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VIA HAND DELIVERY, U.S. MAIL & E-MAIL

October 10, 2019

Jason Golding, Planning Manager
City of Duarte, Planning Division
1601 Huntington Drive
Duarte, CA 91010
Em: goldingj@accessduarte.com

RE: Draft Subsequent Environmental Impact Report for Duarte Station Specific Plan Amendment Project, SCH. No. 2013041032

Dear Mr. Golding,

On behalf of Southwest Regional Council of Carpenters (Collectively "**Commenters**" or "**Southwest Carpenters**"), my Office is submitting these comments on the City of Commerce's ("**City**" or "**Lead Agency**") Draft Subsequent Environmental Impact Report ("**DSEIR**") (SCH No. 2013041032) for the Duarte Station Specific Plan Amendment Project ("**Project**").

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states, including in southern California, and has a strong interest in well-ordered land use planning and addressing the environmental impacts of development projects. Commenters expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporate by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 CA4th 173, 191 (finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenters request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("**CEQA**"), Cal Public Resources Code ("**PRC**") § 21000 *et seq*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

I. APPROVAL OF THE PROJECT WOULD VIOLATE THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. Project Description and Background

The Duarte Station Specific Plan Amendment ("**Project**") seeks to take full advantage of the arrival of additional transit to the City (Project) by increasing transit-oriented development and increasing

developer flexibility on a 19.08-acre, railroad-adjacent site bounded by Evergreen Street and the Foothill Freeway (Interstate 210) to the north, Highland Avenue to the east, a single-family residential neighborhood to the west, and the Los Angeles County Metropolitan Transportation Authority ("**Metro**")-owned railroad right-of-way ("**ROW**") and Duarte Road to the south.

The Draft Specific Plan Amendment provides:

> Because of evolving market conditions, the Specific Plan has been updated to establish land use standards and a form-based code specifically created to optimize development catered to transit-oriented uses and design, promote development feasibility, and respond to contextual challenges and opportunities presented by adjacent uses.

(Draft Amendment, p. 1-1.) Currently, the Project site is developed with a mix of industrial uses totaling approximately 313,955 square feet. The Project would replace this industrial development with 1,400 housing units for 4,625 new residents, 100,000 square feet (sf) of office space and 12,500 sf of restaurant/retail space. (DSEIR, p. 5.3-7.) By contrast, the existing general plan provides for nearly 1000 fewer residential units and 400,000 square feet of office space.

As discussed below, the project raises a number of issues that must be addressed prior to its approval in order to comply with the requirements of CEQA. These include that: the Project description is impermissibly vague; the Project fails to include required traffic alternatives and mitigation; the Project fails to address air quality impacts; the Project's noise-related mitigation measures fail to meet CEQA's requirements; the Project fails to ensure regional housing needs are met; the Project's mitigation measures are overall vague and unenforceable, or are unlawfully deferred; and, the Project lacks required measures to protect against prior industrial and agricultural use and other potential site hazards. The above concerns are discussed in further detail, below.

B. Background Concerning the California Environmental Quality Act

The California Environmental Quality Act (CEQA) has two basic purposes. First, CEQA is designed to inform decision-makers and the public about the potential, significant environmental effects of a project. 14 California Code of Regulations ("**CCR**" or "**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.' [Citation.]" (*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 directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or 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; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.) The EIR serves to provide public agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to "identify ways that environmental damage can be avoided or significantly reduced." (CEQA Guidelines § 15002(a)(2).) If the project has a significant effect on the environment, the agency may approve the project only upon finding 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" specified in CEQA section 21081. (CEQA Guidelines § 15092(b)(2)(A–B).)

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*, *supra,* 91 Cal.App.4th 1344, 1355 [emphasis added, quoting *Laurel Heights,* 47 Cal.3d at 391, 409 fn. 12]. Drawing this line and determining whether the EIR complies with CEQA's information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, 102, 131.) As the court stated in *Berkeley Jets*, *supra,* 91 Cal. App. 4th at 1355:

> A prejudicial abuse of discretion occurs "if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

The preparation and circulation of an EIR are more than a set of technical hurdles for agencies and developers to overcome. The EIR's function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been considered. For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made. (*Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 [quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 449–450].)

C. The DSEIR's Project Description is Impermissibly Vague

The DSEIR fails to sufficiently describe the Project. An adequate CEQA analysis that fully informs the public and decisionmakers is dependent on an adequate Project Description. A "curtailed, enigmatic or unstable project description draws a red herring across the path of public support." (*County of Inyo v. City of Los Angeles* (1981) 71 Cal.App.3d 185, 197-98.) DSEIR p. 3-12 provides the expected growth over existing conditions, and we appreciate the inclusion of the proposed development projects at 3-12, but the EIR never sets out how the development standards will change from those that currently exist. There are no references in the Project Description to changes in height limits, floor-to-area ratio, setbacks, or land use designations. Instead, DSEIR p. 3-10 refers to the Specific Plan itself. The project description cannot fail to describe key elements of the Project. (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730-35.) While an EIR is permitted to refer to additional sources, the actual disclosure, analysis, and mitigation of a Project's potential impacts are required to be contained in the EIR itself. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 443.) That requirement is not met here, and the DSEIR must be revised to include the required information. L7.1

D. The Project Fails to Incorporate Required Traffic Alternatives or Mitigation

The DSEIR admits that the Project will have significant and unavoidable traffic impacts at the intersection of Buena Vista Street and Duarte Road. (DSEIR, p. 9-1.) Accordingly, CEQA requires that the Project incorporate all feasible alternatives or mitigation measures to substantially lessen or avoid these impacts. L7.2

> The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation

> measures available which would substantially lessen the significant environmental effects of such projects. . .

(Pub. Resources Code § 21002.) Instead, however, the DSEIR states only, under Mitigation Measure TRF-1:

> Pursuant to CEQA and the latest CEQA Guidelines, all project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development Department a traffic study that documents the project-related trips.

L7.2 Cont.

(DSEIR, p. 5.4-19). "Formulation of mitigation measures should not be deferred until some future time." (Guidelines § 15126.4(a)(1)(B).) Mitigation Measure TRF-1 is nothing more than deferred mitigation, requiring only for applicants to prepare and submit a traffic study at some later date.

This provides no guarantee of useful; results or actions to be taken. And aside from requiring the use of the Highway Capacity Manual for intersection analysis, the mitigation measure contains no performance standards or even goals for reducing impacts to the intersection of Buena Vista Street and Duarte Road. L7.3

This constitutes deferred mitigation, at best. "Impermissible deferral of mitigation occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236.) The DSEIR must be revised to include more detailed mitigation for this impact, such as that included in TRF-2, which addresses impacts at Highland Avenue and Huntington Drive and requires: "Modif[ication of] the northbound approach and southbound approach signal on Highland Avenue by adding an overlap phase for both right-turn approaches." L7.4

TRF-3 also defers to a future report without any triggering standards. "When deemed necessary by the City Community Development Director and/or City Engineer…" The City's delegation of feasibility to a post-approval, non-public, standardless, staff-level determination for individual projects violates CEQA. (See e.g., *CBE v. Richmond* (2010) 184 Cal.App.4th 70, 94 [list of potential methods of mitigation for later selection without "specific and mandatory performance standards" is improper deferral]; see also Cal. Clean Energy Comm. v. City of San Jose (2013) 220 Cal.App.4th 1325 [delegation to a nonelected, non-decisionmaking body improper under CEQA].) L7.5

Deferral of the development of mitigation is only allowable where "specific performance criteria" are required at the "time of project approval." (*Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1029.)

E. The Project Fails to Properly Address Air Quality Impacts, Including from Proximity to Interstate 210

CEQA requires an environmental review of a Project's potentially adverse impacts on human beings. (Guidelines § 15065 subd. (a)(2).) Countless peer-reviewed studies have been published documenting the dangers of living near freeways due to their emissions of ultrafine diesel particulate matter and other air pollutants. Ultrafine particulate matter causes cardiovascular and neuron damage.[1] More than 90 percent of the particles in diesel exhaust are ultrafine particles, which are L7.6

[1] See http://www.arb.ca.gov/research/health/healthup/jan03.pdf; incorporated by reference.

easily inhaled into the lung.[2] Diesel particulate matter also contains gases such as acetaldehyde, acrolein, benzene, 1,3-butadiene, formaldehyde, and polycyclic aromatic hydrocarbons, increasing the hazards to human health.[3] Consequently, diesel particulate matter was declared a toxic air contaminant by the California Air Resources Board in 1998.[4] Diesel particulate matter is considered carcinogenic to humans, and according to the Air Resources Board, contributes to health effects that "include premature death, hospitalizations, and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms and decreased lung function in children."[5] L7.6 Cont.

Pollution-related ailments have also been correlated with the distance a home sits from the freeway. Experts recommend that homes not be located within 1,000 feet of a freeway.[6] However, as the Project is bordered by the 210 Freeway, it is located well within the 1,000-foot recommended buffer. Significant health impacts are likely.

Mitigation Measure AIR-3 requires:

> For all new residential units in the project area, the developer shall install, and owner maintain, HVAC systems with air filters that meet or exceed a Minimum Efficiency Rating Value (MERV) of 13 as determined by ASHRAE Standard 52.2

However, this measure will fail to provide useful protection of human health if there are operable windows in the residential units, and does nothing to address potential impacts to human health, particularly for vulnerable populations such as children, pregnant women, or the elderly, for exposure from potential outdoor space, or outdoor facilities such as a pool or playground. The DSEIR must be revised to incorporate additional mitigation to address these issues.

Additionally, Mitigation Measure AIR 2-B requires that "all apartment buildings in the plan area be constructed such that no more than 60 percent of units in the structure have fireplaces. . . ." With regard to particulate matter, the South Coast Air Basin has "some of the worst air quality in the nation,"[7] and is in non-attainment for national ambient air quality standards ("**NAAQS**") for $PM_{2.5}$. (DSEIR, p. 5.5-12.) Given ongoing pollution concerns, It is unclear why fireplaces are allowed at all, and the DSEIR should be revised to properly consider this issue. L7.7

F. The Project's Noise Related Mitigation Measures do not Comply with CEQA

The Project will result in significant and unavoidable construction noise impacts to residents living adjacent to the project site, south of Evergreen Street. (See DSEIR Fig. 3-3.) Over two hundred L7.8

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[2] Matsuoka, Hricko, et al. Global Trade Impacts: Addressing the Health, Social, and Environmental Consequences of Moving International Freight Through Our Communities, March 2011, p. 17, available at http://departments.oxy.edu/uepi/, herein incorporated.

[3] See https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health, herein incorporated by reference.

[4] Ibid.

[5] Ibid., see also https://www.iarc.fr/wp-content/uploads/2018/07/pr213_E.pdf, incorporated by reference.

[6] Yifang Zhu, et. al., Study of Ultrafine Particles Near a Major Highway with Heavy-Duty Diesel Traffic, 36 Atmospheric 4323-4335 (2002), Attachment 1.

[7] See, http://www.aqmd.gov/docs/default-source/news-archive/2017/protect-public-health---check-before-you-burn---november-1-2017.pdf?sfvrsn=10, incorporated by reference.

homes about the project site and would benefit from little or no distance-based noise attenuation during the Project's construction. L7.8 Cont.

The adverse health and quality of life impacts of noise are well-documented. According to the U.S. Environmental Protection Agency, exposure to high noise levels presents a

> health risk in that noise may contribute to the development and aggravation of stress-related conditions such as high blood pressure, coronary disease, ulcers, colitis, and migraine headaches…Growing evidence suggests a link between noise and cardiovascular problems. There is also evidence suggesting that noise may be related to birth defects and low birth-weight babies. There are also some indications that noise exposure can increase susceptibility to viral infection and toxic substances."[8]

Exposure to even moderately high levels of noise during a single 8-hour period triggers the body's stress response. In turn, the body increases cortisol production, which stimulates vasoconstriction of blood vessels that results in a five to ten-point increase in blood pressure. Over time, this noise-induced stress can result in hypertension and coronary artery disease, both of which increase the risk of heart attack death.[9] Studies on the use of tranquilizers, sleeping pills, psychotropic drugs, and mental hospital admission rates suggest that high noise levels cause adverse impacts on mental health.[10]

CEQA prohibits a lead agency from approving a project that will have significant impacts on the environment unless it first finds that there are no feasible alternatives or mitigation measures available to reduce or eliminate those impacts. "CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment…unless the measures necessary to mitigate those effects are *truly* infeasible." (*City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal. 4th 341, 368 ("*City of Marina*") emphasis added.) The DSEIR acknowledges that the Project will result in significant and unavoidable short-term construction noise impacts. (DSEIR p. 9-1.) However, the EIR rejects feasible measures to reduce construction noise or altogether fails to analyze other potential measures. More specifically, Mitigation Measure N-1 is too vague to enforce. It contains no standards to ensure that construction equipment is actually "placed to maintain the greatest possible distance to sensitive receptors," to determine whether the use of pneumatic tools is unavoidable or to determine whether the use of drills or external jackets on equipment is feasible. (DSEIR, p. 5.7-26). It forgoes meaningful hours limitations - construction hours are listed as from 7 am to 10 pm. Even for people who leave the house during the day, they will be exposed to construction noise the entire time they are awake and home. The measure does not account for meal times or even bedtimes. 24-hour response to a complaint of noise beginning before 7 am does not help the person who was woken up early. L7.9 L7.10

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[8] EPA Noise Effects Handbook, http://www.nonoise.org/library/handbook/handbook.htm, incorporated by reference; see also EPA *Noise: A Health Problem* http://www.nonoise.org/library/epahlth/epahlth.htm#heart%20disease, incorporated by reference.

[9] WHO, Guidelines for Community Noise, p. x and pp. 47-48, available at http://whqlibdoc.who.int/hq/1999/a68672.pdf; *see also*, Maschke C (2003). "Stress Hormone Changes in Persons exposed to Simulated Night Noise". Noise Health 5 (17): 35–45. PMID 12537833, http://www.noiseandhealth.org/article.asp?issn=1463-1741;year=2002;volume=5;issue=17;spage=35;epage=45;aulast=Maschke, incorporated by reference.

[10] WHO, Guidelines for Community Noise, p. x and pp. 48-49.

> "[I]f the project can be economically successful with mitigation, then CEQA requires that mitigation…" (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th at 600.) When other similar projects implement particular mitigation measures, it is evident that those measures are feasible. (*Western States Petroleum Association v. Southern California Air Quality Management District* (2006) 136 Cal.App.4th 1012, 1020 [no evidence showed refineries could not make the same air pollution control changes one refinery made or that the cost of such changes would be prohibitive].) L7.10 Cont.

The DSEIR must be revised to provide specific, enforceable mitigation measures for construction noise.

G. The Project Fails to Ensure Affordable Housing Needs are Met

California's housing crisis is well documented. According to the Legislative Analyst's Office, "As of early-2015, the typical California home cost $437,000, more than double the typical U.S. home ($179,000). California renters also face higher costs. In 2013, the median monthly in California was $1,240, nearly 50 percent more than the national average."[11] Conditions have only worsened since this time, and luxury units far out supply low income or very-low-income units.

The DSEIR recognizes, "The proposed project is intended to meet the RHNA allocation for Duarte and the goals of the 2014-2021 Housing Element by providing up to 1,400 dwelling units, some of which would be affordable housing." (DSEIR p. 5.3-8) The 2014-2011 Regional Housing Needs Allocation for Duarte provides for the City to construct 44 units for extremely low-income households, 87 units for very low-income households, and 53 units for low-income housing. However, the Project does not appear to provide any assurances that low-income units will actually be constructed when the Specific Plan is adopted. Thus, despite the claim of less than significant impact (DSEIR, p. 5.3-9), the Project will result in adverse impacts as related to the provision of housing and will fail to meet state-mandated affordable housing requirements. The DSEIR must be revised to address this. L7.11

H. The Project Contains Numerous Mitigation Measures that are Inadequate, Vague, or Unlawfully Deferred

Mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code § 21081.6(b).) "The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (*Federation of Hillside & Canyon v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261; *Katzeff v. California Dept. of Forestry and Fire Protection* (2010) 181 Cal.App.4th 601, 612; *Lincoln Place Tenants Assn v. City of Los Angeles* (2005) 130 Cal.App.4th 1491.)

The DSEIR relies on vague, inadequate, and deferred mitigation in multiple sections, in violation of CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; Guidelines Section 15126.4(a)(1)(B).) When funding for a mitigation measure is not assured, the measure is not enforceable. (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189-90.) Further, mitigation measures that "are not guaranteed to occur at any particular time or in any particular manner" are inadequate. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, L7.12

[11] See, https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.pdf, incorporated by reference.

281; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119.) Examples of mitigation measures that do not meet CEQA's requirements include:

Mitigation Measure HAZ-1 requires that "[p]rior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos-containing materials (ACMs)." (DSEIR, p. 5.8-20.) There is no reason why the asbestos survey should not be performed now, as a condition of the EIR. Deferring the study and any follow up action to a later time would violate CEQA. L7.12 Cont.

Mitigation Measure HYD-1 fails to set enforceable standards, requiring vaguely that, "that runoff values for each phase remain at or below existing runoff values in compliance with current State law or other applicable statutes." This section should be strengthened to provide specific standards for performance.

Mitigation Measure WAT-1 requires individual project applicants to conduct a hydraulic analysis, "prior to the approval of building permits." There is no reason not to determine the existing water supply capacity or capacity to accept wastewater now, and the DSEIR should be revised to require this study.

As discussed below, the Hazards section and associated mitigation measures similarly fail to comply with CEQA and are vague, inadequate, or unlawfully defer action.

I. Industrial Sites need Cleanup

The Project identifies numerous potential hazards present on the site as a result of previous industrial activity, the presence of current or former underground storage tanks, previous agricultural activity, the presence of asbestos-containing materials, and other site conditions. (See, DSEIR, pp. 5.8-11 – 5.8-15). However, the majority of mitigation measures for hazards in this section are deferred until a later date. Mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures." (Pub. Resources Code § 21081.6(b).) Deferred mitigation violates CEQA. (*Endangered Habitats League v County of Orange* (2005) 131 Cal. App. 4th 777, 793-94; Guidelines Section 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time.").) Further, when mitigation is deferred, the public and decisionmakers are deprived of the opportunity to evaluate its effectiveness or desirability prior to project approval. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.)

Mitigation Measure HAZ-3 requires an environmental professional to "conduct an inspection of existing on-site structures before building renovation/ demolition activities . . . [and to determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials." (DSEIR, p. 5.8-21.) This measure should define parameters for required additional testing and should require testing to be done as a condition of approval for the SEIR. L7.13

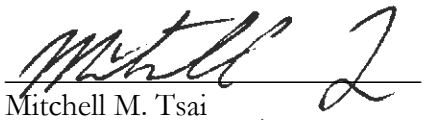
Mitigation Measures HAZ-5, HAZ-6, and HAZ-7 require soil sampling within portions of the site historically used for agricultural purposes, soil sampling along the southern boundary of the project, and soil sampling and vapor intrusion sampling generally to occur prior to issuance of a grading permit. (DSEIR, p. 5.8-21.) Soil and vapor intrusion sampling at the Project site, for all three measures, should be required as a condition of Project approval, and the DSEIR should be revised to reflect this.

Given the site's future development for residential units, it must be cleaned to residential standards and assured of being safe for children. The DSEIR must be revised to address the above issues.

II. **CONCLUSION**

Commenters request that the City revise and recirculate the Project's environmental impact report to address the aforementioned concerns. If the City has any questions or concerns, feel free to contact my office.

Sincerely,



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Council of Carpenters