specific economic, legal, social, technological, or other considerations, including ***the provision of employment opportunities to highly trained workers***, make infeasible the mitigation measures or alternatives identified in the environmental impact report ... [and that those] benefits of the project outweigh the significant effects on the environment.

PRC § 21081(a)(3), (b).

Thus, the City must make specific findings, supported by substantial evidence concerning

both the environmental impacts of the Project and the economic benefits including, “the provision of employment opportunities for highly trained workers.” The DEIR fails to provide substantial evidence to support a statement of overriding considerations.

The DEIR makes not effort whatsoever to analyze the fiscal impacts related to jobs to be created by the proposed project or the quality of the new jobs. While the DEIR states that a Project goal is to “[f]oster local economic development and job creation,” (DEIR, p. II-29), the DEIR is devoid of any analysis of how the quality of jobs created compares to citywide averages, for example. The DEIR makes no attempt to determine whether new jobs created by the Project, in either the construction phase or the operational phase, will be for “highly trained workers,” and what the likely salary and wage ranges of these jobs will be. Without this information, the City lacks substantial evidence to make any statement of overriding considerations.

In short, the City cannot find that the economic benefits of the Project outweigh the environmental costs if it does not know what the economic benefits will be. A revised DEIR is required to provide this information.

V. THE CITY SHOULD PREPARE AND RECIRCULATE A SUPPLEMENTAL DEIR

A supplemental draft EIR (“SDEIR”) should be prepared and circulated for full public review to address the impacts identified above and to propose feasible mitigation measures. CEQA requires re-circulation of an EIR when significant new information is added to the EIR following public review but before certification. PRC § 21092.1. The CEQA Guidelines clarify that new information is significant if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project” including, for example, “a disclosure showing that ... [a] new significant environmental impact would result from the project.” 14 CCR § 15088.5. The above significant environmental impacts have not been analyzed in the EIR and must be addressed in a supplemental DEIR that is re-circulated for public review.

VI. THE CITY MUST ADOPT THE ALTERNATIVE 2, THE REDUCED PROJECT ALTERNATIVE

An EIR must 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. Section 15126.6(b) of the CEQA Guidelines states:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly.

One of CEQA's fundamental requirements is that the DEIR must identify the "environmentally superior alternative," and require implementation of that alternative unless it is infeasible. 14 Cal.Code Regs. §1526.6(e)(2); Kostka & Zischke, *Practice Under the California Environmental Quality Act* §15.37 (Cont. Educ. Of the Bar, 2008). As explained by the Court of Appeal, an environmentally superior alternative may not be rejected simply because it is more expensive or less profitable:

The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

Citizens of Goleta Valley v. Bd. of Supervisors (1988) 197 Cal.App.3d 1167, 1180-81; *see also, Burger v. County of Mendocino* (1975) 45 Cal.App.3d 322 (county's approval of 80 unit hotel over smaller 64 unit alternative was not supported by substantial evidence).

Here, the City must implement Alternative 2, which the DEIR identifies as the environmentally superior alternative (DEIR, p. VI-59) because it is feasible and would greatly reduce the Project's environmental impacts.

Alternative 2, the Reduced Project Alternative, is identified in the DEIR as the environmentally superior alternative. (DEIR, p. VI-59) It would reduce the Project by approximately 33%. DEIR, p. VI-13. As the DEIR explains:

The Reduce Project Alternative would have lower significant and unavoidable impacts than the Project with respect to traffic and operational air quality, and lower less than significant impacts than the Project with respect to noise, public services, utilities, and energy. Additionally, the Reduce Project Alternative would mostly satisfy the objectives of the Project, although to a lesser degree than the Project.

DEIR, p. VI-59.

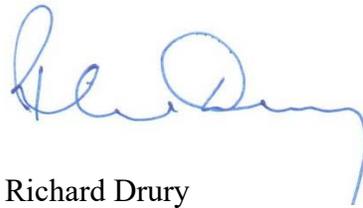
Specifically, Alternative 2 would reduce operational air quality emissions by 33%, it would reduce construction-related air quality impacts and greenhouse gas impacts. DEIR, p. VI-13-14. In addition, it would generate 33% less traffic than the Project. DEIR, p. IV-19; *see Smith Comment*, p. 2. These reductions are significant given the DEIR's conclusion that traffic and air quality impacts are "significant and unavoidable."

Since there is no evidence that Alternative 2 is infeasible, it meets all of the Project objectives, and since it is the environmentally superior alternative, the City must select Alternative 2.

VII. CONCLUSION

For the foregoing reasons, SWRCC and LIUNA believe that the ICON at Panorama DEIR is wholly inadequate. They urge the City to make the above changes, and recirculate a new revised DEIR to the public for review. In addition, they urge the City to adopt the environmentally superior alternative. Thank you for your attention to these comments.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard Drury", with a long horizontal flourish extending to the right.

Richard Drury