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VIA E-MAIL

October 4, 2022

Candy Rosales, City Clerk
City Hall
200 N. Spring Street, Room 395
Los Angeles, CA 90012
Em: Clerk.plumcommittee@lacity.org

RE: Agenda Item No. 4 October 4, 2022, Planning and Land Use
Management Committee Project (ENV-2021-9238-SCPE, DIR-2021-
9237-TOC-HCA, VTT-83436-CN-HCA)

Dear Candy Rosales,

On behalf of the **Southwest Regional Council of Carpenters** (“**Southwest Carpenters**” or “**SWRCC**”), my Office is submitting these comments on the City of Los Angeles’s (“**City**” or “**Lead Agency**”) Sustainable Communities Project Exemption (“**SCPE**”) for “The Stanley” Project located at 6435 Wilshire Boulevard (“**Project**”) for the Planning and Land Use Management (“**PLUM**”) Committee meeting on October 4, 2022, at 2:00 p.m.

The Southwest Carpenters is a labor union representing 57,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning and in addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work, and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

The Southwest Carpenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearing and proceeding related to this Project. Gov. Code, § 65009, subd. (b); Pub. Res. Code, § 21177, subd. (a); see *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see also *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.

The Southwest Carpenters incorporates by reference all comments raising issues regarding the Sustainable Communities Project Exemption for the Project. See *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 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, the Southwest Carpenters requests that the City provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (**CEQA**) (Pub. Res. Code, § 21000 *et seq.*), and the California Planning and Zoning Law (“**Planning and Zoning Law**”) (Gov. Code, §§ 65000–65010). California Public Resources Code Sections 21092.2, and 21167(f) and California 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.

The City should require the Project to be built using a local workers who have graduated from a Joint Labor-Management Apprenticeship Program approved by the State of California, have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state-approved apprenticeship training program, or who are registered apprentices in a state-approved apprenticeship training program.

Community benefits such as local hire can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project site can reduce the length of vendor trips, reduce greenhouse gas emissions, and provide localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the University of California, Berkeley Center for Labor Research and Education concluded:

[L]abor should be considered an investment rather than a cost—and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well-trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Furthermore, workforce policies have significant environmental benefits given that they improve an area’s jobs-housing balance, decreasing the amount and length of job commutes and the associated greenhouse gas (GHG) emissions. In fact, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program” can result in air pollutant reductions.²

Cities are increasingly incorporating local workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward’s 2040 General Plan requires the city to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

The City of Hayward has even gone as far as incorporating a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its downtown area to require that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved joint

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

labor-management training programs[.]”⁴ The City of Hayward mandates the same measure on all projects that are 30,000 square feet or larger.⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

Moreover, local hire mandates and skill-training are critical facets of a strategy to reduce vehicle miles traveled (VMT). As planning experts Robert Cervero and Michael Duncan have noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions given that the skill requirements of available local jobs must match those held by local residents.⁷ Some municipalities have even tied local hire and other workforce policies to local development permits to address transportation issues. Cervero and Duncan note that:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

negotiating corporate participation in First Source as a condition of approval for development permits.

Therefore, the City should consider utilizing local workforce policies and requirements to benefit the local area economically and to mitigate greenhouse gas, improve air quality, and reduce transportation impacts.

A. The City should Impose Training Requirements for the Project’s Construction Activities to Prevent Community Spread of COVID-19 and Other Infectious Diseases.

Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁸

Southwest Carpenters recommend that the Lead Agency adopt additional requirements to mitigate public health risks from the Project’s construction activities. Southwest Carpenters requests that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon Southwest Carpenters’ experience with safe construction site work practices, Southwest Carpenters recommends that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.
- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.

⁸ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody gaining entry to the project site such as returning personnel, deliveries, and visitors.

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁹

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Agency should require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

⁹ See also, The Center for Construction Research and Training, North America's Building Trades Unions (April 27, 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, available at https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, available at https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.¹⁰

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the Project to be built using a workforce trained in ICRA protocols.

I. THE PROJECT DOES NOT MEET THE CRITERIA FOR THE USE OF A SUSTAINABLE COMMUNITIES PROJECT EXEMPTION

A. Background Concerning Sustainable Communities Project Exemptions

The Sustainable Communities and Climate Projection Act of 2008, also known as Senate Bill 375 (SB 375) provides CEQA-based incentives and streamlining for certain residential, mixed-use, and transportation-oriented developments. SB 375 includes two optional CEQA streamlining options for local lead agencies.¹¹

First, under SB 375, residential and mixed-use projects that (1) are consistent with the use designation, density, building intensity, and applicable policies specified in a California Air Resources Board (“CARB”)-approved sustainable communities strategy (“SCS”) or alternative planning strategy (“APS”) and (2) incorporate mitigation measures required by an “applicable prior environmental document,” which may include the environmental impact report for the regional transportation plan, need not reference, describe or discuss growth-inducing impacts or project-specific or cumulative impacts on global warming or on the regional transportation network arising from automobiles or light-duty truck trips generated by the Project. PRC §21159.28(a).

Second, Transit Priority Projects (“TPP”) consistent with the SCS or APS may qualify for a total CEQA exemption, such as a Sustainable Communities Project

¹⁰ For details concerning Southwest Carpenters’s ICRA training program, *see* <https://icrahealthcare.com/>.

¹¹ Appendix F, *supra*, SCPE, p. 1.

Exemption. PRC § 21155.1. A TPP is a specific project that must (1) be consistent with a CARB-approved SCS or APS; (2) contain at least 50 percent residential use, and if the project contains between 26 percent and 50 percent nonresidential uses, then a floor area ratio of not less than 0.75, (3) have a minimum net density of 20 units per acre; and (4) be located within one-half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan. PRC §21155(a)-(b).

If a legislative body of a city or county finds, after conducting a public hearing, that a transit priority project meets all of the requirements of subdivisions (a) and (b) and one of the requirements of subdivision (c) of PRC § 21155.1, the TPP is declared to be a sustainable communities project and will be exempt from CEQA. PRC § 21155.1. At a minimum, the legislative body of a city or county must find that:

- (1) the project can be adequately served by existing utilities and that the applicant has paid or committed to pay all applicable fees,
- (2) the project site does not contain wetlands or riparian areas, have significant value as wildlife habitat, and does not harm any protected species,
- (3) the project is not included on any sites of the Cortese list,
- (4) the project is subject to a preliminary endangerment assessment to determine the existence of any hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from the area,
- (5) the project does not have a significant effect on historical resources,
- (6) the project is not subject to a wildlife fire hazard, an unusually high risk of fire or explosion from materials stored or used on nearby properties, risk of a public health exposure, seismic risk as a result of being within a delineated earthquake fault zone or a seismic hazard zone, and landslide hazard, flood plain, flood way, or restriction zone,
- (7) the project is not located on developed open space,
- (8) the project buildings are 15% more energy efficient than Title 24 and use 25% less water than average households.

PRC § 21155.1(a).

If the TPP is found to have met each of the eight (8) requirements, each of the following land use criteria under subsection (b) must also be met:

- (1) the project site is not more than eight (8) acres,
- (2) the project site does not contain more than 200 residential units,
- (3) the project site does not result in a net loss of affordable housing within the project area,
- (4) the project site does not include any single level building exceeding 75,000 square feet,
- (5) applicable mitigation measures or performance standards from prior EIRs have been incorporated,
- (6) the project does not conflict with nearby industrial uses,
- (7) the project is located within one-half mile of a rail transit station or high-quality transit corridor, or ferry terminal that have been included in a RTP.

(PRC § 21155.1(b).)

Finally, if subsections (a) and (b) of PRC Section 21155.1 are determined to be fully met, at least one of the following criteria in subsection (c) must be met:

- (1) the TPP will sell at least 20% of housing to families of moderate income, 10% of housing will be rented to low-income families, or at least 5% of the rented housing goes to very low income families, and the developer provides legal commitments to ensure the continued availability;
- (2) the TPP developer has paid or will pay in-lieu fees; and
- (3) the TPP provides public open space of at least five (5) acres per 1,000 residents of the project.

(PRC § 21155.1(c).)

Accordingly, if the legislative body finds, after conducting a public hearing, that the TPP meets each of the foregoing requirements, the TPP is declared a sustainable communities project and is deemed exempt from CEQA. (PRC § 21155.1(a).)

B. The Project is Not Within a Transit Priority Area

Under PRC Section 21099(b)(3), a transit priority area is “an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a transportation improvement program or applicable regional transportation plan.”

According to the SCPE’s Appendix I.1 Geotechnical Report, the Project Site encompasses Lots 7-8, Block 3, Tract 7555.¹² The City of Los Angeles’ Transit Oriented Communities (“TOC”) Affordable Housing Incentive Program Guidelines further states that “[e]ach one-half mile radius (2,640 feet) around a Major Transit Stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, and provided in Section II of these Guidelines, shall constitute a unique TOC Affordable Housing Incentive Area.”¹³ The SCPE asserts that the Project Site is located within a TPA and a City-verified TOC Program Area due to the Project Site being within a 2,640-foot radius of a Metro rail station that constitutes a Major Transit Stop.¹⁴

However, although the SCPE asserts that the planned Wilshire/Fairfax purple line intersection referenced in the SCPE is located within one-half a mile of the Project Site, that intersection is not where the actual *station* is located. Rather, according to LAMetro, the planned location for the Wilshire/Fairfax station *entrance* is at the southeast corner of Wilshire Boulevard and Orange Grove Avenue.¹⁵ As shown on ZIMAS, the Project Site, located at 6435 Wilshire Boulevard, is *more than* 2,640 feet from the corner of Wilshire Boulevard and Orange Grove Avenue, and therefore exceeds the requisite 2,640-foot radius for purposes of the TOC Affordable Housing Incentive Guidelines.¹⁶

¹² Appendix I.1: Geotechnical Report, Sustainable Communities Project Exemption, p. 2, available at http://clkrep.lacity.org/onlinedocs/2022/22-0893_misc_10.1_8-02-2022.pdf.

¹³ February 26, 2016 Technical Clarifications to the Transit Oriented Communities Affordable Housing Incentive Program Guidelines (TOC Guidelines), available at, <https://planning.lacity.org/ordinances/docs/toc/TOCGuidelines.pdf>, p. 4.

¹⁴ SCPE, p. 2, available at http://clkrep.lacity.org/onlinedocs/2022/22-0893_misc_1_08-02-2022.pdf.

¹⁵ Purple (D Line) Extension Transit Project – Section 1, available at <https://www.metro.net/projects/purple-section1/>.

¹⁶ ZIMAS, available at <http://zimas.lacity.org/map.aspx>; February 26, 2016 Technical Clarifications to the Transit Oriented Communities Affordable Housing Incentive Program

The statute provides no exceptions for projects adjacent to transit priority areas. Basically, a project either is or is not within a TPA. There is no in-between. Since the Project Site is not within a half-mile of a major transit stop, it is also not within a Transit Priority Area. Accordingly, the Project does not meet the requirements set forth under PRC Section 21099(d)(1), and therefore fails to meet the requirements of PRC Section 21155.

i. The Project is Not Located Within a Transit Priority Area Because the SCAG’s HQTAs Designation is Not Binding

According to the SCPE, the Project Site is located within both a High Quality Transit Area (“HQTAs”) and Transit Priority Area.¹⁷ However, as explained below, a Project Site being located within SCAG’s HQTAs has no bearing under CEQA Guidelines regarding TPPs.

A HQTAs is a planning tool that is part of SCAG RTP/RTS, a regional plan. HQTAs are broadly defined as places with convenient public transit service prioritized by local jurisdictions that are suitable for housing, jobs and services growth.

SCAG claims that its GIS Map “SCAG’s HQTAs is within one-half mile from a “major transit stop” and a “high-quality transit corridor” (“**HQTC**”) and developed based on the language in SB375 and codified in the CA Public Resources Code.¹⁸

However, for its criteria, “SCAG uses the total population of bus trips during the combined seven–hour morning and afternoon peak periods to determine the peak frequency at a bus stop. This is done for each bus route, by direction. The peak frequency is calculated by dividing 420 minutes (the seven–hour peak converted to minutes) by the total peak bus trips. This average frequency should be 15 minutes or less in order to qualify. [emphasis added]”¹⁹

Even SCAG notes that its “maps and data are intended for planning purposes only. . . . [and] recommends that [l]ocal jurisdictions . . . consult with the appropriate transit

Guidelines (TOC Guidelines), *available at*, <https://planning.lacity.org/ordinances/docs/toc/TOCGuidelines.pdf>, p. 4.

¹⁷ SCPE, *supra*, at p. 10.

¹⁸ *Available at*, <https://planning.lacity.org/eir/1020SoFigueroa/FEIR/files/Appx%20F%20-%20LA%20Planning%20ZI%20File%20No.%202452.pdf>.

¹⁹ ConnectSocial Technical Advisory, Transit, p. 83, Adopted September 3, 2020, *available at*, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_transit.pdf?1606002122.

provider(s) to obtain the latest information on transit routes, stop locations, and service intervals before making determinations regarding CEQA exemption[s] or streamlining.”²⁰ These maps do not outright designate a parcel as having certain location within transit priority areas, and this data depiction is not made for purposes of evaluating a Project’s environmental impacts under CEQA.

Accordingly, the ZIMAS TPA classification, as well as SCAG’s Transit Priority Corridor, for the purposes cited in the SCPE, are irrelevant and non-binding.

Therefore, the Project Site is not a TPP because it is not located within a TPA or within one-half of a mile from a Planned Major Transit Stop. Further, the Project does not meet the TOC requirements set forth in the Los Angeles Municipal Code, Section 12.22(A). As such, the Project does not qualify for an SCPE from CEQA.

C. Background Concerning SCAG’s RTP/SCS

Senate Bill No. 375 requires regional planning agencies to include a sustainable communities strategy in their regional transportation plans. Gov. Code § 65080, sub.(b)(2)(B). CEQA Guidelines § 15125(d) provides that an EIR “shall discuss any inconsistencies between the proposed project and...regional plans. Such regional plans include...regional transportation plans.” Thus, CEQA requires analysis of any inconsistencies between the Project and the relevant RTP/SCS plan.

In April 2016, SCAG adopted the 2016 – 2040 Regional Transportation Plan/Sustainable Communities Strategy (“2016-2040 RTP/SCS”),²¹ which includes policies and strategies to help the region achieve GHG emission reductions that would reduce the region’s per capita transportation emissions by eight percent by 2020 and 18

²⁰ Southern California Association of Governments (2020) ConnectSocial Technical Advisory, Transit, p. 30, *available at*, https://scag.ca.gov/sites/main/files/fileattachments/0903fconnectsocial_transit.pdf?1606002122; *see also* SCAG High Quality Transit Areas (HQTAs) 2045 – SCAG Region GIS Map, *available at*, https://gisdata-scag.opendata.arcgis.com/datasets/43e6fef395d041c09deaeb369a513ca1_1/about.

²¹ Southern California Association of Governments (“SCAG”) (April 2016) The 2016-2040 Regional Transportation Plan / Sustainable Communities Strategy: A Plan for Mobility, Accessibility, Sustainability and a High Quality of Life (“SCAG 2016-2040 RTP/SCS”), *available at* <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?1606005557>.

percent by 2035.²² SCAG’s RTP/SCS plan is based upon the same requirements outlined in CARB’s 2017 Scoping Plan and SB 375.

On September 3, 2020, SCAG adopted the 2020 – 2045 Regional Transportation Plan/Sustainable Communities Strategy, titled Connect SoCal (“2020-2045 RTP/SCS” or “Connect SoCal”).²³ The 2020 RTP / SCS adopts policies and strategies aimed at reducing the region’s per capita greenhouse gas emissions by 8% below 2005 per capita emissions levels by 2020 and 19% below 2005 per capita emissions levels by 2035.²⁴

For both the 2016-2040 and the 2020-2045 RTP/SCS and Connect SoCal, SCAG prepared Program Environmental Impact Reports (“PEIRs”) that include Mitigation Monitoring and Reporting Programs (“MMRP”) that list project-level environmental mitigation measures that directly and/or indirectly relate to a project’s GHG impacts and contribution to the region’s GHG emissions.²⁵ These environmental mitigation measures serve to help local municipalities when identifying mitigation to reduce impacts on a project-specific basis that can and should be implemented when they identify and mitigate project-specific environmental impacts.

²² *Id.* At pp. 8, 15, 153, 166.

²³ SCAG (Sept 2020) Connect SoCal: The 2020 – 2045 Regional Transportation Plan / Sustainable Communities Strategy of Southern California Association of Governments (“SCAG Connect SoCal”), available at https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocialplan_0.pdf?1606001176.

²⁴ *Id.* At xiii.

²⁵ SCAG (April 7, 2016) Resolution No. 16-578-1: A Resolution of the Southern California Association of Government Certifying the Final Program Environmental Impact Report Prepared for the 2016 – 2040 Regional Transportation Plan / Sustainable Communities Strategy (SCH#2015031035) and Adopting Findings of Fact, a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program Pursuant to the California Environmental Quality Act, Exhibit B, “Mitigation Monitoring and Reporting Program,” available at http://www.scag.ca.gov/sites/main/files/file-attachments/2016fpeir_exhibitb_mmrp.pdf?1623887711; see also SCAG (Sept. 3, 2020) A Resolution of the Southern California Association of Governments (SCAG) Adopting the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) Program Environmental Impact Report (PEIR) Addendum and Approving Connect SoCal in its Entirety, Exhibit A, “Revised Mitigation Monitoring and Reporting Program, available at https://scag.ca.gov/sites/main/files/file-attachments/resolution-no-20-624-1_connectsocial_peir.pdf?1606004464.

i. The SCPE Fails to Demonstrate Consistency with SCAG’s 2020-2045 RTP/SCS

Section 21155.2 of the Cal. Public Resources Code requires that a Transit Priority Project incorporate all feasible mitigation measures, performance standards, or criteria from prior applicable environmental impact reports. However, the Project’s SCPE expressly rejects many, if not most of the applicable mitigation measures identified in SCAG’s 2020 – 2045 RTP/SCS EIR without making a feasibility determination.²⁶

In addition, the SCPE fails to incorporate feasible mitigation measures simply on the basis that the SCPE did not identify a potentially significant impacts or because the measures are comparable to applicable regulatory compliance measures. Section 21155.2 subd. (a) is unambiguous in stating that TPPs must incorporate “**all feasible mitigation measures**, performance standards or criteria set forth in prior environmental impact reports,” irrespective of whether the SCPE finds a less than significant impact with mitigation. The Project is required to incorporate all feasible mitigation measures, regardless of whether the SCPE identifies a potentially significant impact.

A review of the RPT/SCS in Appendix J of the SCPE demonstrates that the proposed Project is inconsistent with several of its measures, including but not limited to, the analysis below:

SCAG RTP/SCS 2020-2045²⁷
Air Quality Project Level Mitigation Measures – PMM-AQ-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i> , a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:

²⁶ Appendix J, SCPE, available at http://clkrep.lacity.org/onlinedocs/2022/22-0893_misc_11_8-02-2022.pdf.

²⁷ 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (Connect SoCal) Program Environmental Impact Report (PEIR) Exhibit A, “Revised Mitigation Monitoring and Reporting Program, available at https://scag.ca.gov/sites/main/files/fileattachments/exhibit-a_connectsocial_peir_revisedmmp.pdf?1606004474.

a) Minimize land disturbance.	Here, the SCPE fails to discuss the feasibility of minimizing land disturbance. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.
b) Suspend grading and earth moving when wind gusts exceed 25 miles per hour unless the soil is wet enough to prevent dust plumes.	Here, the SCPE fails to require suspending grading and earth moving when wind gusts exceed 25 mph. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.
c) Cover trucks when hauling dirt.	Here, the SCPE fails to require trucks to be covered during dirt hauling. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.
d) Stabilize the surface of dirt piles if not removed immediately.	The SCPE fails to discuss the feasibility of stabilizing the surface of dirt piles if not removed immediately. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.
e) Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.	Here, the SCPE fails to evaluate the feasibility of limiting vehicular paths on unpaved surfaces and stabilizing any temporary roads. As such, the proposed Project is not consistent with this measure and the SCPE

	lacks substantial evidence to support its consistency determination.
f) Minimize unnecessary vehicular and machinery activities.	Here, the SCPE fails to evaluate the feasibility of minimizing unnecessary vehicular and machinery activities. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.
g) Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.	<p>CARB and SCAQMD’s Rule 403 fails to require these measures and the SCPE fails to commit to their implementation. As such, we are unable to verify that these measures will actually be implemented, monitored, and enforced on the Project site.</p> <p>Furthermore, the SCPE fails to specifically require the Project to sweep paved streets at least once per day where there is evidence that dirt has been carried onto the roadway. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
h) Revegetate disturbed land, including vehicular paths created during construction to avoid future off-road vehicular activities.	Here, the SCPE fails to evaluate the feasibility of revegetating disturbed land, including vehicular paths created during construction. The SCPE also

	<p>fails to mention avoiding future off-road vehicular activities. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>j) Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project. Prepare a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet.</p>	<p>Here, the SCPE fails to evaluate the feasibility of requiring contractors to assemble comprehensive inventory lists of all heavy-duty off- road equipment that could be use dan aggregate of 40 or more hours for the Project. The SCPE also fails to mention or evaluate the feasibility of preparing a plan for approval by the applicable air district demonstrating achievement of the applicable percent reduction for a CARB-approved fleet. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>m) Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.</p>	<p>SCAQMD’s Rule 403 fails to require these measures and the SCPE fails to commit to their implementation. As such, we are unable to verify that these measures will actually be implemented, monitored, and enforced on the Project site. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>

<p>n) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.</p>	<p>Here, the SCPE fails to discuss the feasibility of utilizing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>o) Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.</p>	<p>Here, the SCPE fails to evaluate the feasibility of developing a traffic plan to minimize traffic flow interference from construction activities. As such, we are unable to verify that the listed measures will be implemented, monitored, and enforced on the Project site. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>p) As appropriate require that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. Arrange appropriate consultations with the CARB or the District to determine registration and permitting requirements prior to equipment operation at the site.</p>	<p>Here, the SCPE fails to evaluate the feasibility of requiring that portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, obtain CARB Portable Equipment Registration with the state or a local district permit. The SCPE also fails to mention or discuss arranging appropriate consultations with the CARB or the District to determine registration and permitting</p>

	<p>requirements prior to equipment operation at the Project site. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>Greenhouse Gas Project Level Mitigation Measures – PMM-GHG-1: In accordance with provisions of sections 15091(a)(2) and 15126.4(a)(1)(B) of the <i>State CEQA Guidelines</i>, a Lead Agency for a project can and should consider mitigation measures to reduce substantial adverse effects related to violating air quality standards. Such measures may include the following or other comparable measures identified by the Lead Agency:</p>	
<p>a) Integrate green building measures consistent with CALGreen (California Building Code Title 24), local building codes and other applicable laws, into project design including:</p> <ul style="list-style-type: none"> i. Use energy efficient materials in building design, construction, rehabilitation, and retrofit. ii. Install energy-efficient lighting, heating, and cooling systems (cogeneration); water heaters; appliances; equipment; and control systems. iii. Reduce lighting, heating, and cooling needs by taking advantage of light-colored roofs, and sunlight. iv. Incorporate passive environmental control systems that account for the characteristics of the natural environment. 	<p>Here, the SCPE states that the Project is consistent with SCAG’s regional plan for reducing GHG emissions, and therefore no significant GHG emission impacts would occur for the Project. However, the SCPE fails to integrate green building measures. Specifically, the SCPE fails to discuss using energy efficient materials; installing energy- efficient lighting, heating, and cooling systems, water heaters, equipment, and control systems; reducing lighting, heating, and cooling needs by taking advantage of light-colored roofs and sunlight; incorporating passive environmental control systems; using high-efficiency lighting and cooking devices; incorporating passive solar design; using high-reflectivity building materials; prohibiting gas-powered</p>

<p>v. Use high-efficiency lighting and cooking devices.</p> <p>vi. Incorporate passive solar design.</p> <p>vii. Use high-reflectivity building materials and multiple glazing.</p> <p>viii. Prohibit gas-powered landscape maintenance equipment.</p> <p>ix. Reduce wood burning stoves or fireplaces.</p> <p>x. Provide bike lanes accessibility and parking at residential developments.</p>	<p>landscape maintenance equipment; reducing wood burning stoves or fireplaces; and/or providing bike lanes accessibility and parking. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>b) Reduce emissions resulting from projects through implementation of project features, project design, or other measures, such as those described in Appendix F of the State CEQA Guidelines.</p>	<p>Here, the SCPE fails to mention or utilize measures described in Appendix F of the State CEQA Guidelines. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>c) Include off-site measures to mitigate a project’s emissions.</p>	<p>Here, the SCPE fails to mention or discuss the feasibility of including off-site measures to mitigate the Project’s emissions. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>

<p>d) Measures that consider incorporation of Best Available Control Technology (BACT) during design, construction and operation of projects to minimize GHG emissions, including but not limited to:</p> <ul style="list-style-type: none">i. Use energy and fuel-efficient vehicles and equipment;ii. Deployment of zero- and/or near zero emission technologies;iii. Use lighting systems that are energy efficient, such as LED technology;iv. Use the minimum feasible amount of GHG- emitting construction materials;v. Use cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production;vi. Incorporate design measures to reduce energy consumption and increase use of renewable energy;vii. Incorporate design measures to reduce water consumption;viii. Use lighter-colored pavement where feasible; and	<p>Here, the SCPE fails to evaluate the feasibility of incorporating BACT during design, construction, and operation of the Project. Specifically, the SCPE fails to mention or evaluate the feasibility of using energy and fuel-efficient vehicles and equipment; deploying zero- and/or near zero emission technologies; using the minimum feasible amount of GHG-emitting construction materials; using cement blended with the maximum feasible amount of flash or other materials that reduce GHG emissions from cement production; incorporating design measures to reduce energy consumption and increase use of renewable energy; using lighter- colored pavement where feasible; and/or soliciting bids that include the concepts listed above. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
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<p>ix. Solicit bids that include concepts listed above.</p>	
<p>Measures that encourage transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies, including, but not limited to the following:</p> <ul style="list-style-type: none"> i. Increase bicycle carrying capacity on transit and rail vehicles; ii. Increase access to common goods and services, such as groceries, schools, and day care; iii. Incorporate affordable housing into the project; iv. Incorporate the neighborhood electric vehicle network; v. Orient the project toward transit, bicycle and pedestrian facilities; vi. Improve pedestrian or bicycle networks, or transit service; vii. Provide traffic calming measures; 	<p>Here, the SCPE fails to evaluate the feasibility of incorporating measures that include transit use, carpooling, bike-share and car-share programs, active transportation, and parking strategies. Specifically, the SCPE fails to mention or evaluate the feasibility of increasing bicycle carrying capacity on transit and rail vehicles; increasing access to common goods and services, such as groceries, schools, and day care; incorporating affordable housing into the project; orienting the project toward transit, bicycle and pedestrian facilities; improving pedestrian or bicycle networks, or transit service; providing traffic calming measures; providing bicycle parking; limiting or eliminating park supply; unbundling parking costs; providing parking cash-out programs; and/or implementing or providing access to commute reduction programs. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>

<ul style="list-style-type: none">viii. Provide bicycle parking;ix. Limit or eliminate park supply;x. Unbundle parking costs;xi. Provide parking cash-out programs; andxii. Implement or provide access to commute reduction program	
<p>f. Incorporate bicycle and pedestrian facilities into project designs and maintaining these facilities; and planning for and building local bicycle projects that connect with the regional network;</p>	<p>Here, the SCPE fails to evaluate the feasibility of incorporating bicycle and pedestrian facilities into Project design and maintaining these facilities. The SCPE also fails to mention or discuss the feasibility of planning for and building local bicycle projects that connect with the regional network. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>

<p>g. Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations;</p>	<p>Here, the SCPE fails to provide incentives for construction and transit facilities within the development to improve transit access to rail and bus routes. The SCPE also fails to mention or provide dedicated shuttle service to transit stations. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>h. Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles;</p>	<p>Here, the SCPE fails to discuss the feasibility of or designate a percentage of parking spaces for ride-sharing or high-occupancy vehicles. The SCPE also fails to mention or discuss the feasibility of providing adequate passenger loading and unloading for those vehicles. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>
<p>j. Land use siting and design measures that reduce GHG emissions, including:</p> <ul style="list-style-type: none">iii. Measures that increase vehicle efficiency, encourage use of zero and low emissions vehicles, or reduce the carbon content of fuels, including constructing or encouraging construction of electric vehicle charging stations or neighborhood electric vehicle networks, or charging for electric bicycles	<p>Here, the SCPE fails to discuss measures increase vehicle efficiency, including encouraging the use of zero and low emissions vehicles, and/or reducing the carbon content of fuels, and/or charging for electric bicycles. As such, the proposed Project is not consistent with this measure and the SCPE lacks substantial evidence to support its consistency determination.</p>

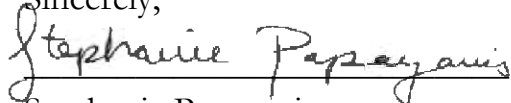
As the table above indicates, the SCPE fails to provide sufficient information and analysis to determine Project consistency with numerous measures under SCAG's 2020-2045 RTP/SCS.

II. CONCLUSION

The Southwest Carpenters request that the City find that the proposed Project is not exempt from CEQA review under the SCPE, or, in the alternative, revise and recirculate the Project's SCPE to address the aforementioned concerns.

If the City has any questions or concerns, feel free to contact my Office.

Sincerely,

Handwritten signature of Stephanie Papayanis in cursive script.

Stephanie Papayanis

Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).