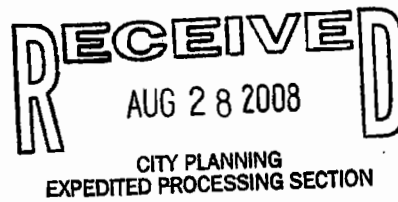

**RESPONSES TO COMMENTS ON A PRELIMINARY CEQA REVIEW
PREPARED FOR A HOME DEPOT, SUNLAND, CALIFORNIA**

Home Depot Project
8040 Foothill Boulevard and 10355 Woodward Avenue
Los Angeles, California, 91040



Prepared by:

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August 28, 2008



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

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I. INTRODUCTION

This document presents detailed written responses to the comment letter submitted by the Sunland-Tujunga Alliance (“STA”) to the City of Los Angeles’ Planning Department, dated August 8, 2008 (the “STA Letter”) regarding the Preliminary CEQA Review prepared for a proposed Home Depot store in the Sunland-Tujunga area of the City of Los Angeles (the “Project”).

The City has already accepted public comments on the Preliminary CEQA Review and has reviewed or is in the process of reviewing these comments. The City’s decision to accept and review comments while undertaking its internal review of a proposed exemption goes beyond its obligations under CEQA.

While the City has no obligation under CEQA to respond to these comments, responses to each comment set forth in the STA letter has been prepared to further assist the City in its review of the Project. Based on a careful review of the STA Letter, and as evidenced in the responses provided herein, the STA Letter does not raise any points supported by substantial evidence that cause a change to the conclusion of the Preliminary CEQA Review, namely, that Project construction and operations would not result in a significant environmental impact.

STA’s comment letter is reproduced in its entirety and marked to indicate separately each comment. The content of each comment is shown with a bracket on the right hand side of the page. Each comment has been assigned an individual number. Following the letter are the responses to each comment. The responses are numbered the same as the comments to allow for easy referencing (e.g., Response 1 goes with Comment 1, etc.). The STA Letter also included appendices. Separate responses to these appendices, as appropriate, are provided following the responses to the main part of the STA letter. Specifically, Appendix A to this document provides responses to Mr. King’s response to the Applicant’s economic analysis (Exhibit B to the STA Letter), while Appendix B to this document provides responses to the traffic comments prepared by Murthy Transportation Consultants (Exhibit D to the STA Letter). Information presented in the remaining exhibits to the STA Letter is addressed in the context of the responses to the STA Letter itself.

II. STA COMMENTS ON THE PRELIMINARY CEQA REVIEW

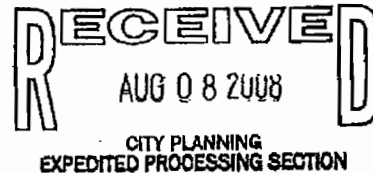
Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

August 8, 2008

Direct Dial: 805.418.1914
Email: msellers@jdtplaw.com
Reply to: Westlake Office
File No: 5227.42530

VIA MESSENGER DELIVERY



Maya Zaitzevsky
Department of Planning
City of Los Angeles
200 North Spring Street, Room 721
Los Angeles, CA 90012

**Re: Delivery of Sunland – Tujunga Alliance – No Home Depot Campaign’s
Analysis on Application of CEQA Exemptions to Project Permit Compliance
Review for New Home Depot Store at 8040 Foothill Boulevard, Sunland, CA.**

Dear Ms. Zaitzevsky:

This firm has been assisting the Sunland – Tujunga Alliance – No Home Depot Campaign in monitoring the Home Depot Company’s efforts to develop one of its large format discount and warehouse style home improvement centers at 8040 Foothill Boulevard, Sunland. We have found that a project applicant’s consultants frequently skew their opinions in favor of their client. We are submitting our attached analysis, dated August 8, 2008, of the possible environmental effects from that Project, and have concluded that this Project does not qualify for any CEQA Categorical Exemption. Based on what has been submitted to the City of Los Angeles, there is credible expert evidence that a “fair argument” has been made that this Home Depot Project may have one or more significant effects on the environment that should be analyzed in an EIR.

Thank you for your prompt attention to our concerns. If you have any questions regarding this submittal, please contact me.

Very truly yours,

Mark G. Sellers

MGS:sh
Enclosures
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SUNLAND-TUJUNGA ALLIANCE
- NO HOME DEPOT CAMPAIGN'S
ANALYSIS ON APPLICATION OF
CEQA EXEMPTIONS TO PROJECT
PERMIT COMPLIANCE REVIEW
FOR NEW HOME DEPOT STORE
AT 8040 FOOTHILL BOULEVARD,
SUNLAND, CA

CASE NO. DIR 2008-1630
CASE NO. ENV-2008-2529-CE

**PROPOSED HOME DEPOT FACILITY AT 8040 FOOTHILL
BOULEVARD, SUNLAND**
CASE NO. DIR 2008-1630
CASE NO. ENV-2008-2529-CE

**FULL CEQA REVIEW IS REQUIRED SINCE CEQA CATEGORICAL
EXEMPTIONS ARE NOT APPROPRIATE**

[Prepared by DEAN SHERER, A.I.C.P./CEQA Specialist; PROF. PHILLIP KING, Dept. of Economics San Francisco State University; DR. N. MURTHY, P.E. (traffic, California): #TR 2070; ALENE TABER, former South Coast Air Quality Management District, Senior Manager; MARK SELLERS, CEQA and land use expert; and ABBY P. DIAMOND, Secretary, Sunland-Tujunga Alliance - All on behalf of THE SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN, P.O. Box 123, Tujunga, CA 91043]

August 8, 2008

INTRODUCTION - CITY COUNCIL'S EXPRESSED DESIRE

The Home Depot Corporation seeks to have an assortment of six Categorical Exemptions¹ applied to its application for a Project Permit Compliance Review of a controversial and significant Project at 8040 Foothill Boulevard and 10355 Woodward Avenue, Sunland. Previously, Home Depot was unsuccessful in having its development of this key site be deemed just some "tenant improvements" under a ministerial building permit that would have circumvented a Specific Plan and subsequent CEQA review. On August 15, 2007, the Los Angeles City Council voted overwhelmingly to reject that effort, with Council members indicating a desire to have a Project Permit Compliance Review so the City will have the benefit of a full CEQA review of this development and that this Applicant, the world's largest home improvement company, will be required to mitigate all of the Project's impacts. Rather than simply processing this application with the appropriate environmental document, Home Depot still seeks to avoid a CEQA review and any responsibility for mitigation.

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¹ CLASS 1 (EXISTING FACILITIES), CATEGORY 1 (INTERIOR OR EXTERIOR ALTERATIONS INVOLVING REMODELING AND MINOR CONSTRUCTION WHERE NEGLIGIBLE OR NO EXPANSION OF USE)
CLASS 1, CATEGORY 12 (OUT DOOR LIGHTING AND FENCING FOR SECURITY AND OPERATIONS)
CLASS 2 (REPLACEMENT AND RECONSTRUCTION), CATEGORY 3 (OUT DOOR LIGHTING AND FENCING FOR SECURITY AND OPERATIONS)
CLASS 2 (REPLACEMENT AND RECONSTRUCTION), CATEGORY 6 (REPLACEMENT AND RECONSTRUCTION OF EXISTING HEATING OR AIR-CONDITIONING SYSTEMS)
CLASS 4 (MINOR ALTERATIONS TO LAND), CATEGORY 3 (NEW GARDENING TREE PLANTING, OR LANDSCAPING BUT NOT INCLUDING TREE REMOVAL EXCEPT DEAD, DAMAGED OR DISEASED TREES AND LIMBS)
CLASS 11 (ACCESSORY STRUCTURES), CATEGORY 1 (ON - PREMISE SIGNS)

MAJOR FINDINGS AND CONCLUSIONS
 [See Our Initial Study Attached For Details]

Our Project review and evaluation of the environmental factors, that would be required in an Initial Study of this Project by the City of Los Angeles, have established the following:

- The Project involves "major" construction, an activity that does not fall within the "existing facility" categorical exemption under CEQA for "minor" construction. 3

- The Project is not exempt from CEQA pursuant to a categorical exemption because the *exception* of Guideline §15300.2 applies since this Project can reasonably be assumed to have an effect on the environment (such as air quality, noise, hazardous materials and traffic impacts) due to "unusual circumstances" of its vacant condition, size and location adjacent to residences and within 500 feet of an elementary school (both sensitive receptors). 4

- Pursuant to Guideline §15061(b)(3), it cannot be determined with *certainty* that there is *no possibility* that the new activity proposed for the vacant K-Mart site will have a significant effect on the environment as we have explained herein and summarized below. 5
 - A potential significant environmental effect in that the Project is inconsistent with the goals and policies of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, the Foothill Boulevard Corridor Specific Plan, and the City of Los Angeles General Plan Framework. 6

 - A potential significant environmental effect in that the Project's operational air quality impacts during winter months will exceed thresholds established by the South Coast Air Quality Management District. 7

 - A potential significant environmental effect in that the site is located approximately two kilometers from a known earthquake fault and in an identified liquefaction zone and the building does not meet current earthquake safety standards. 8

 - A potential significant environmental effect on water quality in that the ongoing operations of the proposed use of the property is likely to result due to contaminated run-off from the Project site entering public storm drains, in violation of the City's National Pollutant Discharge Elimination System ("NPDES") permit and water quality standards. 9

- A potential significant environmental effect of a negative economic impact of the Project will contribute to urban decay (a physical impact) in an area that is already suffering from a high commercial vacancy rate and a worsening economy.

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- Mandatory findings of significance include the determination that the Project will have significant effects on the environment that cannot be fully mitigated, thus requiring the preparation of an EIR for the Project.
- With even one potential significant environmental effect (such as air quality impact exceeding a NOx threshold), the situation requires the preparation of an EIR.

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Regardless Of The Label As "Retail" - This Is A New Intensified Or Expanded Use

The proposed new use of this vacant site is a mega-warehouse style discount facility that is a combination of a hardware store, building materials and lumber yard, tool rental and vehicle rental center, a nursery, appliance dealer, tile and flooring center, barbeque/patio and furniture store, paint store, a service contractor or installer center and a professional construction contractor wholesale supplier - all under one roof, as one operation (sometimes called a Big Box store, Super Store or large format store). K-Mart only operated from 8:00 a.m. to 10:00 p.m. (9:00 p.m. on Sundays), while Home Depot proposes to operate from 5:30 a.m. to 11:00 p.m. K-Mart had only 40 employees while Home Depot proposes to have 50 to 80 employees per shift. A new base material under the entire building was required for the thicker/stronger new concrete floor required by Home Depot to support the heavy racking system, the inventory of heavy goods and the forklifts running throughout the facility. There will be the combination of disruptive noise and vibration generating activities of unloading building materials and heavy goods from semi-trailer delivery trucks plus the on loading of building materials onto general contractor trucks and other customers, that was never a part of K-Mart's operations. There will also be the new inclusion of a wholesale operation for building contractors at this site. The mega-store format will have a larger regional trade area that includes 5 cities (CBRE, p. 10). This is a far more intense use than the former general merchandise/soft goods retailer for the neighborhood that K-Mart was. Big box retail or super centers are a unique type of retail operation that may have additional adverse impacts that require analysis. *American Canyon Community United for Responsible Growth v. City of American Canyon* (2006) 145 Cal.App.4th 1062, 1075.²

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CEQA Exemptions were created for an ordinary activity that clearly and beyond question had no potential significant impact. This is not an insignificant, ordinary or

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² The City's Commercial C-2 zone is a transitional zone to the surrounding neighboring residential zones, where the uses are of a size and nature to be compatible with those adjoining residential uses. Although the City Code does not define the word "retail," the City Attorney has issued an opinion that the term means "to sell small quantities to the ultimate consumer," not a wholesale operation.

non-controversial use or Project. We, along with the neighboring residents and many others certainly do not feel it is clear and beyond question that this Project will have no potential significant impacts. Based on the described "usual circumstances," our identified potential significant impacts of this Project and our legal analysis of CEQA, we have determined none of the requested exemptions are appropriate. With the extensive magnitude of construction and proposed physical changes, the new more intensive use, the sensitive location of the Project, along with the City Council's and the public concerns over this Project, utilizing the CEQA review process with an EIR is by far the most publicly open approach and the legally prudent course.

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Our Comments Have Been Prepared By Experts On These Environmental Issues

The Sunland-Tujunga Alliance, Inc. - No Home Depot Campaign is made up of thousands of residents, businesses and property owners in the Foothills Community of Los Angeles. Many members have experience in land use, real estate, economics and environmental matters. For example, Mr. Dean Sherer brings a wealth of experience in evaluating impacts and preparing comments on the CEQA process for projects. Mr. Sherer provided the analysis on many of the environmental factors under the Initial Study check list.³ In addition, Professor Phillip King⁴, an expert in urban decay, evaluated the economic impacts and prepared comments on the resulting physical changes or urban decay. Dr. N. Murthy⁵, a California traffic engineer, evaluated and prepared the comments regarding the on-site and off-site traffic flow and impacts. Alene Taber, formerly with the South Coast Air Quality Management District, provided the comments and observations on air quality matters. Mark Sellers, as legal counsel and an expert in CEQA matters, general plan consistency and land use issues, reviewed those areas as well as coordinating this submittal. The following is a compilation of our experts' observations on the actual scope and nature of the proposed Project, the existing baseline environmental setting, the errors or omissions of the Home Depot submittal and the possible environmental impacts resulting from this Project.

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³ Mr. Sherer is employed by a prominent environmental consulting firm. He is an urban planner with over 25 years of experience in the preparation of land use policy documents and CEQA environmental studies. CEQA environmental documents Mr. Sherer has prepared include Negative Declarations, Mitigated Negative Declarations, and EIRs for a wide variety of projects including commercial developments. He has also provided environmental consulting services to various planning agencies in southern California. Mr. Sherer is an active member of the American Planning Association and American Institute of Certified Planners (#107284).

⁴ Professor King is an Associate Professor and Chair of the Department of Economics at San Francisco State University (Ph.D. in Economics, Cornell University). He has published numerous articles in scholarly journals. His major fields are Applied Microeconomics and Economic Development. He has prepared analyses of Big Box stores existing or proposed for many cities in California.

⁵ A. S. Narasimha Murthy, Ph.D., T.E. (Ph.D. Civil Engineering, Transportation, 1988, Concordia University, Montreal, Canada); Air Quality Management Certificate - Fall 2000, UC Irvine, Irvine, California; P.E. (Traffic, California): # TR 2070, February 2000.

FULL CEQA REVIEW NEEDED

[ANALYSIS BY SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN]

August 2008

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History Of City CEQA Reviews For Prior Applications.

With the change from a drive-in theater at the site, the K-Mart development application was processed in or about 1973 with a full EIR. In 1995 the Foothill Boulevard Corridor Specific Plan was adopted and in 1997 the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan Update was adopted. Later, when K-Mart wanted to merely obtain a Beer and Wine off-site consumption license, the City had determined a Mitigated Negative Declaration was needed. Home Depot is now proposing the same change of use, making exterior modifications and essentially creating a new facility at this site. In light of the importance of the Foothill Boulevard Corridor Specific Plan and the Community Plan Update, granting a CEQA exemption for such a major construction project would not be consistent with the City's past CEQA practices.

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The Baseline Environmental Setting Is A "Vacant" Site.

CEQA defines the baseline environmental setting for a project as follows:

"An EIR must include a description of the physical environmental conditions in the vicinity of the project, **as they exist . . . at the time environmental analysis is commenced** from both a local and regional perspective." CEQA Guideline §15125

Although the City has not yet decided to require an EIR, this definition of "environmental setting" is common to, and logical for, all CEQA related determinations or studies. Therefore, it is a violation of CEQA to utilize or refer to the "existing" setting as the "former K-Mart building/use." CEQA requires a description of the "existing" environment at the commencement of the Project application review and observations on 'historical operations' are inadequate. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. The existing setting is a **vacant** building and unused parcel of land located within the Foothill Boulevard Corridor Specific Plan. The environmental documentation submitted by the Applicant, including the technical studies, is replete with misleading references to an active K-Mart use as a baseline and sets up multiple comparisons of impacts between the two uses.

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The reference to any K-Mart use misleads the public and the decision maker as to the true situation and impacts of the Project by setting up a false illusory comparison between what is planned and what is not reality. The Applicant's focus on that illusion to understates the impacts of this Project. K-Mart ceased operations in 2004. For a short period Crown Books leased a portion of the building, but in early 2006 Crown Books also closed. The entire site has been vacant and not used since 2006 (now over

two years).⁶ The majority of this site has not been in active use for nearly 4 years. K-Mart is not the applicant and there is no possibility that K-Mart will come back and expand its old use or alter this store.⁷ The proposed mega-warehouse style home improvement discounter and wholesaler of hard goods (forklifts are there for a reason) with longer hours and larger market area is a far more intense an use than a general merchandiser of soft goods to the neighborhood as K-Mart was. That proposed new and unique use was not analyzed in the 1974 EIR.

16

Guessing as to the level of traffic that might be generated, the noises from, and the air quality impacts of an fictional, but active, K-Mart store at this location are pure speculation. In addition, there have been many changes and new information since 1974 when the City required an EIR for the K-Mart. Although we have not been provided a copy of that report, it is several decades out of date and lacks any relevancy to this Project. The present condition and baseline environmental setting for evaluating all potential environmental changes or effects is a "no use" and a "vacant building."

The courts have held that an environmental analysis based on the "net" peak-hour traffic differences between the proposed Project and a hypothetical larger one buildable under existing zoning is inappropriate under CEQA. *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 708. The existing physical conditions need to be defined and quantified, rather than speculating as to what some other activity or operation would have generated. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659.

We note that Los Angeles Department of Transportation, Policies & Procedures, is consistent with this acknowledgement of an abandoned use and does not give any trip credits as a "net" change for a prior use, but only to an "existing" use (or one that had been actively operating within the last two years), and that LAMC Section 12.23 B.9 deems a use abandoned if "*discontinued for a continuous period of one year.*" Under both City standards, the general merchandise retail or K-Mart use has been abandoned and accordingly it is not the existing use of the site to which a proposed Home Depot can be compared.

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⁶ The "generally accepted principle that environmental impacts should be examined in light of the environment as it exists when a project is approved. (Guidelines §15125, subd. (a)." *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428. (emphasis added)

⁷ This is not the expansion of an existing ongoing use by the present operator/permit holder as was the situation in *Fairview Neighbors v. County of Ventura* (1999) 70 Cal.App.4th 238, where a lead agency could use a baseline of the maximum allowed under that existing use permit - a real possibility in that case.

**A.
Categorical Exemption Request is Inappropriate or Not Supported in this
Situation**

The Applicant's request for a categorical exemption should be denied because:

- (1) The actual activity does not fall within or conform to any of the classes of exemption requested;
- (2) The *exception* under Guideline §15300.2 applies; and
- (3) The Project does not meet the terms of the *general rule* for exemptions under Guideline §15061(b)(3).

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(1) Actual Activity is Not Consistent with Exempted Activity

a. **Not "Minor" Construction.** The most applicable class of exemption for the whole Project would be Class 1 – "Existing Facilities." This class of exemption is meant to be applied to structures/facilities "involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination." Millions of dollars have been spent and will be spent on interior demolition and haul away, a new base material and thicker-stronger concrete floor, various structural alterations, the removal of the mezzanine, installation of fire sprinklers and plumbing, an entirely new HVAC system, new roof beams and replacement, plus the exterior modifications, clearly the work is not "minor" construction. Home Depot had estimated a \$3.5 million cost for just a portion of the interior work with no costs for demolition, site clearance and haul away, auto repair equipment removal and toxic soil clean-up, environmental, security, landscaping, parking lot paving and re-striping, irrigation work, new signs, painting, wall papering, fire sprinklers, plumbing, and installation of storage racks, let alone the exterior building work. We have estimates from experienced contractors and engineers that the total costs of all work exceeds \$5,000,000, while the replacement value for this 31+ year old building is \$6,615,500. (See: Opinion of Arnold Bookbinder, Structural Engineer, License No. SE1448; in the City's record for Home Depot's tenant improvement review.) The City Zoning Administrator, Gary Booher, found that this may be a "Significant Project" under the Specific Plan were the 12-month aggregate costs of improvements exceeds 50% of the replacement value of the building, therefore, he felt the City needed to verify or justify Home Depot's cost calculations. (Findings and Decision of March 9, 2007 by Gary Booher, Adopted by Director Gail Goldberg.)

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"Because the exemptions operate as exceptions to CEQA, they are *narrowly construed* 'Exemption categories are not to be expanded beyond the reasonable scope of their statutory language.'" [Emphasis added.] *San Lorenzo Valley Community Advocates for Responsible Educ. v. San Lorenzo Valley Unified School Dist.* (2006) 139 Cal.App.4th 1356, 1382. Narrowly construing the replacement value for this 31+

year old building and the 12-month aggregate cost of all work, confirms the entirety of the Home Depot Project is clearly not minor construction.

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b. **An Expansion of Present Use.** The existing or present "use" is an inactive vacant site and building. Establishing a new large-scale home improvement and building materials discount use on the site is clearly not a "negligible" expansion or change from the existing inactive or vacant use of the site. This large format home improvement supplier of building materials and other hard goods, in a warehouse style discount operation, is a far more intense a use than the former general merchandiser of soft goods (K-Mart). This change is a substantial increase or expansion of the actual present or past use of the site and results in impacts that have never been addressed in a CEQA document. The Project simply does not meet the definition or requirements of a Class 1 – Existing Facilities categorical CEQA exemption.

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c. **Piecemealing.** This breaking up of, or piecemealing of, this Project into six smaller segments to qualify under a potpourri of exemptions, rather than looking at the Project as a whole to see if an exemption applies, is not consistent with the goals and intent of CEQA. The intent of CEQA is to avoid piecemealing as that approach misses consideration of the larger actual environmental picture.

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(2) Exception Under Guideline §15300.2.

Section 15061, CEQA Guidelines, provides instructions for the review of an exemption request and considerations at the preliminary project review stage. All exemptions are subject to the overriding "exception" in CEQA under Guideline §15300.2:

"a categorical exemption shall not be used for an activity where there is a *reasonable possibility* that the activity will have a *significant effect on the environment due to unusual circumstances.*"

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Based on our analysis below of the Project, there is a significant possibility that one or more activities associated with the Project *will* have a number of significant effects on the environment due to the extraordinary circumstances not usually present with that type of large scale commercial activity.

a. The "Unusual Circumstances"

An "unusual" circumstance is "where the circumstance of a particular project: (i) differs from the general or usual circumstances of the projects covered by a particular categorical exemption, and (ii) those circumstances create an environmental risk that does not exist for that general type of exempted activity. We have noted the following circumstances for the proposed Project that differ from the general or usual interior or exterior alterations of some remodeling and minor construction to an existing store ("involving negligible or no expansion of use beyond that existing at the time of the lead

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agency's determination"), and those circumstances create an environmental risk that does not normally exist for that class of exempted projects:

1. *Unique Location Near Elementary School, Residences, and the Nature of This Confined Valley.* This intensified quasi-industrial/retail/wholesale use and Project is:

- a. Within 500 feet of an elementary school, a sensitive receptor, and that is why a letter from the Los Angeles Unified School District requested a full CEQA review. (See: Glenn Striegler's letter attached as *Exhibit "A"*). Section 15186, in the Special Situations Article of the CEQA Guidelines, establishes special requirements for projects near schools (*within one-fourth mile*) and the Community Plan's Goal 6, on appropriate location of schools, seeks to avoid locating projects with significant noise generations nearby;
- b. Adjacent to residences to the east and a Senior Mobile Home Park to the west, sensitive receptors;
- c. On Foothill Boulevard, the only commercial street in the Sunland-Tujunga neighborhood, a valley that is landlocked to the north and to the south by the Angeles National Forest and the Verdugo Mountains, respectively and is an isolated area with few other streets or travel routes except through residential neighborhoods, so this Project, as a new regional attraction, will have a significant traffic and pollution generation impacts; and
- d. The largest vacant (11+ acre) site with an extensive area of impervious surface sloping to the southwest and draining into the Haines Canyon Flood Control Channel, but has no bio-filtration, retention or similar facility as a post construction Best Management Practice device serving water quality goals.

With the introduction of the truck and traffic on Woodward Avenue, a residential street, the added regional traffic to this confined valley, the transporting and storage of many hazardous materials and gasoline for power rental tools/rental trucks, bagged fertilizers and pest control poisons (and likely spills and litter in the parking lot), the unusual noise of forklifts and loading activities, longer hours of operations with an earlier start of business in the morning, all near homes, backyards, the Haines Canyon Flood Control Channel, and the elementary school make this Project different than the normal remodeling of a store in a commercial area of the City and unlike those circumstances ordinarily associated with these categorical exemptions. Applicant acknowledges noise from the numerous new HVAC roof-units, at 100 feet, is 44 dBA to 60 dBA and that conservatively there will be at least one delivery of "lumber" by semi-trailer flatbeds and two deliveries by semi-trailers of other heavy goods per hour during three periods of the day between 7:00 a.m. and 10:00 p.m. This is in addition to many smaller delivery trucks and forklift loading activities. Due to the adjoining or nearby existing different types of sensitive uses with the impacts of the proposed drainage, noise, ground vibration, traffic disturbances, and hazardous



materials from the Project, create genuine possibilities of significant unavoidable environmental impacts due to this unusual circumstance. [Location of a commercial Project, adjoining residential properties or near an elementary school, is an unusual circumstance and City would need to find "there was no reasonable possibility" the noise or traffic would represent a potentially substantial adverse change in the environment. *Lewis v. Seventeenth Dist. Agricultural Assn.* (1985) 165 Cal.App.3d 823, 830.]

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2. *Intensification of Use Having Never Undergone Any CEQA Review.* This is not K-Mart remodeling its store. This is a drastically different operation by a new occupant with a more "intensified" use that has never undergone any CEQA review for this site and that is an unusual circumstance unlike those ordinarily associated with those categorical exemptions or where present occupants merely remodel for a use that had undergone some level of prior CEQA review. This unusual circumstance creates real possibilities of significant unavoidable environmental impacts on the neighborhood.

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3. *Key and Central Location Plus Large Size of Project.* The unusual circumstances are the subject 11+ acre site, at a central location, is the largest vacant commercial property on Foothill Boulevard, the sole commercial thoroughway and goods source zone for the entire Sunland-Tujunga Community, has important community-serving and public uses in the immediate area (such as the North Valley City Hall, Public Library, and Fire Station) and possibly is the last opportunity to have a Community Center and an attractive project that provides a crucial economic boost for the Community. The site's large size allows the design flexibility to create an attractive development consistent with the Community Plan and Specific Plan. The site is designated as Major Activity Area 2 of the Specific Plan and sits within the five-block area defined as the location for the essential "Community Center" project in the Community Plan. The development of this key site will have an enormous impact on the Sunland-Tujunga Community for decades. Due to those unusual circumstances, this Project creates a real possibility of a significant unavoidable environmental impact of the lack of consistency with and the negating of the City's land use goals and policies in the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan and the Foothill Boulevard Corridor Specific Plan.

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4. *Urban Decay.* We are all aware of the region's recent economic down turn and as Professor King has found with the number of struggling smaller home improvement type of businesses, the stagnant local commercial real estate market and high vacancy rates, this new regional mega-discount home improvement outlet creates an economic disaster that is an unusual circumstance that leads to a real possibility of a significant unavoidable environmental impact of urban decay in the Community.

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(3) Exception Under General Rule of Guideline §15061(b)(3).

The proposed Project is not exempt from a CEQA review because the activity is covered under the "general rule" that CEQA applies to any project that has a *potential* for causing a significant effect, or a categorical exemption is only applicable "where it can be *seen with certainty* that there is *no possibility* that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." As we have clearly shown herein, there are numerous possibilities that the activity in question may have one or more significant effects on the environment.

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B.**"Fair Argument" Test Applies to the City's Determination of Whether the Exceptions Apply to Use of a Categorical Exemption**

Bias of Applicant's Preliminary Report - Need an Independent Analysis. An applicant's consultants' views of minor impacts, lesser project activities, insignificance and the condition of the existing environment are frequently skewed in favor of their client.⁸ Such defensive and biased evaluations are not to be unexpected. For these essential environmental decisions, an independent evaluation and impartial environmental review is critical. Therefore, most cities in California now select and contract directly with the environmental consultants for an environmental analysis. Although the City of Los Angeles may consider the initial analytical work of one or more of Home Depot's consultants, it must first apply its own careful independent review of that submittal, perform an evaluation or weighing of its merit, and then exercise its own judgment with a finding of acceptance of that work product before utilizing any of the Applicant's analysis. This can be accomplished by having a separate City-hired consultant conduct a comprehensive peer review of the Applicant's submittal, which we understand has not been done. Pub. Resources Code, §§ 21082.1, subd. (a), 21100, subd. (a); Guidelines, §15084, subd. (d)(3) and (e). *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1452-1455.

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Credible Evidence That A "Fair Argument" Is Made. CEQA is to be interpreted and applied "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390. The "fair argument" standard applies to a city's determination of whether an exemption applies as that standard was derived from the sound policy reasons of affording the fullest possible protection to the environment stated in *Laurel Heights Improvement Assn. v. Regents of University of California*. The fair argument standard creates a very low threshold for the Home Depot Project and requires the preparation of an environmental document.

⁸ For example, CBRE was again selected and paid by Home Depot, and with hundreds of new Home Depots being proposed across the country, that long term consultant relationship with Home Depot is a very profitable arrangement. There is a lack of independent objectivity here, since CBRE has a strong incentive to continue in that profitable relationship by drawing conclusions that heavily favor Home Depot.

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Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego (2006) 139 Cal.App.4th 249, 264. In essence, "if there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." Guidelines, §15064, subd.(g). Therefore, if the City is presented with a fair argument that this Project may have a significant effect on the environment, the City shall prepare an EIR "even though it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68)." Guidelines, §15064, subd.(f)(1).

Without a thorough independent and impartial review conducted by experts retained directly by the City, the whole record for any exemption determination is what Home Depot and the Sunland-Tujunga Alliance, Inc.-No Home Depot Campaign have submitted, and clearly there is credible evidence in that record of a "fair argument" that the Project *may* have a significant effect on the environment. The City of Los Angeles must now proceed to the second tier of the CEQA review and conduct an Initial Study.

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C.

"Initial Study" Format of Our Analysis of the Preliminary Review Documentation

The format of listing questions in the Applicant's "CEQA Preliminary Review" has been taken directly from *Appendix G* of the California Environmental Quality Act (CEQA) Guidelines (Chapter 3, Title 14, California Code of Regulations) Initial Study Checklist. We have followed that same format and to focus on the important points, we have only described the *Potential Significant Impact* findings. By this utilization of the Initial Study Checklist we have established a "fair argument" that the Project may have a significant effect on the environment, **and an ENVIRONMENTAL IMPACT REPORT is required**. We relied on multiple data sources including, but not limited to, community plans, specific plans, land use policy documents, Project application materials, the Applicant's environmental assessment form, technical studies, and any prior environmental studies conducted either for the Project itself or for projects in the near vicinity.

The short time allowed and the lack of any formal notice have not, and do not, allow for a meaningful input from the public and other affected public agencies such as LA Unified School District, CalTrans, and the LA Regional Water Quality Control Board on the potentially significant impacts of the Project, which we have been informed will have some comments and concerns.

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ULTIMATE CONCLUSION: AN EIR PREPARED BY AN INDEPENDENT CONSULTANT IS REQUIRED FOR THIS PROJECT!

Based on our expert opinions and evidence herewith submitted, it is clear that City Planning staff should cause the preparation of an Environmental Impact Report for

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the proposed Project by an independent consultant. With the amount of documentation already filed and the extensive public oversight of any City environmental document for this controversial Project, the preparation of an Environmental Impact Report is the legally prudent and the best planning approach for the City.

OUR INITIAL STUDY

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors in bold and checked below would be potentially affected by this Project, involving at least one impact that is a "Less than Significant with Mitigation Incorporation" as indicated by the checklist on the following pages:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

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On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.*
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been address by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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ENVIRONMENTAL CHECKLIST:

I <u>AESTHETICS</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Have a substantial adverse effect on a scenic vista?

Less-Than-Significant Impact.

- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Potentially Significant Impact: The K-Mart parking lot, layout and building were approved prior to the Foothill Boulevard Corridor Specific Plan (FBCSP) and are non-conforming with the requirements and goals of both the Design Guidelines and the Specific Plan. In addition, based on the costs involved, this Project is a Significant Project under the FBCSP requiring greater upgrades and amenities. The present parking lot is full of pot holes, old weakened asphalt, and dangerous broken sections of pavement due to expanding roots and from years of neglect, with dead landscaping. To be safely used for a Home Depot with large push carts

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and the push cart holding stalls installed, a new parking lot must, and will, be installed that triggers FBCSP requirements.⁹

There are many aspects of the proposed Project that cause visual blight such as, but not limited to: (a) the very minimal exterior treatment to a 30+ year old large box styled building with extensive blank walls, little or no texture, no inviting display windows and no architectural features or vertical elements; (b) the lack of any new landscaping areas, visual amenities [decorative paving and walkways, water features, decorative entryways, art work, etc.] or upgrades to the present unsightly and deteriorated large asphalt parking area; (c) an introduction of a non-earth tone Home Depot orange used for a portion of the building further detracting from the visual character of the building; and (d) the 54 new unattractive roof mounted HVAC units on a sloped roof without any screening [Applicant, aware that FBCSP Sec. 6, A.1. requires all roof mechanical equipment to be screened from view, casually concludes the existing parapet and the site's dilapidated boundary walls are effective screening for these units - but no view impact analysis or photo-overlay is provided to show lines of sight and impacts due to the sloped roof and site's varying elevations]. The Director of Planning must consider the Design Guidelines and the FBCSP in determining the Project's compliance (FBCSP, Sec. 5, D), and the Project, as currently presented, does not conform to at least the following Design Guidelines of the FBCSP:

1. Sec. 3, Guideline A.4 – "avoid box like bulky appearances . . . use a variety of materials, textures and/or colors or visual breaks such as . . . recessions or step back features," but no effort to mask or alter box appearance of structure.¹⁰
2. Sec. 3, Guideline D.8 – Use "natural and earth tone colors"; however, Home Depot orange is not a natural and earth tone color.
3. Sec. 3, Guideline E.9 – "Employ decorative building materials and architectural elements . . . to provide relief to bland, untreated portions of exterior building walls," but no effort is made to add any architectural element.

⁹ Applicant claims it is only going to repair the damaged areas and slurry seal parking lot, based on present very poor condition, number of repairs needed and any remaining useful life with a slurry seal, that is unrealistic and leads to piecemealing the project to avoid the required FBCSP upgrades.

¹⁰ Home Depot with combination of businesses such as hardware store, building materials and lumber yard, tool rental and vehicle rental center, a nursery, appliance dealer, tile and flooring center, barbeque/patio and furniture store, a service contractor or installer center, food services, professional construction contractor wholesale supplier in a 100,000 square foot facility on property under one ownership is in essence a "shopping center" and subject to the Design Guidelines for shopping centers.

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4. Sec. 2, Guideline 1 and Guideline 3d, and FBCSP Sec. 2, Purpose B - There are no landscaped pedestrian pathways in the parking lot areas or defined pedestrian pathways that avoid pedestrian/vehicular conflicts, in violation of established standards for vehicle and pedestrian circulation.
5. Sec. 2, Purpose D - There is no attempt to update the architecture of the building to reflect commonly-desired thematic elements of the area (tiled roofs, colonnaded entryways, etc.) in violation of established standards for proper site design.
6. Sec. 3, Guideline G.13 - No store front windows that contribute to an overall transparency in violation of established standards for proper site design.
7. FBCSP Sec. 8, C2 - No pedestrian linkages in violation of that standard for proper site design.
8. In addition, there are commonly recognized and accepted aesthetic and design principles for such large format store Projects that are missing, such as:
 - i. There is no treatment proposed at the main Project entryways, including no decorative paving and/or distinctive landscaped features;
 - ii. No on-site amenities such as a plaza, decorative paving and walkways, water features, decorative entryways, art work, etc;
 - iii. Not all landscaping and planting within the paved parking area is contained within a brick or masonry planter box, or concrete curb six inches in height;
 - iv. There is no mention of a parking lot maintenance program and sweeping schedule to assure that all parking areas and adjacent landscaped planters are maintained in neat and trash free condition at all times;
 - v. There is no prohibition on outdoor vending, or sale of food or merchandise;
 - vi. There are no restrictions on the outdoor display of flowers, shrubs, trees and similar plant materials; and
 - vii. There are no restrictions on visual clutter from the outdoor display of: 1) masonry products including block, decorative rock products, stepping stones and similar items; 2) fertilizers, mulch, soil amendments and similarly packaged products; 3) storage sheds; 4) vending machines; 5) rental tools and equipment; or 6) rental trucks and trailers.

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The Applicant asserts that "to maintain a high-level of architectural character, the Project would retain the building's architectural features . . ."; however, this is a building that was designed in 1974 with little or no architectural character whatsoever. The Applicant has made no effort to mitigate the absence of any vertical or other architectural element that could breakup the flat horizontal mass and long tedious lines of this building. Not only is the structure a "big box," but it will remain one of the most unattractive boxes imaginable. Based on Home Depot's drawings, the sole planned "enhancement" to the building is essentially "repainting the building with neutral and complementary earth-tone colors." That is a pointless effort to enhance an industrial and box like styled, 30+ year old, building on a rundown site, which means there is a potential to significantly degrade the existing visual character of the area and the aesthetic quality of the surrounding neighborhood.

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The Applicant's planned design "enhancements" are woefully inadequate based on the Design Guidelines and the FBCSP. No attempt is being proposed to bring the building up to the architectural standards of recent new developments along Foothill Boulevard. For example, no attempt has been made to modify the exterior building facades to incorporate mission-style design elements which are common to newer commercial developments located along the Foothill Boulevard Corridor in Sunland-Tujunga. Long horizontal and vertical building walls remain largely unbroken by visual design elements, thus resulting in the boring and monotonous appearance, which the FBCSP and Design Guidelines were intended to avoid and have upgraded.

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The purpose of the FBCSP Design Guidelines is to encourage the implementation of design principles and concepts that improve the urban fabric of the community. The Applicant has indicated that the Project is subject only to prior "Q" conditions (imposed years ago on a now abandoned and vacant K-Mart project) and is, therefore, exempt from the design requirements of the Specific Plan. The Applicant further indicates that many of the design requirements of the Design Guidelines and the FBCSP are inapplicable because a new structure or substantive additions to an existing structure are not being proposed, but we cannot find such an exception in the Design Guidelines or the FBCSP. We do know this is a "project" as defined in the FBCSP and Section 1 of the Design Guidelines says the Guidelines apply to "alterations and/or remodels to existing structures." Even if the Applicant's assertions were true, the resulting minimal renovation plans proposed for the warehouse (which demonstrate non-compliance with the intent of the FBCSP) are not adequate in addressing the negative aesthetic impacts of this Project. Failure to improve the Project and overall site in accordance with FBCSP and Design Guidelines design standards constitutes a potentially significant visual impact.

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Urban Decay

The proposed Project has a significant potential to create adverse secondary visual and aesthetic impacts through the introduction of urban decay caused by Home Depot's negative economic impact on those present local and smaller businesses that will not be able to compete with a large-scale national discount and wholesale store. This physical urban decay can take the form of abandoned and boarded up businesses (a negative aesthetic impact) along the Foothill Boulevard Corridor, in other areas of the Sunland-Tujunga Community and in neighboring cities. (See: Dr. King's Memo attached as *Exhibit B.*)

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- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Potentially Significant Impact: The Project will create new sources of substantial light and glare. This includes parking lot lighting, building security lighting and other stationary sources of light. These light sources will immediately impact the mobile home park located to the west of the Project site and will also impact existing residential uses located to the south of the Project site. These sensitive residential uses will be subjected to light intrusion from parking lot lighting, building security lighting, and other stationary sources of light. Nighttime light levels for the Project site and surrounding areas will increase appreciably, thus causing discomfort and annoyance for surrounding residences.

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Although the Applicant has indicated that stationary sources of light will be designed to conform to requirements of the Foothill Boulevard Corridor Specific Plan (FBCSP) the amount of lighting and its intensity have not yet been quantified. Compliance with lighting requirements of the FBCSP does not necessarily fully mitigate the impact. In addition, there is no indication of the duration of night time illumination. At a minimum a photometric study of light sources is needed for the Project to determine its actual lighting or glare impacts and what the effective proposed mitigation should be.

Additional sources of light and glare will result from automobile and truck traffic entering and leaving the site during dawn, dusk and evening hours.

II <u>AGRICULTURE RESOURCES</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact.

c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact.

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III <u>AIR QUALITY</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relief upon to make the following determinations. Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

a. Conflict with or obstruct implementation of the applicable air quality plan?

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Less-Than-Significant-Impact.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Potentially Significant Impact:

1. Improper Baseline Applied.

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The air quality baseline the Applicant applied improperly assumes the non-existent K-Mart store level of activity and then inappropriately subtracts such. Guessing as to the level of traffic and air quality impacts of a fictional K-Mart store use at this location is pure speculation. The present condition and baseline environmental setting for evaluating air quality effects from the Home Depot Project is an inactive use of a vacant site with no vehicle trips or operational emissions.

In any event, the proposed use is more intensive than the prior but now non-existent K-Mart use, therefore, this new use has the potential to cause more severe impacts regardless of which baseline is applied. For example, K-Mart operated from 8:00 a.m. to 10:00 p.m. (until 9:00 p.m. on Sundays) while Home Depot proposes to operate from 5:30 a.m. to 11:00 p.m.; K-Mart's 40 employees vs. Home Depot's 50 to 80 employees per shift. (See Home Depot's Preliminary

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Environmental Analysis, pages 11-17). However, the correct vacant site environmental baseline should be applied.

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2. Diesel Particulates.

With residences adjacent to the Project site, residents will be subjected to diesel exhaust from trucks transporting material to and from the Home Depot. Diesel exhaust is considered a carcinogen by the California Air Resources Board. One of the South Coast Air Quality Management District's ("SCAQMD") thresholds of significance is a project that could emit carcinogenic or toxic air contaminants that individually or cumulatively exceed the maximum individual cancer risk of 10 in 1 million. This impact must be analyzed in the air quality analysis. The Home Depot analysis also assumes that trucks will be shut down while unloaded and will idle for no more than five (5) minutes at arrival and five minutes at departure. No time is calculated for maneuvering the very tight and convoluted site configuration. The 5 minute assumption is unrealistic, and underestimates the actual emissions and the risks to the surrounding residential neighborhood and the nearby school. With the very tight and convoluted site configuration, and small loading dock, the warehouse style operations employed by Home Depot, and the significant general contractor and customer loading aspect onto diesel trucks, it may be more appropriate to consider the overall truck idling as a stationary source.

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According to the Applicant's Air Quality Report, these diesel delivery trucks will be driving immediately adjacent to the Senior Mobile Home Park residences to the west, a mere 9.5 feet from the Project property line. Home Depot's air quality analysis included a risk assessment that assumed that K-Mart operated with 5 truck deliveries per day (2 medium heavy-duty trucks and 3 heavy heavy-duty trucks) and that Home Depot would have 9 heavy heavy-duty trucks per day or 63 per week (another indication of how the Home Depot use is more intensive than the K-Mart use). However, an independently prepared EIR for a proposed 110,642 square foot store/garden center in Thousand Oaks showed there could be as many as 18 delivery trucks on a single day. A worst case scenario should be used here by the City of Los Angeles. The toxic air contaminant modeling shows that homes and the school are subjected to greater concentrations of diesel particulates by Home Depot's use than K-Mart's use of the property. (See Air Quality Technical Report, p. 38.)

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There is also no "cumulative" analysis involving diesel particulates, and therefore, a conclusion cannot be reached that the Project is not cumulatively significant for air toxic impacts.

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These flaws in the analysis render the air quality impact conclusions incorrect, with respect to the cumulative impact and exposure of sensitive receptors to Project pollutant concentrations.

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3. True Project Construction Emissions

Home Depot's air quality analysis improperly segregates each construction related activity and then compares that segment's emissions separately to the threshold of significance. (See Air Quality Technical Report, p. 28.) This underestimates the true impact of the concurrently occurring construction activities, as well as for the whole Project. The Air Quality Technical Report states that the emission calculations assume implementation of SCAQMD Rule 403 - fugitive dust, but there are no water trucks assumed at the Project site in the technical modeling. The modeling assumptions are suspect and underestimate the impacts of the construction period. For example, no construction worker trips to the job site in their personal vehicles is assumed during construction, and the analysis does not include the whole construction effort for the Project (the substantial work already performed without the appropriate permit). Also there is no cumulative impact analysis.

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According to the SCAQMD, the Home Depot Project is located in a non-attainment area for various pollutants regulated under applicable Federal and State air quality standards, including NOx emissions standards. The standard Industrial Source Complex Model was used to model construction-related air quality impacts. The results of the Applicant's emissions analysis conclude that construction-related emissions will fall beneath the NOx emissions threshold standard of 0.18 ppm. Construction-related emissions are said to occur at the 0.174 ppm level. It is impossible to verify this modeling result without including modeling results in the air quality study. Since there is no way to verify these modeling results without the raw data, it is impossible to verify the accuracy of the NOx emissions result. The fact that the NOx emissions result is so close to the threshold suggests that the model could have been easily manipulated to understate the construction-related NOx emissions.

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In addition to the foregoing, the air quality study includes a table (Table 5) that characterizes projected emissions (in pounds per day) for construction activities. All of the construction activities listed in the table includes "Off-Road Diesel & Fugitive Dust." However, there is no description of what constitutes "off-road diesel" equipment so there is no way of determining if the modeling result accurately depicts the projected construction-related emissions.

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4. True Project Operational Emissions

A. *Improperly Segregates Activities.* As with the construction emission analysis, the air quality analysis improperly segregates the operational related activities and then compares the individual emission from each activity separately to the threshold of significance. (See Air Quality Technical Report, p. 31.) This underestimates the true impact of the whole Project.

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B. *Missing Data.* Operational emissions are addressed in the Applicant's air quality study in Section V.C.2. Included in that section of the study, is a table (Table 7) that estimates future (2009) daily operational emissions from the Project. Emissions are calculated for both summertime emissions and wintertime emissions. The table provides a summary of total emissions for both periods of the year and compares them against SCAQMD thresholds of significance. According to the Applicant's modeling results, total Project emissions for all factors for both summertime and wintertime periods are less than the significance thresholds established by the SCAQMD. As with construction-related emissions, it is not possible to verify the accuracy or validity of these modeling results because the modeling data is not included in the air quality study.

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C. *Suspect Assumptions in Modeling.* The Applicant's figures and modeling assumptions were adjusted, are confusing, suspect and underestimate the impacts. For example:

- The vehicle fleet mix was modified to reduce the total number of truck trips generated by the Project from 14.60% to 2.10%. This appears to be based on a questionable assumption that Home Depot is a special retail center (ITE Code No. 814) and that ITE Code is different from the ITE Code used for the Project to create the trip generation numbers in traffic impact sections of a home improvement (ITE Code 862).
- The analysis assumes the Project is about 95,250 square feet, when the Project description states that the Project is 99,857 (94,500 + 4607 + 750 = 99,857, per page II-10) or a 100,607 square-foot facility.
- The traffic analysis is inconsistent with the air quality analysis as the traffic study states that the Project is expected to generate a net of 283 additional trips over K-Mart, but the air quality study states that the Project will have less emissions than K-Mart, and there is a difference in the number of trips assumed (traffic analysis 2,976 daily trips and air quality analysis 2,838.45 trips).
- As previously stated, it is erroneous to apply the discontinued K-Mart data to either of these studies.

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However, because these emissions can be independently modeled using commonly accepted air quality models, it is easy to test the Applicant's conclusions against these independent modeling results.

Our Urbemis Modeling Results

The Urbemis air quality model was applied to the Project to independently determine operational emissions impacts. In this case, the model was calibrated to address two scenarios: a 100,607 square-foot facility on the Project site which includes all covered and uncovered store areas, and a 97,084 square-foot facility (less than Applicant's total active use area of 99,857 square feet) which accounts

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for only covered areas associated with the Project. The difference between the two sizes of facilities is important as the Applicant's air quality study is unclear as to the exact size of building their modeling results were intended to address. In the case of the Urbemis modeling exercise, the entire store's area, covered and uncovered, must be considered, as both covered and uncovered uses contribute to the Project's area and operation emissions impacts. In this case, the uncovered floor is essentially the garden center, which in-and-of-itself generates vehicle trips that are the primary source of Project operational emissions. Regardless, for discussion purposes, both scenarios (addressing the "only covered spaces" or "covered and uncovered" space Project scenarios) are considered in this analysis.

The modeling results are included in *Exhibit C* attached and summarized below:

(1) Combined Winter Emission Reports (Pounds/Day) – 100,607 sq. ft. Facility. According to the Urbemis modeling exercise, and based on a project with 100,607 square feet (which accounts for all covered and uncovered space), the projected total NOx emission is 65.53 pounds, which exceeds the threshold of 55 pounds established by the SCAQMD for facilities of this type.

(2) Combined Winter Emission Reports (Pounds/Day) – 97,084 sq. ft. Facility. According to the Urbemis modeling exercise, and based on a project with 97,084 square feet (which accounts for only covered areas), the projected total NOx emission is 63.72 pounds, which exceeds the threshold of 55 pounds established by the SCAQMD for facilities of this type.

(3) Using the same Urbemis model, combined summer emissions for both sizes of facilities were calculated and it was determined that summer emissions would not exceed NOx thresholds of significance. However, because Project operations exceed established thresholds of significance for the NOx compound during the winter months, the Project operations create a significant and unavoidable air quality impact.

The Project's operational induced emission of NOx, will be significant and unavoidable, based on independently verifiable air quality modeling results using the Urbemis model. This significant and unavoidable impact alone is required to be addressed in a technical air quality report within the context of an EIR.

5. CO "Hot Spots"

The impacts to the level of service ("LOS") at the studied intersections were based on adding to the measured traffic volume the trips assumed from the non-existing K-Mart site, *plus* "ambient growth" (2% per year), *plus* the proposed other development projects – this became the baseline from which the illusory 283 additional or net trips were measured for a determination on potential significant impact. By performing the analysis in this manner, the impact of the Project to the

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LOS and for CO is artificially reduced. The actual measured trips, without the added K-Mart is not reported, so it is not possible to know the extent to which the LOS is impacted by the Project.

However, even using the Home Depot's methodology and comparing the LOS for a baseline that assumes 2008 traffic levels plus assuming an existing K-Mart with the future traffic conditions with the Project, the impacts are cumulatively considerable to the worsening of those intersections and considered "significant" when we assign the levels of "significance" described on page 26 of the Overland Traffic Consultants' report. See the table below.

Intersection	Peak Hour	Baseline + K-Mart		Future w/Project		Impact	Significant
		V/C	LOS	V/C	LOS		
Foothill Blvd. & Oro Vista Ave.	AM	0.743	C	0.842	D	+0.099	Yes
	PM	0.674	B	0.760	C	+0.086	Yes
Foothill Blvd. & Woodward Ave.	AM	0.664	B	0.729	C	+0.065	Yes
	AM	0.655	B	0.697	C	+0.042	Yes
Foothill Blvd. & Commerce Ave.	AM	0.655	B	0.697	C	+0.042	Yes
	PM	0.742	C	0.818	C	+0.076	Yes
Foothill Blvd. & Tujunga Cyn. Blvd.	AM	0.913	E	0.986	E	+0.073	Yes
	PM	0.778	C	0.851	D	+0.073	Yes

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Based on *actual* trip counts in an independently prepared 2007 EIR for a 110,642 square foot store/garden center in Thousand Oaks, the average daily trips would be around 4,134 for this slightly smaller Sunland warehouse. Rather than using the nation wide home improvement ITE Code 862 daily trips calculation (or 2,976 daily trips), an actual Los Angeles area trip count figure of around 4,134 per day should be assumed as the worst case scenario. As a result, the impacts under all methodologies would be greater. Therefore, a fair argument is the conclusion of non-significance for CO is incorrect.

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6. No Congestion Management Plan Impact Analysis

Home Depot's traffic study concludes that no analysis with respect to whether the Project would create a significant impact to Congestion Management Plan Program ("CMP") roadways was necessary because such an analysis is only required if the Project will add 150 or more trips in either direction during the AM or PM peak hours. The CMP roadway in the area is identified as the Foothill Freeway.

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According to the traffic study, the Project will only add 8 peak hour trips in each direction on the Foothill Freeway. The basis for this conclusion assumes only 283 additional trips from the Project (Home Depot less the non-existent K-Mart) and not the 2,976 daily trips associated with Home Depot, and a trip generation rate of 29.80 trips per 1000 square feet based on the ITE Home Improvement Store (ITE Code No. 862) let alone the, perhaps, more accurate assumption of 51.90 trips per 1000 square feet of the Building Materials and Lumber Store (ITE Code No. 812).

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7. Lack Of Consistency With Air Quality Management Plan

The air quality analysis assumes the Project does not exceed the thresholds of significance and is consistent with the growth projections in the Air Quality Management Plan ("AQMP"). As discussed, it is reasonable to assume that the Project exceeds the threshold of significance, and if so, this would result in the Project being inconsistent with the AQMP. With respect to consistency with the growth projections, the difference between the number of jobs at K-Mart, 130, with the number of jobs at Home Depot, 150 assumes that the 20 additional jobs is not considered to be a substantial increase in employment and therefore the Project is consistent with the AQMP. However, this analysis is based on an improper baseline as discussed above.

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8. No Greenhouse Gas Emissions Consideration (AB 32)

State Assembly Bill (AB 32) requires all project air quality analyses to include a discussion and analysis of potential greenhouse gas emissions resulting from a project. The intent of the legislation is to address global warming and to identify methods in which greenhouse gases can be reduced either through modifications to project design or the implementation of appropriate mitigation measures. The air quality study submitted by the Applicant does not include this analysis and, therefore, does not comply with this State mandate. The failure to address global warming at all is inconsistent with guidance provided by the State Attorney General and the Governor's Office of Planning and Research. Given that no customer walks or bikes to a Home Depot and the increase in volume of trips generated by this Project, the Project's greenhouse gas emissions are significant and mitigation measures, including those outlined by the state Attorney General and the Governor's Office of Planning and Research, must be implemented. On June 19, 2008, the State Office of Planning and Research (OPR) published interim "guidance" on the subject of how CEQA documents might address project impacts on climate change. (Entitled, "CEQA and Climate Change: Addressing Climate Change Through California Environmental Quality Act (CEQA) Review.") For example, OPR suggests that the lead agency identify and quantify the project's GHG emissions and the baseline GHG conditions; attempt to make a significance determination regarding the Project's direct, indirect and cumulative impacts; and identify some feasible mitigation to reduce impacts.

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- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact: The Applicant's air quality study does not include an analysis of cumulative air quality impacts. The City is required to address not only project-specific air quality impacts - but cumulative air quality impacts as well. The Project's contribution to cumulative criteria air pollutants are potentially significant as it would generate ozone precursors (NOx - demonstrated through the Urbemis modeling exercise) at daily levels that are significant, and which would be considered as a cumulatively considerable contributor to net increases of non-attainment criteria pollutants for the South Coast Air Basin.

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- d. Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Impact: Air pollutants would be generated during Project operation, primarily from delivery vehicles and the wholesale general construction contractors' truck emissions, and would likely impact the nearby sensitive receptors. Depending on the magnitude of that truck traffic, as well as exhaust emissions from the other customer vehicles, operational emissions can be expected to be above significance thresholds established by the South Coast Air Quality Management District.

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- e. Create objectionable odors affecting a substantial number of people?

Potentially Significant Impact: Exhaust fumes from delivery vehicles and other equipment used on-site will create odors; as will fertilizers and other compounds used in the outdoor garden area. Given the duration, frequency, and on-going nature of odor generation onsite, coupled with the immediate proximity of sensitive residences (residences located west and south of the Project site), odor generation/exposure is an unaddressed potentially significant impact that must be evaluated in an EIR, along with corresponding mitigation measures and alternatives.

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IV <u>BIOLOGICAL RESOURCES</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact.

c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact.

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V <u>CULTURAL RESOURCES</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5?

No Impact.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Potentially Significant Impact: Existing archaeological resources, including Native American resources, may have occurred at the site. Said resources may have been removed or damaged with development of the prior and existing uses at the site. However, additional subsurface construction activities could result in encountering remnant archaeological resources, constituting a potentially significant impact. Accordingly, the Project site and environs should be surveyed for past cultural and historical resources and a Cultural Resources Evaluation Report prepared for the Project which also includes Native American consultation and the identification of appropriate mitigation measures.

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- c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Potentially Significant Impact: Existing paleontological resources may have occurred at the site. Said resources may have been removed or damaged with development of the prior and existing uses at the site. However, additional subsurface construction activities could result in encountering remnant paleontological resources, constituting a potentially significant impact. Accordingly, the Project site and environs should be surveyed for potential paleontological resources and a report prepared for the Project which identifies appropriate mitigation measures.

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- d. Disturb any human remains, including those interred outside of formal cemeteries?

No Impact.

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VI <u>GEOLOGY AND SOILS</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than -Significant Impact	No Impact
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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FULL CEQA REVIEW NEEDED

[ANALYSIS BY SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN]

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(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

Potentially Significant Impact: The Project is proposed in an area subject to strong ground shaking from earthquakes. As such, there is a potentially significant impact posed to employees and visitors to that warehouse style store with a high racking system holding heavy goods in the event of an earthquake.

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(ii) Strong seismic ground shaking?

Potentially Significant Impact: The site is also located approximately 2 kilometers from a known earthquake fault and the site is in an identified liquefaction zone and could be affected by soil liquefaction. These conditions probably account for the high seismic factor indicated on a prior drawing. [The prior S0.1, Note 5G - DESIGN BASE SHEAR EQUAL TO 0.3575W.] There is a potentially significant adverse physical impact to employees and visitors in the building in the event of an earthquake, that is worsened due to the nature of the heavy and high shelving system used and also because of the age of the building that does not comply with current standards. Our structural engineer, (Mr. Arnold Bookbinder, Structural Engineer License No. SE1448) noted in the City's record for Home Depot's prior tenant improvement review, the building does not meet current earthquake safety standards. Section 8106.1 of the Los Angeles Building Code requires that when the total cost of all work on a building exceeds 50% of the replacement value of the building, the entire building must be brought up to the current seismic coefficient factor with earthquake safety upgrades. (Estimated cost of work is \$5,000,000+ vs. Replacement Value of 31+ year old building of \$6,615,500). A full evaluation of the seismic safety of the building is required to determine if it can be safely used.

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(iii) Seismic-related ground failure, including liquefaction?

Potentially Significant Impact: The site is within an earthquake-induced liquefaction area, and additional studies may be required to evaluate the soil, the newly installed floor slab, the proposed racking system, and the roof structures, given the more intensive use being proposed.

In 2007, Mr. Arnold Bookbinder reviewed and evaluated the construction documents submitted by Home Depot in 2006. His detailed findings and expert opinion regarding the cost of the remodel and the safety of the building are included in the Authorized 2nd Supplement, Appeal of the Issuance of Building Permits, by the Sunland-Tujunga Alliance, submitted to the Zoning Administrator, dated 2/2/07. The Findings of Arnold Bookbinder on Home Depot Plans and Work is presented on pages 9-20 of the Appeal document.

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The Applicant admits repairs to a portion of the roof have been completed. However, the mention of the cracked glue-laminated roof beam is ambiguous. It is not clear where this cracked beam is located or whether it is related to the repaired roof damage. The current conditions and safety of the structure remain in question. In addition, the current application indicates another phase of major construction to the structure, including the removal of auto repair equipment and overhead doors, infill of masonry walls, the addition of two overhangs on the front façade of the structure, landscaping, parking lot improvements and more.

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The previous construction costs from the revoked permits and the cost of new construction and repairs needed to bring the structure up to habitable and useful condition must be considered in a 12-month total, not as separate costs, thus ensuring current safety code standards will be met. The actual cost of the remodel was in question during the ZA Hearing in January 2007, to determine if the construction work constituted a Project or Significant Project. No City verified or actual cost was determined at that time.

If the total work costs exceed 50 percent of the replacement cost of the 30+ year old building (that value based on the 1974 codes), Section 8106.1 of the City of Los Angeles Building Code becomes effective, it states in part:

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"Whenever an existing building or structure has been damaged, or is in need of repairs, alterations or rehabilitation required by the Los Angeles Municipal Code in an amount exceeding 50 percent of the replacement cost, the entire building or structure shall be made to conform to this code or shall be demolished."

"All other alterations, repairs or rehabilitation shall comply with the requirements of this code."

"Nothing shall be done to reduce the seismic stability of the structure below the requirements set forth in Chapter 16"

It is unclear if the Los Angeles Department of Building and Safety actually performed the load calculations for the floor slab and storage racking system. The stability of the existing 30+ year old structure during a moderate to major seismic event needs to be determined with special emphasis placed on the advisability of stacking heavy building materials far overhead as is typical of Home Depot centers.

The existing structure was built per the 1975 Los Angeles Building Code. Building codes have significantly been upgraded since that time, and Mr. Bookbinder has stated he is concerned about the structural adequacy of the existing building and the safety to the general public in particular.

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In addition to safety issues, the building plans for the first phase of remodeling included gross and shocking errors, inconsistencies, and discrepancies. For

example, the General Notes for structural observation on the structural drawings indicates the City of Monterey Park, California, not the City of Los Angeles. Please review the list which was presented to the Zoning Administrator on January 19, 2007, entitled: Errors in the LADBS' Stamped and Approved Plans for the Proposed Home Depot Located at 8040 Foothill Boulevard, Sunland.

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(iv) Landslides?

No Impact.

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b. Result in substantial soil erosion or the loss of topsoil?

Less-Than-Significant Impact:

c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

Potentially Significant Impact: As is common practice, the Project applicant should prepare a soils and geology report. This would be required to determine if the Project is located on an unstable geologic unit or soil. This would also help determine the stability of Project area soils. The potential for subsidence or collapse may be a concern where fill material has been imported and has not been properly compacted. The existence of expansive soils at a project site is determined through soil testing. The existence of such soils can influence footing and foundation design.

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d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risk to life or property?

Potentially Significant Impact: As is common practice, the Project applicant should prepare a soils and geology report. This would be required to determine if the Project is located on an unstable geologic unit or soil. This would also help determine the stability of Project area soils. The potential for subsidence or collapse may be a concern where fill material has been imported and has not been properly compacted. The existence of expansive soils at a project site is determined through soil testing. The existence of such soils can influence footing and foundation design.

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e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

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No Impact.

VII <u>HAZARDS AND HAZARDOUS MATERIALS</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☒	☐	☐	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Potentially Significant Impact: The routine transport of hazardous materials will occur as part of the operations of the large Home Depot warehouse/store at this location. This will include, but not be limited to, solvents, paints, petroleum products, and pesticides that would be used in the operation of the warehouse and those that are packaged and stored for consumer sales. The Applicant insists that the products will be "contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations." Yet, the Applicant fails to provide information as to what these standards and regulations consist of. No evidence has been provided that the storage and handling of these products will not create a significant hazard to the public or the environment.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Potentially Significant Impact: The Project has the potential to create potentially significant hazards and hazardous wastes materials impacts that could pose a significant hazard to the public. This includes the sale, storage and use of hazardous materials and compounds including paints, solvents, corrosives, fuel (diesel forklift, power tools gasoline, rental truck fuels (repair and maintenance), pest control poisons, and bagged fertilizers. These storage/use activities will occur:

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- (a) Within 135 feet of residential uses (single-family residential/mobile home park;
- (b) Within 135 feet of Haines Canyon Flood Control Channel; and
- (c) Within 500 feet of an Elementary School (Apperson Elementary)

In addition, a portion of the Project site was previously used as an automobile repair facility. This included hydraulic lifts and nine service bays. Potentially significant hazardous waste impacts have resulted from these prior uses, including the contamination of subsurface soils caused by the leaking of oil and gasoline by-products into the soil and other similar kinds of contamination. The Applicant fails to provide evidence that these hazardous conditions have been fully abated.

In regard to the Apperson Elementary School, the Applicant's analysis admits that hazardous materials could potentially be released as a result of the remodeling activity. According to this same analysis, this potential significant impact is somehow eliminated just because licensed contractors will be performing the remodeling work. No description of specific measures to protect nearby school children and school employees from toxic emissions related to the remodeling activity is described or offered.

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- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Potentially Significant Impact: Similar to the issue of toxic emissions adversely affecting school children and school employees during the remodeling phase of the Project, there is the potential for the health of school children and school employees to be adversely affected through the release of hazardous materials and/or toxic emissions caused by the operations of the Home Depot center. Although said materials are to be

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stored indoors, they must, nevertheless, be transported to the site in containers or on pallets that will be exposed to the outdoors. There is a significant potential for such materials to be mishandled or spilled during these transfer operations, thus releasing hazardous contaminants within one-quarter mile of an existing school. No description of a procedure is described or offered to address the spill and release of harmful contaminants.

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- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Potentially Significant Impact: The Project site is listed as a hazardous materials site on six data bases: HAZNET, RCRA-SQG, SWEEPS UST, CA FID UST, and Hist UST. This is because a portion of the site was previously used as a Penske Auto Center that performed oil changes, air conditioning service, installed batteries, and sold and installed tires. Included in these operations were nine in-ground hydraulic lifts, seven floor drains, and a 3-stage wastewater clarifier. Also included was the presence of an underground storage tank (UST) for used motor oil. This UST was removed, however, the Applicant failed to obtain the necessary closure letter for this UST from the L.A. Fire Department. Until this letter is obtained, and approved by the regulatory authority, a potentially significant impact exists on the Project site.

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- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact.

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- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Potentially Significant Impact: Foothill Boulevard is designated in the Safety Element of the City of Los Angeles General Plan as a Selected Disaster Route. As such, it serves as the main thoroughfare for emergency vehicles as well as the designated route for evacuations in the case of a local emergency.

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Traffic impacts associated with the operations of a Home Depot at this location will impede both emergency vehicles traveling on Foothill Boulevard in the vicinity of the Project site as well as impede evacuation of local residents in the case of an emergency. There are no other viable emergency routes that could substitute for Foothill Boulevard. Large delivery vans and 18-wheel delivery trucks accessing the site through wide turning movements can either entirely block or delay the travel of emergency vehicles on Foothill Boulevard. This constitutes a potentially significant impact.

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- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

93

No Impact.

VIII <u>HYDROLOGY AND WATER QUALITY</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FULL CEQA REVIEW NEEDED

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Discussion

- a. Violate any water quality standards or waste discharge requirements?

Potentially Significant Impact: The 11+ acre site appreciably slopes southwest to, and is within 135 feet of, the Haines Canyon flood control channel. This site has one of the largest expanses of impervious surface in the Community, with an extensive roof area and a sea of impervious asphalt that will see extensive truck traffic and have over 500 parked vehicles, plus the daily forklift traffic loading and unloading of materials, and the customers transporting building materials to their vehicles (that include hazardous materials) - there will be accidents and spills as well as the normal car and truck drippings or leaks – all resulting in a high likelihood of litter, debris, trash, and pollutants entering public storm drains. This is a serious water quality issue that has not been addressed. Also of concern is Home Depot's stated intent to conduct vehicle equipment repair and maintenance on the property as it is unlikely that the use of drip pans or drop cloths to catch drips and spills from vehicle and equipment maintenance will be adequate. With these on-going operations as the largest building materials – nursery - hardware store in the area, it is very likely that contaminated storm water pollutants or excessive hydromodification due to run-off from the Project will occur.

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As a result, it must be assumed the contaminated run-off from the site will enter public storm drains in violation of National Pollutant Discharge Elimination System Permit (NPDES) requirements or water quality standards since there are no storm water calculations, no drainage plan, and no plan for the mitigation of storm water pollutants or mitigation of the effects of hydromodification at the post-construction stage (showing devices to retain, treat and/or control storm water runoff from the site). Water quality standards will be compromised due to that amount and kind of runoff expected, including petroleum by-products from delivery vehicles, and contaminated runoff from hazardous materials stored on the Project site.

The Los Angeles City Municipal Storm Water National Pollutant Discharge Elimination System Permit (NPDES Permit No. CAS004001) requires, to the maximum extent practical, that any redevelopment of a commercial site with 1 acre or more of impervious surface area, incorporate post construction Best Management Practices such as storm water mitigation measures into its parking lot design to prevent storm water pollutants (such as heavy metals, oil and grease and polycyclic aromatic hydrocarbons deposited on parking lot surfaces by motor vehicles) from entering into the storm water conveyance system. Redevelopment shall include the installation of retention devices to reduce downstream hydromodification of banks and streams. The absence of any analysis or plan for the mitigation of storm water pollutants or mitigation of the effects of hydromodification at the post-construction stage (explaining the devices to retain, treat and/or control storm water runoff from the site, or limiting the amount of connected impervious surfaces by landscape areas or by utilizing permeable

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pavements) forces one to conclude the likelihood of a significant environmental impact. For example, the Project can include vegetated infiltration trench or bio-swale (planter strip), catch basins with filter inserts for every 5,000 square feet of parking lot area, hydrodynamic systems, etc.

95

Under LAMC SEC. 64.70.02.A., "no person shall discharge, cause, permit, or contribute to the discharge of any of the following to the storm drain system or receiving waters . . . any pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance" and "except as allowed under a general or separate NPDES permit, the following prohibitions apply to all persons operating or performing any industrial or commercial activities within the City of Los Angeles 2. No person shall discharge, cause or permit any discharge of untreated runoff containing grease, oil, antifreeze, other fluids from machinery, equipment, tools or motor vehicles, or hazardous substances into the storm drain system."

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The Project needs to be reviewed by the LA Regional Water Quality Control Board, the City of Los Angeles and the public as to its compliance with NPDES standards and LA Regional Water Quality Control Board (Clean Water Act) requirements at the earliest point in the review process when design modifications can be made.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite?

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No Impact.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or offsite?

No Impact.

- e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

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Potentially Significant Impact: Although no new construction to expand the footprint of the structure is proposed on the Project site, existing drainage facilities may not be satisfactory to control runoff, including runoff from outside parking areas and drive aisles. The Applicant should be required to submit a storm water flow calculations and a drainage plan for the Project, indicating how drainage will be controlled, analyzing the capacity and sufficiency of public storm drains to handle the runoff, and demonstrating that surrounding properties will not be impacted by Project-related runoff.

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- f. Otherwise substantially degrade water quality?

Potentially Significant Impact: See response to "a," above.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact.

- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact.

- j. Inundation by seiche, tsunami, or mudflow?

No Impact.

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IX <u>LAND USE AND PLANNING</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FULL CEQA REVIEW NEEDED

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Discussion

- a. Physically divide an established community?

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No Impact.

- b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Potentially Significant Impact:

Community or General Plan Consistency

The Project, as currently proposed, creates a potentially significant land use impact due to its lack of consistency with the Sunland-Tujunga Community Plan (the General Plan for the area). The Community Plan at page III-6 discusses the Project site as follows:

"The area along Foothill Boulevard between Langmuir Avenue and Wyngate Street should be encouraged to develop as a *Community Center* serving on a community-wide basis. This area contains the Municipal Building Library, and Fire Station – all community-serving governmental uses. The existing K-Mart store provides a larger retail radius for citizens living throughout the Plan area."

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The Los Angeles General Plan Framework describes a "*Community Center*" as:

"Generally, these are the "downtowns" that serve Los Angeles' communities (25,000 to 100,000 persons). They contain a diversity of uses such as small offices, overnight accommodations, *cultural and entertainment facilities, schools and libraries in addition to neighborhood-oriented uses.*" [Framework Element of the General Plan, Ch.3, Land Use Section, Definition, emphasis added.]

Such Community Centers consist of "*multi-use*" projects, defined as a "non-residential center that encourages the development of professional offices, hotels, cultural and entertainment facilities, in addition to the neighborhood-oriented uses," or a commercial "*mixed use*" project with a residential component. Chapter 5 of the General Plan Framework, Urban Form and Neighborhood Design, further states that Community Centers . . . are to serve as the focus of community life for

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the surrounding neighborhoods" Objective 5.8 states, "Reinforce or encourage the establishment of a strong pedestrian orientation in designated neighborhood districts, community centers . . . so that these districts and centers can serve as a focus of activity for the surrounding community" Goal 3D of the Land Use Chapter stipulates that commercial development create a "local identity, commercial activity, and support Los Angeles' neighborhoods" to ". . . increase opportunities for employees to live near their jobs and residents to live near shopping. To the extent that this is accomplished, the length and number of vehicular trips would be reduced and pedestrian/bicycle activity would be increased, which in turn will reduce air pollution." These goals are not consistent with a large, box like, regional discount mega-hardware store. No one walks to such stores, and they generate a great amount of vehicular traffic. Therefore, in a designated Community Center area or district "lumber and building suppliers", "nurseries" and "highway oriented commercial" retailers are inappropriate as these uses are not neighborhood or pedestrian oriented. [Framework Element of the General Plan, Ch.3, Land Use Section; Policy 3.9.1, Table 3-1:]

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The regional discount/wholesaler of hard goods, such as the proposed Home Depot, does not conform to the Community Plan and General Plan concept since it will not act as a large retail "shopping center" or mixed use project offering a mix and wide array of retailers, restaurants, entertainment opportunities, amenities (plazas, water features, art, etc.) and services for residents living in the neighborhood. In addition, Community Plan policy requires new development to be compatible with existing uses. The proposed use is not compatible with surrounding uses, including closely adjacent residential uses.

Chapter 3, Land Use Policies and Programs of the Community Plan sets forth goals and objectives for the area in which the Project is proposed as follows:

GOAL 2 - A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.

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Objective 2-1 - To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

The proposed Home Depot Project is not consistent with Goal 2 or Objective 2-1. However, a general merchandise store in a mixed use concept or a shopping center format with other retail uses and entertainment opportunities will provide accessible goods and services and conform to both the goal and objectives as set forth in the Community Plan.

Specific Plan Consistency

The Project, as proposed, would be located in a core area called Major Activity Area 2 of the Foothill Boulevard Corridor Specific Plan (FBCSP). As such, it has been identified in the Specific Plan as an area to be developed with uses consistent with the Community Plan's vision, a Community Center. The proposed use – a discount and wholesale building materials supplier in a 30+ year old, box styled building is inconsistent with this vision and, therefore, not consistent with the Foothill Boulevard Corridor Specific Plan.

Under Factor I above, we have listed numerous design inconsistencies. For example, FBCSP Sec. 6, A.1., says all roof mechanical equipment shall be screened from view, but Home Depot is adding 54 new unattractive roof mounted HVAC units on a sloped roof without any screening, view impact analysis, or photo-overlay to show lines of sight and impacts due to the sloped roof and site's varying elevations. This is a Significant Project under the FBCSP on a lot considerably over 100,000 square feet, but no upgrades and amenities are provided as required. Under the FBCSP Implementation section (p. 20), the Director shall review a project for compliance and has the power to persuade the Applicant to have functional linkages and distinct architectural features and she shall evaluate the project's mass, form, spatial elements and overall quality of design under the Design Guidelines. This Applicant fallaciously asserts "to maintain a high-level of architectural character, the Project would retain the building's architectural features . . .," however; this building was constructed in 1976 and has very little, if any, architectural character whatsoever. Planned "enhancements" to the building basically described as "repainting the building with neutral and complementary earth-tone colors." This level and kind of enhancement is woefully inadequate. No attempt is being made to bring the building up to the architectural standards of recent new developments along Foothill Boulevard or as required in the Design Guidelines, yet the Applicant is spending millions of dollars in gutting the building and new construction work. Just because it is not proposing to expand the footprint of a building that does not conform to the Specific Plan or its Design Guidelines, does not make this Project consistent with the Specific Plan or Design Guidelines.

Regional Comprehensive Plan Guidelines and Compass Blueprint Growth Vision Discussion

The Project Applicant's discussion of goals and policies from SCAG's Regional Comprehensive Plan (RCP) Guidelines and the Compass Blueprint Growth Vision is largely irrelevant to the Project under consideration. The goals and policies of RCP are *regional* goals and policies that are meant to be applied to development in southern California as a whole. They do not take into account the discretion local agencies and jurisdictions have in determining what is appropriate in fulfilling both regional and local planning goals. Furthermore, assertions that the proposed



Project will fulfill goals and objectives of either regional plan are flawed and include the some of the following flawed assertions:

Assertion: "The project would maintain the economic vitality of the subregion by supporting the needs of the City's existing and future residents."

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Reality: The Project does not support the needs of the City's existing and future residents which include the need for a general merchandise store located in a Community Center setting.

Assertion: "The project would involve minimum public service and infrastructure costs."

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Reality: The Project would drive up the costs of public services and infrastructure costs to maintain the streets and provide other essential services.

Assertion: "The project would reduce vehicle trips."

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Reality: The Project would increase rather than decrease vehicular trips.

Assertion: "The project maintains a viable transition between commercial and residential uses."

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Reality: The Project has no viable transition between itself and surrounding residential and mobile home park uses. A viable transition consists of an intervening land use such as multifamily (apartment/condominium) uses.

General Plan Framework

Potentially Significant Impact: Land Use objectives in the General Plan Framework include Objective 3.1: "Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors"; Objective 3.2: "Provide for the spatial distribution of development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution"; and Objective 3.4: "Encourage new multi-family residential, retail commercial, and office development in the City's neighborhood districts, community, regional, and downtown centers, as well as along primary transit corridors/boulevards, while at the same time conserving existing neighborhoods and related districts."

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The Project fails Objective 3.1 – The Project does not accommodate a diversity of uses that the existing and future residents need. The community desires a general merchandise store that can provide goods and services that are not otherwise locally available to neighborhood residents.

The Project fails Objective 3.2 – The Project does not facilitate a reduction in vehicular trips, vehicle miles traveled or air pollution. Instead, it encourages automobile and truck traffic, increases the amount of vehicular trips on local streets, and contributes to increases in air pollution.

The Project fails Objective 3.4 – The Project does not conform to the Community Plan's vision of a Community Center at this location.

The General Plan Framework, Chapter 3, Land Use Policies and Programs also include Goal 2, and Objective 2-1 which state the following:

GOAL 2 - "A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE UNIQUE CHARACTER OF THE COMMUNITY.

Objective 2-1 - To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services

The proposed Project is inconsistent with Goal 2 and Objective 2-1 of the General Plan Framework for the following reasons:

- The Project does not contribute to the convenience, safety, general welfare, or character of the neighborhood and its citizens;
- A general merchandise store and shopping center with other retail uses and entertainment opportunities will provide accessible goods and services and more efficient use of the Major Activity Area;
- The area is currently over-served in building materials suppliers and underserved in general merchandise shopping opportunities;
- Residents who drive will continue to be more dependent on their cars; will spend increasing amounts for gasoline to drive outside of the neighborhood to other cities such as, Burbank, Glendale, or Pasadena for household necessities;
- Longer drives add to air pollution and traffic congestion; and



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- Residents without private transportation will be forced to ride for hours on the bus. This can pose a serious hardship for elderly and disabled residents and can involve health risks when the weather is very hot or during winter storms.

The General Plan Framework provides suggestions and a range of appropriate uses within its land use definitions. The General Plan Framework, Land Use Table 3-1, for example, specifically discourages lumber and building materials uses in or near a Community Center – thus clearly discourages this Project with its regional retail and wholesale operations of lumber and building materials.

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Urban Decay

Potentially Significant Impact: Although the economic impacts of a project are generally not subject to analysis under CEQA, they are subject to analysis when the implementation of the Project could potentially result in a physical impact (such as urban decay) caused by the Project's implementation. As such, the Project requires a study of its potential impacts to create urban decay including the abandonment of businesses that cannot compete with the proposed use thus creating empty storefronts and associated blighted conditions. The proposed Project has a significant potential to create this scenario along Foothill Boulevard in the Project area and thus should be studied and addressed within the context of an environmental impact report. [See: Prof King's Memo attached as *Exhibit B.*]

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- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact.

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X <u>MINERAL RESOURCES</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?

No Impact.

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- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

113

No Impact.

XI <u>NOISE</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact: The proposed Project would result in potentially significant noise impacts, exposing residents to noise levels in excess of standards established in the General Plan. This noise exposure includes increases in ambient noise levels caused by increased traffic entering and exiting the site of the proposed Project. In some instances, temporary or periodic noise impacts will be significant.

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Operational Noise Impacts

Noise standards are set forth in the General Plan and are characterized in sound level "A" decibels as indicated in the following chart:

Zone	Presumed Ambient Noise Level (db(A)) ¹	
	Day	Night
A1, A2, RA, RE, RS, RD RW1, RW2, R1, R2, R3, R4, R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, CM	60	55
M1, MR1, MR2	60	55
M2, M3	65	55

¹ Daytime levels 7:00 a.m. to 10:00 p.m.; Nighttime levels 10:00 p.m. to 7:00 a.m.

Sensitive receptors in the Project area include the single-family detached residences on Woodward Avenue, the Senior Mobile Home Park and single-family residences located directly west, and south of the abutting lot lines and the Apperson Elementary School. The residential daytime and nighttime mandated noise levels, based on the above chart, are 50 dB(A) during daytime hours and 40 dB(A) during nighttime hours. Current ambient noise levels in the area are well within these ranges.

Based on the Applicant's on-site truck circulation plan, and the proximity of the garden center, trash compactor, and loading docks to these sensitive receptors, there will be potentially significant operational noise impacts resulting from the proposed use. According to the Applicant's Air Quality Report, delivery trucks will be driving immediately adjacent to the Senior Mobile Home Park residences to the west, a mere 9.5 feet from the Project property line. Noise measurements of diesel and jobber truck activity noise behind busy shopping centers has shown average noise levels of 65 dB and maximum of 75 dB at 30 feet from the loading dock. With typical spreading losses with distance, a potential noise impact may extend to 170 feet during the daytime (50 dB at noise-sensitive uses), and 300 feet at night (45 dB at noise-sensitive uses). The operation of this warehouse will produce noise levels at these decibels and would be in violation of the General Plan Noise Element, and be declared to be a public nuisance and subject to abatement in any other circumstance.

- b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Less-Than-Significant Impact.

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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Potentially Significant Impact: See response to (a), above. The operation of this warehouse will cause discomfort and annoyance to reasonable persons and will endanger the comfort, repose, health, and peace of residents in the area. Due to the unique geographic setting of this narrow valley nestled between two mountain ranges, the noise from the diesel trucks will reverberate and echo causing an ongoing and prolonged disturbance throughout the entire residential community.

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- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Construction Noise Impacts

Potentially Significant Impact: Project construction noise levels are predicted to exceed 75 dBA at 50 feet from the noise source. According to the Applicant's noise study, in terms of the individual receptors, construction noise levels at the nearest single-family residences to the east, across Woodward Avenue, during Project construction would range from 25-87 dBA. At the nearest single-family residences to the south, exterior construction noise levels would range from 23-81 dBA.

Section 112.05 of the LAMC requires the implementation of noise suppression technologies to mitigate construction noise impacts. In the case of the proposed Project, forecasted construction-related noise levels would exceed the numerical noise threshold of 75 dBA at 50 feet from the noise source as outlined in Section 112.05 of the LAMC. The Applicant refers to "construction features and practices outlined in the Project's Construction Management Plan" and determines that the application of "all feasible measures to reduce construction noise" would reduce construction noise levels to the extent that is technically feasible and as such, would be in compliance with Section 112.05 of the LAMC. The Code section reads as follows:

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"Said noise limitations shall not apply where compliance therewith is technically infeasible. *The burden of proving that compliance is technically infeasible shall be upon the person or persons charged with a violation of this section.* Technical infeasibility shall mean that said noise limitations cannot be complied with despite the use of mufflers, shields, sound barriers and/or other noise reduction device or techniques during the operation of the equipment.

The Applicant does not describe the type of noise suppression technologies to be applied to mitigate construction noise impacts and, therefore, can not prove that compliance with the noise standard is technically infeasible. Construction noise levels would still exceed acceptable levels with implementation of suppression

technologies, whether technically feasible or not, leaving an unmitigated construction noise impact that is potentially significant. In addition, adhering to the limited hours in which construction activities can occur, in compliance with LAMC provisions, in no way addresses the construction noise impact itself which will still exceed acceptable thresholds no matter when construction activities occur.

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Periodic Noise Impacts (non construction-related)

Potentially Significant Impact: The Project would result in periodic noise levels that would be significant. In addition to the General Plan ambient noise thresholds discussed above, Article 2 – Special Noise Sources, Section 112.04, LAMC would apply. These requirements are intended to regulate powered equipment intended for periodic yet repetitive use and which can affect residential areas:

(i) Between the hours of 10:00 p.m. and 7:00 a.m. of the following day, no person shall operate any lawn mower, backpack blower, lawn edger, riding tractor, or any other machinery, equipment, or other mechanical or electrical device, or any hand tool which creates a loud, raucous or impulsive sound, within any residential zone or within 500 feet of a residence.

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(ii) Data from other HD warehouses that all of the above-described equipment would be used periodically. In addition, there would be a conservative estimate of 10-15 daily truck deliveries of materials, with Predicted Truck Circulation Noise Levels estimated to be 72 dBA. Also, truck pass-bys will be dangerously close to the abutting residential backyards, at both the west and southern lot lines. Finally, the truck circulation plan submitted indicates trucks exiting the property at the Woodward driveway. This driveway is directly across the street from residential property as well. An additional concern is the use of a loudspeaker system that is commonly used in discount wholesale hardware centers.

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact.

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f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact.

XII <u>POPULATION AND HOUSING</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less-Than-Significant Impact.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact.

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact.

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XIII <u>PUBLIC SERVICES</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FULL CEQA REVIEW NEEDED

[ANALYSIS BY SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN]

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Discussion

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

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a. Fire Protection?

Less-Than-Significant Impact.

b. Police Protection?

Potentially Significant Impact: The City of Los Angeles Police Department (LAPD) provides police services to the Sunland-Tujunga area, and the proposed Project would add a large discount wholesale home improvement retail and wholesale outlet to the LAPD's Foothill Division service area. Additional police personnel and equipment will be needed to provide adequate law enforcement service for the proposed discount wholesale hardware store.

Historically, the Home Depot has been unable to sufficiently address loitering, littering, crime and security, and environmental (hazardous spills) issues pertaining to the operation of their businesses, and its secondary aspects, particularly in and near by residential neighborhoods. This includes the provision of a so-called "asset protection manager" used to deal with unlawful solicitation, loitering and littering. The burden to maintain public law and order has fallen to local law enforcement officials to ensure public safety in and around these establishments.

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Many members of the community have expressed concerns for the Home Depot warehouse's potential to increase crime and cause security problems in the surrounding community. Further coordination and input from the LAPD is required to ensure the Department can adequately serve the proposed warehouse, provide adequate security in the Project vicinity, and maintain proper response times and service ratios. In addition, the Home Depot needs to develop and implement a comprehensive strategy to address crime, employment solicitation, loitering and the sanitary needs or littering issues associated with their business and its expected secondary or ancillary uses. No such strategy or plan has been put forward by the Project Applicants.

c. Schools?

Less Than Significant Impact.

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- d. Parks?
Less Than Significant Impact.
- e. Other Public Facilities?
Less Than Significant Impact.

↑
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XIV <u>RECREATION</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Less than Significant Impact.
- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?
No Impact.

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XV <u>TRANSPORTATION/TRAFFIC</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? As well as b), d), and g)?

Potential Significant Impact: The Project is proposed along the only regional through corridor in the Sunland-Tujunga area – Foothill Boulevard. This street services both local vehicular trips and regional through trips. There are no other viable transportation alternatives through the confined area except for the Foothill (I-210) Freeway. Traffic along this corridor has increased exponentially in the last several years, causing deteriorated levels of service not only along the roadway itself, but at intersections as well. The Home Depot's consultants indicate the Project's daily traffic generations is 2,976 trips (not a 283 net) and on Saturday the two-way volume is over 4,560 trips with peak hour volumes exceeding those of weekday trips (per Institute of Transportation (ITE) trip generation rates for weekends). However, in an independently prepared EIR for a proposed 110,642 square foot store/garden center in Thousand Oaks, the study showed the average daily trips to be 4,646. A worst case scenario should be used here by the City of Los Angeles.

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According to the Applicant's traffic study, the Project will either have no impacts or less-than-significant impacts on traffic. This conclusion is not supported by "facts on the ground" and is based on underlying assumptions that are either false or not applicable to the Project. This includes taking credit for vehicle trips generated by the former K-Mart use of the Project site, utilizing an incorrect ITE Trip Generation rate for the former Kmart use (K-Mart is not a Regional Super Store like a Walmart under ITE's Land Use Code 815), using an unrealistically high "pass by" trip rate and failing to account for traffic impacts on local neighborhood streets. These and other traffic-related issues are discussed and analyzed in a Memorandum prepared by Murthy Transportation Consultants, Inc. [See: Report of Murthy Transportation Consultants Inc., Traffic Engineers, attached as *Exhibit C*]. The general conclusions of that report are summarized below:

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- Trip credits from Kmart should not have been included in the OTC study.
- The trip generation data provided in Table 1, page 8 for Discount Store (Kmart) is erroneous.
- The use of pass-by trips (30%) by LADOT's Guideline and use of trip generation rates by ITE (Land Use code 815) is not acceptable as they are not one and the same (mix-and-

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- match). The ITE Trip Generation Handbook has pass-by trips for Land Use 815, which is close to 17%. 130
- The OTC report omits analysis of the Project's impacts on the intersections of Sunland Avenue and the interchange ramps with the 210 Freeway to the west of the Project. Several more intersections will be impacted by the Project than depicted in the study. 131
- While LADOT Traffic Guidelines does not require weekend traffic analysis, the Project's Saturday two-way volume is over 4,560 trips with peak hour volumes exceeding those of weekday trips (per Institute of Transportation (ITE) trip generation rates for weekends). 132
- No specific driveway ingress and egress Project traffic volumes are provided; therefore, it is impossible to evaluate the driveway operations. 133
- According to the Applicant's analysis, the incremental increase in the Volume to Capacity (V/C ratio) at the intersection of Foothill Boulevard and Tujunga Canyon Boulevard will exceed criteria set by the LADOT for AM and PM peak periods, yet no mitigation is proposed. 134
- Based on the known operations of other Home Depot large format warehouse/discount stores, the amount of truck traffic anticipated at the proposed Sunland warehouse is understated by the Project Applicant. 135

The traffic study also concludes that no analysis with respect to whether the Project would create a significant impact to Congestion Management Plan Program ("CMP") roadways was necessary because such an analysis is only required if the Project will add 150 or more trips in either direction during the AM or PM peak. The CMP roadway in the area is identified as the Foothill Freeway (or the 210). According to the Home Depot traffic study, the Project will only add 8 peak hour trips in each direction on the Foothill Freeway. The basis for this conclusion inappropriately assumes only 283 additional trips from the Project (Home Depot's less the non-existent K-Mart's), and not the 2,976 national figure or the actual greater new daily trips associated with a Los Angeles area Home Depot. 136

Discussion

XVI UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Potentially Significant Impact: The proposed Project would establish a discount wholesale hardware store on the Project site. This use is expected to generate atypical wastewater such as industrial, automotive, and/or agricultural/pesticide effluent. These contaminated waste products would then be discharged from the Project site as domestic sewage. Although wastewater treatment facilities are designed to treat domestic sewage, they are not designed to handle industrial wastes and agricultural/pesticide effluent. Thus, typical sewage discharge from the Project site is likely to exceed wastewater treatment requirements. Since the Project would generate atypical wastewater, the Project would exceed wastewater treatment requirements, and thus requires analysis and mitigation in an environmental impact report.

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- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact: The proposed discount wholesale-hardware store would increase the demand for water and wastewater service. However, the

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increase to water/wastewater service demand that would result from the proposed Project is minimal in comparison to the existing service areas of the water and wastewater service purveyors. The facilities currently maintained by the service purveyors are adequate to serve the proposed increase in demand.

Although the proposed Project would not require or result in the construction or expansion of new water or wastewater treatment facilities off-site the Project may require, as discussed above, wastewater treatment facilities to be constructed on-site to treat atypical wastewater discharges. The construction of said facilities could then cause significant environmental effects. These effects are required to be analyzed in the context of an environmental impact report.

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- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Potentially Significant Impact: The existence of impermeable surfaces, including roadways, parking lots, and structures would potentially increase the volume and velocity of stormwater runoff from the site. The Applicant has provided no calculations or evidence indicating whether or not the existing drainage system that serves the Project site is adequate such that post-development peak runoff discharge rates are equal to or less than pre-development peak runoff rates. Although the site is relatively flat, the site does have unique drainage concerns, including an open drainage channel (Haines Canyon Flood Control Channel) that borders the site on the south. Residents have observed runoff flowing to the south, towards the Flood Control Channel, and excessive puddling/flooding in the northwestern corner of the parking lot. Non-standard engineering practices may be required to meet drainage requirements. The Applicant must submit evidence that the off-site drainage system in place has adequate capacity to serve the proposed Project. This topic needs to be discussed in the Project's EIR.

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- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less-Than-Significant Impact.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

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No Impact.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact.

- g. Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact.

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XVII <u>MANDATORY FINDINGS OF SIGNIFICANCE</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>Does the project:</i>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Potentially Significant Impact: The Project has the potential to create impacts that are both individually and cumulatively considerable. The key individually significant impacts are in the areas of land use, noise, air quality, and traffic/circulation. An additional area of impact is the potential for urban decay to result from implementation of the Project. This would be in the form of detrimental physical impacts to the community caused by the abandonment of existing business that would be at a competitive disadvantage with the location of a discount wholesale hardware store in the community.

FULL CEQA REVIEW NEEDED

[ANALYSIS BY SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN]

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- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact: Environmental effects that are potentially substantial and adverse and which have direct adverse effects on human beings include increased air pollution (primarily from NOx emissions), fumes, odors, and noise resulting from the Project. Indirect impacts include economic impacts resulting in physical impacts (decay), noted above, and reduction in mobility for residents in and around the Project area.

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CONCLUSION

All of the aforementioned impacts are required to be addressed in an EIR. The EIR serves as a "full disclosure" document that will help City decision-makers make informed decisions on the Project as it undergoes the discretionary review process. The EIR process also opens an important discussion on Project alternatives, including identification of the environmentally superior alternative, which in this case, may vary greatly from the proposed Project.

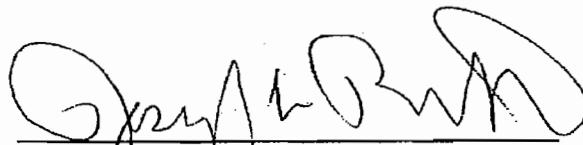
A comprehensive EIR review of the proposed Home Depot Project will provide the City of Los Angeles with the tools to better understand that which is being proposed and to confidently implement its adopted Specific Plan and zoning ordinances, as well as the policies in the General Plan Framework, including the Sunland-Tujunga Community Plan. That full public CEQA review will also avoid the appearance of any impropriety that the City of Los Angeles has a different set of rules for large national companies, allowing such to circumvent established planning goals, mitigation responsibilities, City ordinances and a normal and logical permitting processing step.

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In addition, this CEQA process will allow the local Sunland-Tujunga community, which is now involved in the updating of its Community Plan (a portion of the General Plan's Land Use Element), to participate in this planning process and to identify the most appropriate use for this large, centrally located and key site in light of those goals and objectives of the Community Plan and Foothill Boulevard Corridor Specific Plan.

SUBMITTED ON BEHALF OF THE SUNLAND-TUJUNGA ALLIANCE, INC. - NO HOME DEPOT CAMPAIGN


 BY: **ABBY P. DIAMOND, SECRETARY**


 BY: **JOSEPH W. BARRETT, PRESIDENT**

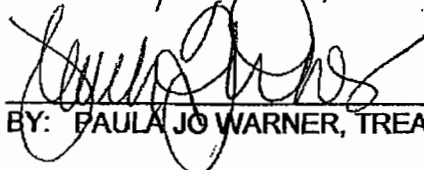

 BY: **PAULA JO WARNER, TREASURER**

Exhibit A

Los Angeles Unified School District

Office of Environmental Health and Safety

DAVID L. BREWER III
Superintendent of Schools

DAN M. ISAACS
Chief Operating Officer

ANGELO I. BELLOMO
Director

February 7, 2007

Mr. Gary Booher
Associate Zoning Administrator
Los Angeles City Office of Zoning Administration
200 North Spring Street - 7th Floor
Los Angeles, CA 90012
garv.booher@lacity.org

Post-it® Fax Note		7671	Date	2/9/07	# of pages	1
To	Mrs. Doreen		From	J. Korenstein		
Co. Dept.	3		Co.	LAUSD		
Phone	(818) 389-7844		Phone	(213) 241-6388		
Fax	(818) 353-8053		Fax			

SUBJECT: Proposed Home Depot Site
8040 West Foothill Boulevard
Sunland, CA

The Los Angeles Unified School District (LAUSD) would like to express our concerns with the proposed Home Depot development at 8040 West Foothill Boulevard in Sunland, California. It has come to our attention that Home Depot is in the process of redeveloping a former K-Mart facility and has been exempted from preparing an Environmental Impact Report (EIR) based on not fully demolishing structures at the site. The City has determined that the project is a redevelopment and not new construction, and therefore, it does not qualify as a Project under the Foothill Boulevard Corridor Specific Plan. Hence, no EIR was required. The Office of Environmental Health & Safety has not received notifications related to the site's development activities and therefore has not had an opportunity to comment on the project's impacts on our schools.

The site is located about 450 feet north of Apperson Elementary School and school pedestrian routes along Woodward Avenue pass adjacent to the east side of the development. Since the project may have a significant impact on the environmental integrity of our school facility, we believe that all of the potential environmental impacts related to the project need to be fully evaluated to ensure the health and safety of our students and staff.

Thank you for your attention to this matter. If you need additional information, please call me at (213) 241-3199.



Glenn Striegler - PG
Environmental Assessment Coordinator

c: Julie Korenstein - Member of LAUSD Board of Education-
Angelo Bellomo - Director LAUSD OEHS
Pat Schanen - Deputy Director LAUSD OEHS
Jay Golida - LAUSD Associate Counsel

EXHIBIT "D"

Exhibit B

July 30, 2008

Memo**To: The City of Los Angeles, Planning Department****From: Philip King, Ph.D.****Re: Proposed Home Depot Project in Sunland at 8040 Foothill Boulevard and 10355 Woodward Avenue, Sunland; Significant Environmental Impact**

I understand Home Depot is seeking to have a Categorical Exemption applied to its proposed project at 8040 Foothill Boulevard and 10355 Woodward Avenue, Sunland (in the City of Los Angeles), which, if granted, avoids the preparation of any form of a CEQA environmental document for public review on potential physical changes to the environment. I have been asked, based on my experience, research and expertise, to comment on the potential likely physical changes to the local environment resulting from that proposed new Home Depot. I have read the report on the project prepared by Home Depot's consultant, CBRE, dated June 2008. I also conducted a site visit in July 2008, collected relevant data, and spoke to a number of local residents and real estate professionals. I have studied, and am familiar with the potential for urban decay caused by big-box stores such as Home Depot.

The proposed store, like other Home Depot stores is a combination of a hardware store, a building materials and lumber yard, a nursery, an appliance dealer, a tile and flooring design center, paint store, and a barbeque/patio and furniture store. Home Depot also competes with contractors and wholesale suppliers. Based on the limited review (allowed under the City's present time constraints) of the above evidence, I believe that the project has a serious and substantial potential for a significant environmental impact in the form of urban decay, which needs to be studied more carefully in an environmental impact report. In particular, I have the following concerns:

1. The CBRE report claims that the Home Depot store would "achieve sales in the range of \$46.1 to \$56 million in 2009" (CBRE, report, p. 2) and increase over time. In this more remote and confined valley with little residential growth potential, these sales will displace sales at existing local hardware stores and related home improvement businesses, placing these stores at risk of closure, which could lead to urban decay elsewhere in the City of Los Angeles or nearby cities. The report essentially admits as much:

"There would undoubtedly be a transfer of some sales from several of the existing retailers. . . (CBRE report, p. 3)

According to Hoover's financial,¹ a typical smaller hardware store has \$150 in sales per square foot. Thus the potential displacement of small hardware stores is over 370,000 square feet, which represents a large number of smaller stores in the

¹ See http://www.hoovers.com/home-centers-and-hardware-stores/--ID__336--/free-ind-fr-profile-basic.xhtml.

area. I am not forecasting that such a displacement will occur, but I do believe that the store closings resulting from this proposed project will be significant and could easily exceed the total square footage of the project itself. In other words, filling this vacancy could have the ironic and unusual impact of creating more closed space elsewhere in the surrounding trade area. While it may seem strange that a 99,857 square foot store could close more than 100,000 square feet in other stores, this is due to the fact that Home Depots have much higher sales per square feet. Indeed, CBRE has claimed that the Sunland store will have sales much higher than the national average and over three times the national average for smaller hardware stores. My own analysis indicates that a large number of stores in the area would be adversely impacted by the opening of the Home Depot and some of these stores would close.

The CBRE report claims that the Do It Center is doing well and would not be threatened by the opening of the Home Depot. Although the store does appear to be healthy at present, the opening of the Home Depot would likely lead to a 25-30% drop in sales at the store, and create the potential for store closure.

Table 1 below lists some of the other stores in the area that are at risk of closure. All of these stores would compete directly with Home Depot.

Table 1: Some of Stores at Risk of Closure near the Proposed Home Depot²

Address	Store
6935 Foothill Blvd.	Bonner's Equipment Rental
7252 Foothill Blvd.	JM Floors
7341 Foothill Blvd.	Alpine Roofing
7371 Foothill Blvd.	Twin Cities Glass & Mirrors
7445 Foothill Blvd.	Royal Plumbing
7451 Foothill Blvd.	Champion Building Materials
7951 Foothill Blvd.	Elegant Windows & Doors
8055 Foothill Blvd.	Foothill Floors
8443 Foothill Blvd.	Leonard's Carpet & Flooring
7578 Foothill Blvd.	Best Kitchen Designs
7840 Foothill Blvd.	DaVinci Windows & Doors
8256 Foothill Blvd.	Sunland True Value Hardware
8450 Foothill Blvd.	Glendale Tile
9926 Commerce Ave.	Merithew's True Value Hardware
7415 La Tuna Canyon Rd.	Southland Nursery

² I have been supplied with a list of 98 other local businesses in that area in the home improvement trade that may be severely impacted and at risk of closure, which I am now evaluating.

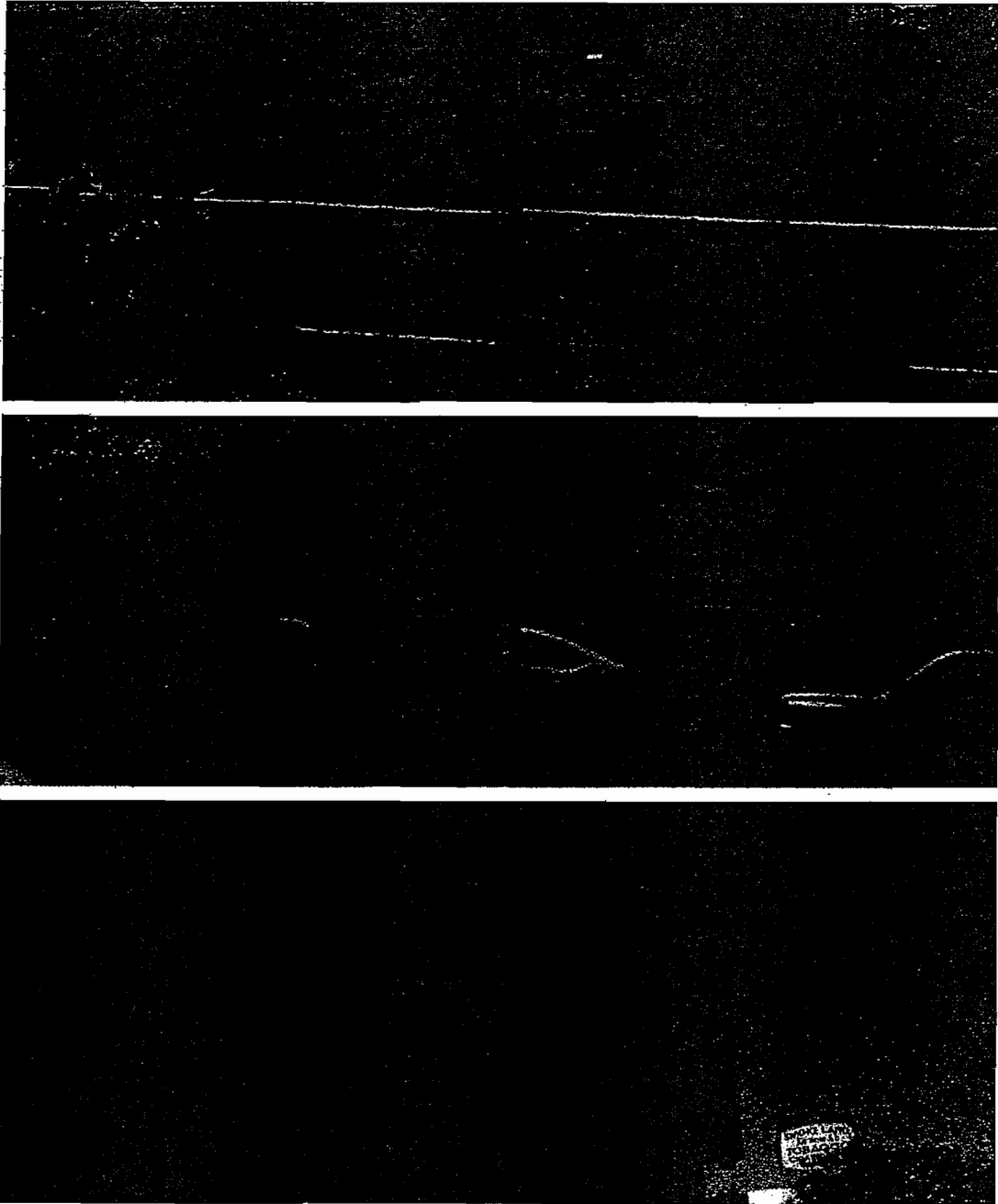
2. The CBRE report claims that 80% of the store's sales would come from outside the City of Los Angeles. While I believe that this estimate is too high, it is also an indication that there is the potential for urban decay in neighboring cities, in particular Burbank and Glendale.³ Environmental impacts do not simply stop at the city line, so where urban decay is a potential issue even in a neighboring city, it should be addressed in a CEQA document. In particular, the following stores listed in Table 2, could be in jeopardy should the Home Depot Open.

Table 2: Stores at Risk of Closure in cities near the Proposed Home Depot

<u>Store</u>	<u>City</u>
Reno Hardware	Burbank
Luky's Hardware	Burbank
Estrada Hardware	Burbank
Burbank Paint Company	Burbank
JR Builders	Montrose
JR Hardware	Montrose

3. Urban decay is a serious issue in Sunland, particularly at the western end of the Foothill Blvd. corridor. A number of stores are closed and many are deteriorating. The proposed project will convert a closed K-Mart store to a Home Depot, and thus preempt any possibility of creating alternative retail or a community center. A proper environmental analysis (i.e., an EIR) would evaluate the comparative environmental impacts of various projects. It is clear from CBRE's analysis, as well as my own analysis, that the area is already well served with hardware and home improvement stores. On the other hand, the area lacks an adequate supply of general merchandise, apparel and other types of retail stores. Providing this type of retail would create more opportunities to stem the movement towards urban decay in the area immediately surrounding the proposed project. A "Community Center", as envisioned in the General Plan with a mix of retailers, restaurants, amenities and service providers would be an even more desirable project, with substantial benefits to the community and with the potential to significantly reduce current urban decay. An EIR should address these as potential alternatives for reducing urban decay.

³ Pasadena may also lose sales, but the potential for urban decay in Pasadena is minimal.



Figures 1, 2 & 3 : Many storefronts along Foothill Blvd. are closed and boarded up.

Summary
**SUBSTANTIAL POTENTIAL FOR A SIGNIFICANT ENVIRONMENTAL
IMPACT IN THE FORM OF URBAN DECAY**

The area around the Home Depot site is already subject to urban decay⁴ and the proposed project would, even according to Home Depot's consultants, close a number of smaller hardware and other related stores in the area. These closures would significantly exacerbate the existing urban decay situation in the area, particularly in the present economic climate. Project Alternatives, like converting the former K-Mart to another retail use such as general merchandise, would diminish rather than exacerbate urban decay. For example, the site would benefit from a direct replacement to the closed K-Mart store with such as a Target store.

The CBRE report also claims that 80% of the proposed Home Depot's sales will be from outside the City of Los Angeles. My own preliminary analysis indicates that many of these shoppers currently shop in Burbank, Glendale and Pasadena, yet CBRE's analysis has not analyzed sales at smaller hardware stores in these areas, which could close if the proposed project is built. The potential for exacerbating existing urban decay in these nearby cities should also be examined if 80% of sales will come from these areas.

⁴ Urban decay in urban areas can include several possible adverse impacts on the quality of life in the local community. This includes visible symptoms of physical deterioration, capital stock and buildings in impaired condition, and involves aspects of "broken window" theory—that run-down, abandoned buildings signal lack of public policy concern and invite vandalism, loitering, graffiti, high crime rates, and arson for profit. They signal hopelessness for nearby residents who may lose faith in local government. Such sites also pose significant policing problems and fire protection issues. They could become sites for dangerous rodent infestation and avoidable public health issues. The outward manifestations and visual evidence of urban environmental urban decay and physical deterioration include, but are not limited to, such markers as:

- Plywood boarded doors and windows;
- Parked trucks and long term unauthorized use of property and parking lot;
- Extensive gang graffiti and offensive words painted on the buildings;
- Dumping of refuse on site;
- Overturned dumpsters;
- Broken parking barriers;
- Broken glass, litter of liquor or beer bottles;
- Dead trees and shrubbery together with weeds;
- Unsightly and permanent "For Lease" signs;
- Homeless encampments on the property or doorways; and
- Lack of building maintenance, paint peeling, or property encased in an unsightly chain-link fence.
- Closed Stores.

Exhibit C

Combined Winter Emissions Reports (Pounds/Day)

File Name:

Project Name: Home Depot

Project Location: Los Angeles County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report

AREA SOURCE EMISSION ESTIMATES

TOTALS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
	0.64	0.95	0.79	0.00	0.00	0.00	1,134.48

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

TOTALS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
	39.46	62.77	435.92	0.39	77.77	15.14	41,774.14

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

TOTALS (lbs/day, unmitigated)	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
	40.10	63.72	436.71	0.39	77.77	15.14	42,908.62

Area Source Unmitigated Data (Report)

AREA SOURCE EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

Natural Gas	<u>Source</u>	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
		0.07	0.95	0.79	0.00	0.00	0.00	1,134.48

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.6	1.1	98.7	0.2
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.8	0.4	99.6	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.5	0.0	86.7	13.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	69.6	30.4	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			

% of Trips - Commercial (by land use)

Hardware/paint store

2.0 1.0 97.0

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Urbemis 2007 Version 9.2.4
Combined Winter Emissions Reports (Pounds/Day)

File Name:
Project Name: Home Depot
Project Location: Los Angeles County
On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006
Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

AREA SOURCE EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	0.66	0.97	0.82	0.00	0.00	0.00	1,166.96

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	40.59	64.56	448.40	0.40	79.99	15.57	42,970.13

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
TOTALS (lbs/day, unmitigated)	41.25	65.53	449.22	0.40	79.99	15.57	44,137.09

Area Source Unmitigated Detail Report:

AREA SOURCE EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

Source	<u>ROG</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>PM10</u>	<u>PM2.5</u>	<u>CO2</u>
Natural Gas	0.07	0.97	0.82	0.00	0.00	0.00	1,166.96

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Hearth	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Landscaping - No Winter Emissions									
Consumer Products	0.00								
Architectural Coatings	0.59								
TOTALS (lbs/day, unmitigated)	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Area Source Changes to Defaults

Operational Unmitigated Detail Report:
OPERATIONAL EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

Source	ROG	NOX	CO	SO2	PM10	PM25	CO2
Hardware/paint store	40.59	64.56	448.40	0.40	79.99	15.57	42,970.13
TOTALS (lbs/day, unmitigated)	40.59	64.56	448.40	0.40	79.99	15.57	42,970.13

Operational Settings:

- Does not include correction for passby trips
- Does not include double counting adjustment for internal trips
- Analysis Year: 2010 Temperature (F): 60 Season: Winter
- Emfac: Version : Emfac2007 V2.3 Nov 1 2005

Summary of Land Uses

Land Use Type	Acreage	Trip Rate	Unit Type	No. Units	Total Trips	Total VMT
Hardware/paint store	51.29	1000 sq ft	100.60	5,159.77	46,298.65	46,298.65
				5,159.77	46,298.65	46,298.65

Vehicle Fleet Mix

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	53.6	1.1	98.7	0.2
Light Truck < 3750 lbs	6.8	2.9	94.2	2.9
Light Truck 3751-5750 lbs	22.8	0.4	99.6	0.0
Med Truck 5751-8500 lbs	10.0	1.0	99.0	0.0
Lite-Heavy Truck 8501-10,000 lbs	1.5	0.0	86.7	13.3
Lite-Heavy Truck 10,001-14,000 lbs	0.5	0.0	60.0	40.0
Med-Heavy Truck 14,001-33,000 lbs	0.9	0.0	22.2	77.8
Heavy-Heavy Truck 33,001-60,000 lbs	0.5	0.0	0.0	100.0
Other Bus	0.1	0.0	0.0	100.0
Urban Bus	0.1	0.0	0.0	100.0
Motorcycle	2.3	69.6	30.4	0.0
School Bus	0.1	0.0	0.0	100.0
Motor Home	0.8	0.0	87.5	12.5

Travel Conditions

	Residential				Commercial	
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	12.7	7.0	9.5	13.3	7.4	8.9
Rural Trip Length (miles)	17.6	12.1	14.9	15.4	9.6	12.6
Trip speeds (mph)	30.0	30.0	30.0	30.0	30.0	30.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)				2.0	1.0	97.0
Hardware/paint store						

Exhibit D



Memorandum

Date: July 30, 2008

To: City of Los Angeles, via Mr. Mark Sellers

From: Dr. N. Murthy, T.E.

Project: Proposed Sunland Home Depot, Foothill Boulevard, Sunland, California

Subject: Review of Traffic Impact Study conducted by Overland Traffic Consultants Inc. prepared for CEQA Preliminary Review by Christopher A Joseph & Associates (June 19, 2008).

This memo summarizes the review and analysis performed by Murthy Transportation Consultants, Inc. (MTC) of traffic study that was prepared for the Home Depot Company by its consultant Overland Traffic Consultants Inc. (OTC) for the proposed Home Depot Store located at 8040 on Foothill Boulevard and 10355 Woodward Avenue, in the City of Los Angeles. The review is based upon the June 2008 OTC traffic study in Appendix A of a document described as a CEQA Preliminary Review created by the Applicant for a development permit, DIR 2008 1630 (SPP) and on our cursory site inspection and tour of the neighborhood streets. We note that the Sunland area is essentially a valley constrained by the mountains and at a rather remote isolated area of the City of Los Angeles. As a result, there are only a few options on the route a motorist can travel in that area due to those constraints.

MTC is a transportation planning and traffic engineering Consultation Company located in Fullerton, California, which has extensive experience in preparing and reviewing traffic impact studies for various land uses across California. The OTC study was reviewed by Dr. Narasimha Murthy, T.E. MTC's company profile and Dr. Murthy's resume is attached.

The OTC study has been prepared per the Los Angeles Department of Transportation (LADOT) current Traffic Study Guidelines and Policies. However, we focused on the reasonableness of the study assumptions, presented data, methodologies and findings presented in the study. We have identified a number of areas of significant concern that are important from the transportation point of view for the City of Los Angeles and the Sunland community. The proper study and resolution of the issues raised in this

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memorandum will help the Sunland community prevent deterioration of traffic conditions leading to congestion (mobility), unnecessary air quality impacts and greenhouse gas emissions, reduced safety and real estate values.

The traffic study review has been divided into two parts based on what is provided in the study report:

Part I: Review of the traffic study with Kmart Credit (Appendix D of the CEQA Preliminary Review)

Part II: Review of the traffic study without Kmart Credit (Appendix E of the traffic study report)

The following presents a detailed discussion of our review and each area of concerns identified.

Part I - Review of Traffic Study with Kmart Credit

1. **Existing Land Use:** The Applicant's CEQA Preliminary Review Document page II-10 under "Project Characteristics" states that the Kmart operated until 2004. It also states that a "discount book store," which occupied a small portion of the building (approximately 10,000 Square Feet) operated on the premises until May 2006. Since that time, and to the present, the entire building and 11 acre site have been in a vacant and unused condition. Obviously, in a vacant and unused condition, the site has not for over 2 years, and does not now, generate any traffic. My understanding of the CEQA Guidelines is that for an impact analysis, a city considers the baseline environmental setting to be the physical environmental or traffic conditions in the vicinity of the project as they exist "at the time environmental analysis is commenced." Also, the LADOT Traffic Study Policies and Procedures Guidelines require a claim of an "existing" active land use (which is applied to calculate "net" new trips) be an "existing" use that was in place at the time of the existing base year traffic counts. It states that, for CEQA purposes this means the "existing" use must have been in place for at least six (6) months within the *past two (2) years*. There are certain exemptions mentioned, which are listed in **Exhibit A**, but they do not apply to this specific project.

M-1

The study presented in Appendix "A" does not meet any of the criteria listed by LADOT to take any trip credits due to the fact that the Kmart ceased operations in 2004; the smaller book store ceased operations in May 2006; however the traffic counts for the base year were taken in February 2008. Therefore, the traffic study report presented, which shows trip credits for a non-existing Kmart, is not valid and it should not have been included in the OTC report, which report needs to be entirely revised.

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2. **Trip Generation:** Under Chapter 4 "Project Traffic" the Institute of Transportation Engineers (ITE) trip generation code number 815 (Free Standing Discount Store) used for Kmart in Table 1 (page 8) has trip rates that are different than those given by ITE. The average rates provided for daily, peak hours is much higher than what is provided in Table 1. Table A provides the report data and actual ITE data for comparison purposes. **Exhibit B** provides the actual values provided by ITE.

**Table A: ITE Trip Generation Rates
(Per 1,000 S.F.)**

Land Use	ITE Code	Daily	Total	In	Out	Total	In	Out
Discount Store*	815	25.53	0.51	0.35	0.16	2.48	1.24	1.24
Discount Store**	815	56.02	0.84	0.57	0.27	5.06	2.53	2.53

* Source: CEQA Preliminary Review, Appendix A Traffic Study, Chapter 4, page 8

** Source: ITE Trip Generation Handbook, 7th Edition (Exhibit B)

M-2

3. **Pass-by Trips:** Pass-by trips are closely related to the size of the development and the volume of traffic on the adjacent street. Pass-by trips are drawn from the passing traffic stream, but are always included in site driveway movements. In the traffic analyses summation of driveway volumes it must equal the total external site generation.

In the OTC study, 30% is the value used for pass-by trip for the Kmart, which is very large when compared to only major street with commercial uses in the valley, Foothill Boulevard, that carries any large volume of traffic in the vicinity of the project. The ITE pass-by trip for the land use code 815 is close to 17%. **Exhibit C** provides the pass-by trip values provided by ITE for Discount Store land use – code 815.

M-3

Using ITE Trip Generation Rates for calculating trip rates and then using LADOT's pass-by trips (which is higher than ITE pass-by trips) to indicate pass-by trips is a "cherry-picking" of standards and that selective mix-and-match is being done in developing project generated trips, which is not acceptable irrespective of LADOT's Guidelines.

Summary:

1. Trip credits from Kmart should not have been included in the OTC study.
2. The trip generation data provided in Table 1, page 8 for Discount Store (Kmart) is erroneous.

M-4

M-5

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3. The use of pass-by trips (30%) by LADOT's Guideline and use of trip generation rate by ITE (Land Use code 815) is not acceptable as they are not one and the same (mix-and-match).
4. ITE Trip Generation Handbook has pass-by trips for Land Use Code 815, which is close to 17%.

M-6

M-7

Conclusions:

The inclusion of Kmart or taking trip credit for Kmart does not follow LADOT's Guidelines for traffic study. Also it does not meet CEQA Guidelines with respect to existing land use. Therefore, Appendix A traffic study with Kmart trip credits is invalid and due to the errors I have listed above renders that report inadequate.

M-8

Referring to Kmart, a non-existent land use, throughout the study misleads and confuses the reader, and to use the Kmart traffic volumes in Figures 7 and 8 is not valid.

The following comments relate to the traffic section that does NOT consider Kmart trip credits (Appendix E of the OTC Traffic Study Report).

Part II - Review of traffic study with Kmart Credit

The following comments relate to the traffic study part that does NOT consider Kmart trip credits. According to the CEQA Preliminary Review document, it is Appendix E of the OTC Traffic Study Report.

1. **Existing Conditions:** In Chapter 1 of the traffic study it is stated that the six study intersections listed below were selected for potential impacts.

- Foothill Boulevard and Sunland Boulevard
- Foothill Boulevard and Oro Vista Avenue
- Foothill Boulevard and Woodward Avenue
- Foothill Boulevard and Mount Gleason Avenue
- Foothill Boulevard and Commerce Avenue
- Foothill Boulevard and Tujunga Canyon Boulevard

M-9

Residential uses and streets adjoining the property such as Apperson Street, McVine Avenue, Wyangate Street and Yates Street have been omitted from analysis. No residential street impact analysis is provided in the study. An elementary school is

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located just 0.18 miles from the driveway on Woodward Avenue, which requires special impact considerations.

M-9

Apperson Street is located to the south of the project at a distance of 0.25 miles (approximately 1,400 feet) and it provides a direct route to the project site. The intersection of Foothill Boulevard and Apperson Street provides a direct route that is less congested and more direct than coming west on Foothill Boulevard.

M-10

Similarly McVine Avenue is the closest intersection similar to Woodward Avenue; yet it has not been included in the study. Considering the project generated traffic, the OTC report should at least study the impacts on Apperson Street, Woodward Avenue and McVine Avenue. The current report includes intersections that are over 2.5 miles (Foothill Boulevard and Tujunga Canyon Boulevard) away from the project site, yet ignores those intersections that will be impacted within the immediate vicinity of the project, such as Woodward Avenue and Apperson Street and McVine Avenue and Foothill Boulevard

M-11

Under "Description of the Project Site" (page II-I) of the CEQA Preliminary Review document, it states that all "Right Turns" exiting from the driveway located on Woodward Avenue going south will be prohibited. This is unenforceable and improperly avoids analysis of Apperson Street and Woodward Avenue. Project impacts from traffic traveling north and south on Woodward Avenue to enter the project is not analyzed in the OTC study.

M-12

Considering the size of the project and the trip generation numbers provided in the OTC report, the omission of intersections of Sunland Avenue and interchange ramps with 210 Freeway to the west of the project is not acceptable considering the proximity to the project site (less than 1.25 miles). Several more critical intersections will be impacted by the project than depicted in the study.

M-13

2A. Trip Generation – LADOT Traffic Guidelines does not require weekend traffic analysis. But a careful review of the trip generation by the project per Institute of Transportation (ITE) trip generation rate for weekends, the project's Saturday two-way volume is over 4,560 trips with peak hour volumes exceeding those of weekday trips. The weekend trip generation by the project is provided in Exhibit D. During weekdays the project generates two-way volume equal to 2,976. The substantial increment in weekend traffic will have an impact especially on surrounding residential units. It is important to note that, under the proposed land use, Home Depot could open as early as 5:30 a.m. for business each day.

M-14

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It is important to distinguish the characteristics of the type of goods sold by Kmart and Home Depot; all construction related traffic will arrive early to pick-up their products to commence work at their project sites; it is not the same with Kmart products.

M-15

2B. Driveway Volumes – It is important for any traffic study to provide driveway volumes. Without providing any specific driveway ingress and egress project traffic volumes, it is impossible to evaluate the driveway operations; there are three driveways for the project site, two on Foothill Boulevard and one on Woodward Avenue. **Exhibit E** provides the site plan (not to scale) and driveway locations.

M-16

3. Trip Distribution of Project Traffic – In Figure 4 (page 12) It is assumed that 100% of the project traffic will use Foothill Boulevard to reach the project through the two driveways on Foothill Boulevard, which is not true considering the surrounding land uses and existing street network, particularly Woodward Avenue south of Foothill Boulevard.

M-17

In Figure 5 (page 13) "Project Traffic Assignment Percentages" should be labeled "Project Traffic Distribution Percentages." As indicated earlier under "existing conditions" the assumption that *no project traffic will use Woodward Avenue* (no westbound left turn percentages shown in Figure 5) to the north and south of the driveway located on Woodward Avenue or the project traffic will not use Apperson Street is highly suspect considering the type of land use (mostly residential) surrounding the project site. The impact of project traffic on the neighborhood is much more than what is shown and the OTC study does not adequately analyze the project impacts on the adjacent neighborhoods.

M-18

As stated under item 2B, no specific driveway ingress and egress distributions are shown; there are three driveways for the project site. The OTC study should disclose how this driveway traffic is distributed with appropriate volumes.

M-19

4. Trip Distribution of Related Project Traffic – It is understood that LADOT provided the related projects data listed in Tables 5 and 6; the trip distribution for these projects are not available for verification purposes nor to verify what assumptions were made in distributing the related project trips. The trip distribution diagrams from other reports provided by LADOT or other sources should be part of this report as an appendix; also if new or assumed trip distribution were made for related projects, they should also be part of this report.

M-20

5. Pass-by Trips - Pass-by trips are closely related to the size of the development and the volume of traffic on the adjacent street. Pass-by trips are drawn from the passing traffic stream, but are always included in site driveway movements. In the

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traffic analyses summation of driveway volumes it must equal the total external site generation.

In the study 20% is the value used for pass-by trip, which is very large when compared to only one major street Foothill Boulevard that carries any large volume of traffic in the vicinity of the project. Usually the pass-by trips should be a reasonable value used for analysis based on surrounding street network and existing traffic volume.

M-21

6. Level of Service Analysis - On page 26, Table 7 of the traffic impact study report, the LOS is provided for "Future Traffic Conditions without Project." At the intersection of Foothill Boulevard and Tujunga Canyon Road the LOS during both a.m. and p.m. peak period the increment in Volume to Capacity (V/C ratio) exceeds the criteria set by LADOT. What is the mitigation for this intersection?

M-22

On page 27, Table 8 "Future Traffic Conditions with Project," for the same intersection of Foothill Blvd. and Tujunga Cyn. Road, the LOS is calculated with the project. Is it not required to mitigate the intersection that is affected, before proceeding to add more traffic to the intersection? It is imperative that LADOT look into such situations where mitigations may be recommended, before proceeding further to conduct the study.

M-23

7. Project Site Access for Truck Traffic – We reviewed the current site plan focusing on the driveways developed for this project along Foothill Boulevard and Woodward Avenue for trucks to enter and exit the project site. It is obvious that the trucks will hinder traffic flow not only on the approach roadways but inside the project site as well due to conflict among various modes using the project site, particularly with cars and pedestrians. When large trucks over 60 feet in length try to negotiate the designated driveway to enter the project, the current radii is not sufficient at the driveways and it will require several maneuvers to enter or exit the property, including passing safely through the project site. This could happen especially with semi-trailers such as WB-40, WB-50, WB-62, WB-65 and WB-67. There is not adequate aisle space to allow delivery trucks to make the turn in order to access the loading dock area. Also, there is no separation of customer vehicle and delivery truck traffic, causing a dangerous interface among all modes (pedestrians, cars, delivery trucks large trucks, bicycle and special vehicles) using the project site.

M-24

It is important to consider the location of the driveways and the turning radius provided for safe maneuvering of large delivery trucks in and out of the project site. A review of the site plan provided indicates that there could be some hindrance to traffic flowing on Foothill Boulevard and Woodward Avenue due to truck traffic entering and leaving the project site. Parking is allowed along Woodward Avenue on both sides of the street, with only some red curb markings near the driveways.

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With the proposed configuration of driveway design provided by the project, trucks cannot turn left to exit the site at Woodward Avenue without blocking the incoming driveway traffic or hitting the opposite (east) curb on Woodward Avenue. It should also be noted that parking is allowed on both sides of the street on Woodward Avenue. Also the assumption that project generated traffic will not be using Apperson Street is not a valid assumption considering the existing roadway network and potential direct access roads to the project site.

M-25

If the trucks make a westbound left turn at the intersection of Foothill Boulevard and Apperson Street; traveling west on Apperson Street and then making a right at Woodward Avenue is much more convenient for project bound traffic than using heavily congested Foothill Boulevard to enter the project site. This should have been analyzed in the study; this is primarily omitted due to erroneous assumption that project traffic will not use Woodward Avenue, leading to erroneous trip distribution pattern shown in OTC study.

M-26

Considering the cumulative impact of having a store the size of the proposed project with the large number of truck traffic it generates, the study has not adequately analyzed the impacts truck traffic impact on local traffic, including the safety elements of increased truck traffic both on Foothill Boulevard, Apperson Street and Woodward Avenue.

M-27

8. Truck Traffic Generation - There is no documentation provided as to the estimate of the truck trips generated by the project. Home Depot has several stores across California and could provide reasonably accurate truck trips based on size and location. The truck data provided on page 9, Chapter 4 does not provide any conclusive information about truck traffic; also the report does not provide any comparative data to substantiate the data used in the report

M-28

In Table 2, page 10 of the OTC traffic study report only nine (9) semi-trailer trucks and three (3) semi-trailer trucks will visit the project site on a daily and peak hour basis, respectively. No distinction is made between the semi-trailers. Immediately in the next paragraph the study states that, approximately 12-18 trucks and 20-30 smaller delivery and service vehicles (for a total of 32-48 delivery vehicles) are expected to visit the project on a weekly basis. One of the major elements of this project is the expected number of trucks coming (ingress) and leaving (egress) the project site, particularly considering idling and noise impact to the nearby residents, particularly on Apperson Street and School at the intersection of Apperson Street and Woodward Avenue.

M-29

An independent truck generation data collection at Home Depot on Newbury, California is presented in Table B. That Home Depot site is accessed through the intersection of Teller Road and Marion Road. Marion Road runs behind several businesses, including

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the Home Depot. A manual delivery vehicles traffic count to the Home Depot was conducted on May 22, 2007 (Tuesday) and May 23, 2007 (Wednesday). The summary of delivery truck data is shown in Table 3, which shows only Class 3 – 13 (omits passenger cars, bikes and motorcycles). The definition of the classes is provided at the bottom of Table B. This delivery truck traffic data consists of all trucks coming ONLY to Home Depot for delivery purposes. The total number of all types of delivery trucks during the two days of data collection is an average .42 trucks per day, which is double or triple the number of expected trucks (12-18 trucks) given on page 16 of the OTC report under section "Site Access."

Table B: Summary of Delivery Truck Traffic to Home Depot, Newbury Park

Day/Class of Trucks Entering **	Class 3 Total	Class 4 Total	Class 5 Total	Class 6 Total	Class 7 Total	Class 8 Total	Class 9 Total	Class 10 Total	Class 11 Total	Class 12 Total	Class 13 Total	Total per Day
Tuesday May22, 2007	3	0	13	8	5	0	4	8	0	0	0	41*
Wednesday May23, 2007	6	1	11	8	3	0	2	12	0	0	0	43*

* Same number of vehicles exited, the egress times are different from ingress time as expected.

- Class #3-Pick-Up Trucks, Vans, -2 axles
- Class #4-Buses
- Class #5-Single Unit – 2 axles, 6 tires
- Class #6-Singe Unit Truck – 3 axles
- Class #7-Single Unit Truck – 4 axles
- Class #8-Double Unit- < 5 axles
- Class #9: Double Unit – 5 axles
- Class #10-Double Unit - >5 axles
- Class # 11- Multi-Unit 6 axles
- Class # 12 Multi-Unit < 6 axles
- Class #13- Multi-Unit > 6 axles

The average length of stay ranges from 20-60 minutes for each truck depending on the type of truck. Also based on length of stay on-site, these trucks contribute to noise and air pollution on site due to idling. Figure 1 shows the northbound truck traffic entering the driveway located on Marion and Teller Drive leading to Home Depot and other facilities in Newbury Park. From Figure 1 it is evident that the number of trucks coming to Home Depot and other facilities are less on Saturday, Sunday and Monday, whereas the numbers of trucks coming to the facilities are higher during Tuesday, Wednesday, Thursday and Friday. Based on this evidence the OTC report should take proper truck volume data, and one that is consistent with the sales projections in its economic analysis, in order to estimate a more realistic average truck traffic to Home Depot. It is a common practice for Home Depot prepared and submitted EIR's to indicate only 18-25 trucks per day. Some of the Home Depot sites indicate an average more than 25 truck trips per day.

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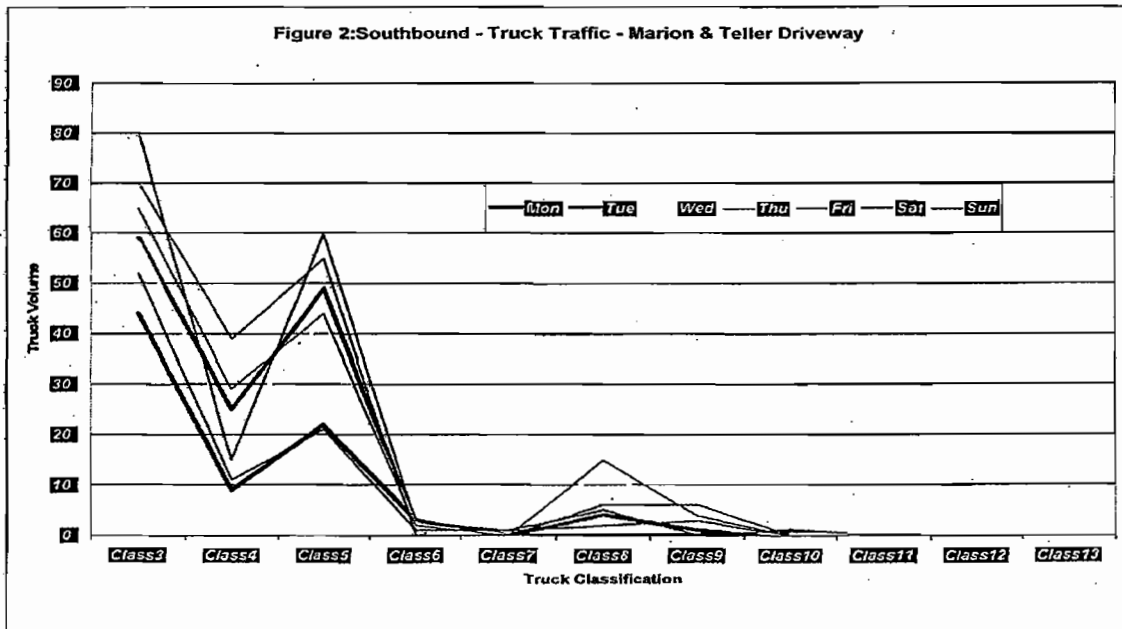
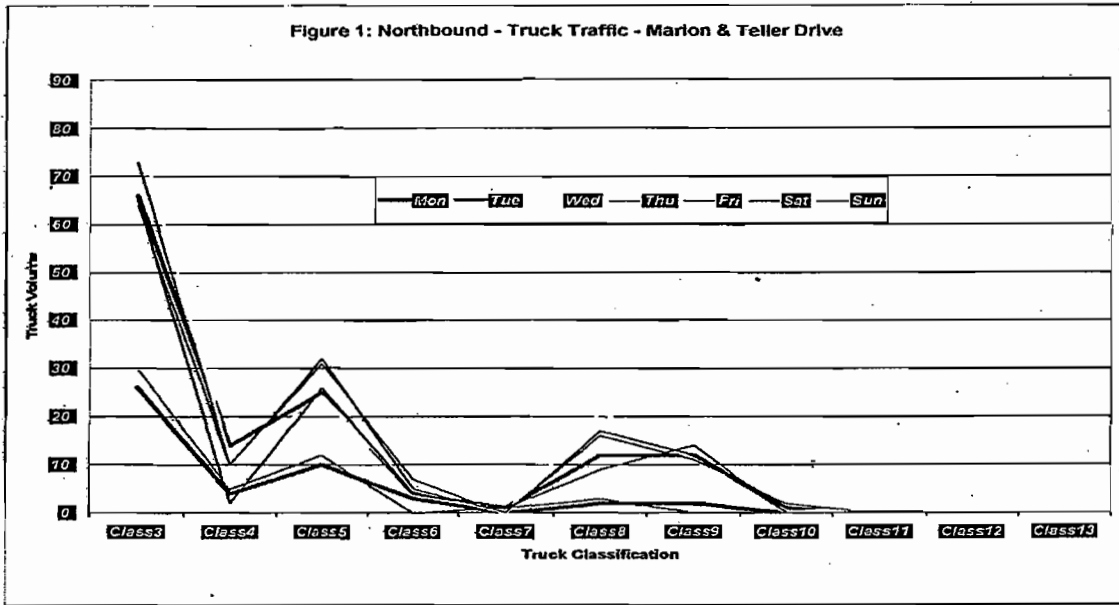


Figure 2 shows the southbound truck traffic exiting the Home Depot in Newbury Park. The question to be asked is; do the trucks leave the facilities in the same way they came in? The answer is definitely a "NO" from Figure 2. The truck drivers who deliver 2832 Alderberry Ct.

M-32
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to Home Depot and other facilities will exit from the nearest or easiest driveway available to them.

M-32

The project applicants will assure in their reports that the trucks will follow designated routes, which is not true in the majority of the cases as shown by Figure 2. Such undesignated usage of truck routes will cause additional impact on pedestrian traffic, air pollution, safety, noise pollution and community quality of life.

M-33

9. Driveway Locations and Pedestrian Movements – Considering the various types of trucks (length of trucks ranging from 48" to 80") coming to the project site during peak hours, the impact of driveways on Foothill Boulevard needs to be fully evaluated. Any stoppage of traffic on Foothill Boulevard will have severe impact on the roadway network within project influential area.

M-34

The study does not address any issues related to pedestrian access to the project site. In the OTC study report there is no mention of pedestrian movement or conflict at the study intersections. The project site is surrounded by residential land use and other businesses that are within walking distance from the project site.

M-35

10. Freeway Impacts – Currently the on and off ramps intersections at SR 210 Freeway at Sunland is not analyzed, yet it is just 1.25 miles from the project. What is the impact of the truck traffic coming to the site using the freeways? Also what was the reason in analyzing the intersection of Foothill Boulevard and Tujunga Canyon Boulevard, which is just one mile from 210 Freeway if no freeway sections or freeway related intersections impact are analyzed?

M-36

M-37

11. Recommended Mitigation

The OTC study states that no mitigation is required. However considering the project trip generation the "no mitigation" statement masks the true incremental increases in traffic due to the project and the cumulative projects (other pending projects in the area) and their foreseeable realistic impacts on the community. The OTC study does not adequately disclose project impacts, particularly with the use of large pass by trips allowed by LADOT Guidelines, for this project the pass-by trips is 20%. For example, it is recommended that the City, Caltrans and the project proponent modernize (using ATSAC) the signals at all study intersections in order to accommodate the new traffic and maintain the existing level of service at the study intersections. However, the limited mitigation such as signal timing or upgrades and re-striping are not sufficient to address the total impacts of project and cumulative traffic impacts in the study area, therefore, a comprehensive mitigation plan is required to offset the actual impacts of the proposed project and other projects in the area.

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Summary

- | | | |
|--|---|------|
| <p>1. Existing Condition – Under existing conditions, an analysis of all traffic impacts related to residential neighborhood and streets are omitted, yet necessary. The addition of two study intersections Woodward Avenue and Apperson Street and Mcvine Avenue and Foothill Boulevard are required considering the proximity to the project site and considering the location of the school.</p> | } | M-41 |
| <p>2. Trip Generation – The ITE traffic generation shows a significant increase in weekend traffic generation for the proposed type of land use. Therefore, the study needs to include the impacts of the larger weekend traffic on the neighborhood streets and study intersections.</p> | } | M-42 |
| <p>3. Trip Distribution – The omission of the distribution of project traffic on Woodward Avenue and Apperson Street is not valid considering the existing roadway network for project traffic to ingress and egress from the project site. The prohibition of right turns from Woodward driveway going south cannot be achieved, which is in an incorrect assumption.</p> | } | M-43 |
| <p>4. Trip Distribution Related Project – It was not possible to substantiate or evaluate the related projects traffic contribution at various study intersections without any information of what the trip distribution adopted for related projects.</p> | } | M-44 |
| <p>5. Pass-by Trips - LADOT's allowable pass-by trips (for the Home Depot) of 20% for this project is large and improper when there is only one commercial street, namely Foothill Boulevard which carries the vast majority of the traffic. The study should include pass-by trips in driveway volumes and analysis.</p> | } | M-45 |
| <p>6. Project Site Access for Truck Traffic – For large trucks (60' or over) to access the project site, it is essential all the driveways need to be completely re-designed completely, particularly the driveway on Woodward Avenue. Without proper modifications, the larger trucks will cause delays, safety issues and accidents on-site and off-site for all other modes of transportation. Additionally, there is no documentation to substantiate the number of trucks generated by the project.</p> | } | M-46 |
| <p>7. Truck Traffic Generation – There is no documentation available to verify the truck trip generation data provided. An independent truck traffic generation at a similar site is necessary. An independent truck traffic generation conducted at a Home Depot in Newbury Park, California is provided in this document in Table B and Figures 1 and 2.</p> | } | M-47 |
| <p>8. Driveway Locations and Pedestrian Movements – Foothill Boulevard is a four lanes arterial roadway with two lanes each in the east and west directions. In order to enter the site from Foothill Boulevard going east, large trucks will need to use both lanes. This will obstruct the flow of traffic on Foothill Boulevard. The same obstruction of traffic is expected to occur on Woodward Avenue. In addition, the OTC study did not include the consideration of the interface between pedestrians, customer vehicles and trucks.</p> | } | M-48 |

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- 9. **Freeway Impacts** – The SR 210 Freeway is just 1.25 miles to the east of the project, yet considering the project's regional market draw and the large daily volume of traffic, at a.m. and p.m. peak hours, on Foothill Boulevard, the intersection of Sunland with the two on/off ramps are not analyzed for both project traffic and truck traffic generated by the project.
- 10. **Recommended Mitigation** - A comprehensive mitigation plan is required to help mitigate the actual traffic impacts of the proposed project and other related or pending projects in the area so as not to deteriorate the present environmental setting and the quality of life in the community.

M-49

M-50

Conclusions

Our review indicates that the study has attempted to follow LADOT's Guidelines, but there are several key areas that require additional data collection and analysis to support the study based on the very large trip generation by the proposed project during both weekday and weekend. The critical issues are highlighted and listed for review by the City and Applicant developer. Considering subject site's location (1.25 miles away from the 210 Freeway), the limited street capacities and constraints of the Sunland valley area, and the large size of the project will add traffic to the existing traffic loads, and without a valid and accurate traffic study, *there is a considerable potential of a significant traffic impact from this project which needs to be addressed in the appropriate CEQA document.* Considering also the level of controversy and community concern about this project, it would seem that an independent evaluation and impartial traffic analysis by a traffic consultant hired directly by the City is advisable for that CEQA document.

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Please let us know if you have any questions related to these memorandum findings.

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Exhibit A
Excerpts from
LADOT's Traffic Study Policies and Procedures
(pages 5 to 7)

for all projects required to prepare an Environmental Assessment based on local determination. The geographic area examined in the TIA must include at a minimum the following:

- All CMP arterial monitoring Intersections, including freeway on- and off-ramp Intersections, where a proposed project will add 50 or more trips during either the AM or PM weekday peak hours (of adjacent street traffic).
- Mainline freeway monitoring locations where a project will add 150 or more trips, in either direction, during either the AM or PM weekday peak hours.
- Caltrans must be consulted through the Notice of Preparation (NOP) process to identify other specific locations to be analyzed on the state highway system.

If, based on these criteria, the TIA identifies no impacted regional facilities, further CMP traffic analysis is not required. However, projects must still consider transit impacts (Appendix B of 2004 CMP for Los Angeles County) and provide a calculation of CMP "credits" and "debits" for the project.

For further information about the CMP TIA process, please call LADOT CMP Monitoring Section at (213) 972-8473.

D. TRIP GENERATION CALCULATIONS

1. ITE Trip Generation Rates- Use latest edition of ITE's Trip Generation Handbook for trip generation rates/formulas unless project is located in a TSP area in which case the trip rate must be applied according to TSP procedures. If other than the latest edition of ITE Trip Generation rates are used, then those rates must first be submitted with appropriate background survey data for approval by LADOT.
2. Unique Developments- Unique types of development may require trip generation studies of similar facilities in order to determine actual trip rates for use in the project. The procedures and the results of the trip generation studies must be approved by LADOT.
3. Existing Use- Any claim for trip credits for an "existing" active land use which is applied to calculate net new trips requires that the "existing" use was in place at the time of the existing base year traffic counts. Generally, for CEQA purposes this means the "existing" use must have been in place for at least 6 months within the past 2 years. However, exception of trip credit for industrial buildings will be based upon standard recognized trip generation rates with no time constraints provided all of the following conditions are met; (1) must be in an adopted CRA Redevelopment area, CRA Revitalization, Enterprise Zone or Empowerment Zone, (2) must be a currently standing Industrial building, (3) must be for a proposed industrial project,

and (4) must not be "adjacent" to LOS E or F intersections. If the project is adjacent to a LOS E or F intersection, trip credits will be determined by LADOT on a case by case basis. Note that some specific plan ordinances allow different time frames for determination of trip credits and trip fees.

4. **Terminated Land-Use-** Any claim for trip credits for a previously terminated land use must be supported with appropriate documentation of the previous active use such as copies of any building permit, certificate of occupancy, business license, lease agreement, affidavits, or photographs and documentation as to when the previous land use was terminated.
5. **Pass-by Trips-** Any claim for "pass-by" trip credits must use the trip reduction rates in the "LADOT Policy on Pass-By Trips" in Attachment "G". The pass-by trip reduction rates shall be used for traffic analysis for land development projects in the City of Los Angeles. However, these rates are superseded by additional guidelines provided in specific plans or Interim control ordinances. These rates are not applicable to review of impacts at project driveways and the intersection(s) immediately adjacent to the project site. These rates shall not be used in determining the need for a traffic study.
6. **Transit Credit-** LADOT encourages developers to develop transit-friendly projects that provide safe walkable sidewalks to and from transit stations for project patrons. In line with the City policy to promote the use of mass transit and walking, LADOT, at its discretion, may allow up to 25% transit/walk trip credit subject to the following guidelines. Additional transit credit may be given on a case by case basis.
 - A. Developments above or adjacent to Metro Rail Lines, Metrolink, Orange Line or similar dedicated transit line with convenient pedestrian access to those lines may qualify for up to 25% transit credit.
 - B. Developments within a 1/4 mile or walking distance of a transit station may qualify for up to 15% transit credit. The following improvements in order of priority are strongly recommended for additional transit credit:
 - (a) Providing at minimum a 15-foot sidewalk along the streets fronting the project through additional sidewalk easement or by dedicating additional right-of-way beyond street standards;
 - (b) Improving the condition of existing sidewalks leading to transit station(s) to good condition with adequate lighting to provide for a safer pedestrian environment.
 - (c) Providing continuous paved sidewalks from all buildings in the project to the nearby transit services and stops.
 - (d) Implementing transit shelter improvements/beautification.

C. If the development is not within 1/4 mile or walking distance of a transit station or a Rapid Bus route, the project may still qualify for up to 5% transit discount based on an array of programs. The list of a few programs that have been found to be effective are:

- I. Providing on-site Transit Information kiosk and/or on-site Transit Pass sales
- II. Providing On-Site facilities such as ATM machines, cafeteria and convenience shopping
- III. Charging for single occupant auto parking.
- IV. Flex car-similar programs
- V. Installing Bicycle/scooter racks on-site

No trip generation credit will be given automatically to developments located in an area with low transit service. However, all reasonable efforts by the developers to promote use of mass-transit or walking will be considered for transit credit on a case by case basis.

7. Approval Process- Any trip credits must be approved by LADOT during the scoping process and those trips must be included in existing base year traffic counts.

E. MAPS

The traffic study must include the following eleven maps unless otherwise specified during scoping process:

1. Area map showing project location.
2. Area map showing location of related projects. Include table indicating location, size, name, description and trip generation of each related project.
3. Site map showing study intersections and distance of the project driveway(s) from the adjacent intersections. Include location and identification of all major buildings, driveways, parking areas and loading docks of the project.
4. Map(s) showing "existing" (specify base year) traffic volumes for both AM and PM peak hour and average daily traffic (ADT) on study intersections and street segments. Manual traffic volume counts shall be collected in 15-minute intervals during the hours of 7:00 AM to 10:00 AM and 3:00 PM to 6:00 PM unless LADOT specifies other hours (e.g. for a signal warrant determination). The manual traffic volume counts must include vehicle classifications and pedestrian (including school children) volume counts. The data should be summarized and presented in the standard LADOT format depicting turning movement volumes exactly as shown in

Exhibit B
ITE Trip Generation
Land Use #815
Free Standing Discount Store

Summary of Trip Generation Calculation
 For 120.4 Th.Gr.Sq.Ft. of Free-Standing Discount Store
 July 26, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	56.02	19.45	1.00	6745
7-9 AM Peak Hour Enter	0.57	0.00	1.00	69
7-9 AM Peak Hour Exit	0.27	0.00	1.00	33
7-9 AM Peak Hour Total	0.84	0.97	1.00	101
4-6 PM Peak Hour Enter	2.53	0.00	1.00	305
4-6 PM Peak Hour Exit	2.53	0.00	1.00	305
4-6 PM Peak Hour Total	5.06	2.60	1.00	609
Saturday 2-Way Volume	71.19	15.69	1.00	8571
Saturday Peak Hour Enter	3.87	0.00	1.00	466
Saturday Peak Hour Exit	3.71	0.00	1.00	447
Saturday Peak Hour Total	7.58	3.07	1.00	913

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003..

TRIP GENERATION BY MICROTRANS

Exhibit C
ITE Trip Generation
Land Use #815
Free Standing Discount Store
Pass-by Trips

Summary of Pass-By Trips
 For 120.4 Th.Gr.Sq.Ft. of Free-Standing Discount Store
 July 26, 2008

	Driveway Volume	Pass-By Trips	Volume Added to Adjacent Streets
Average Weekday			
7-9 AM Peak Hour Enter	69	0	69
7-9 AM Peak Hour Exit	33	0	33
7-9 AM Peak Hour Total	101	0	101
4-6 PM Peak Hour Enter	305	52	253
4-6 PM Peak Hour Exit	305	52	253
4-6 PM Peak Hour Total	609	105	504
Saturday			
Saturday Peak Hour Enter	466	106	360
Saturday Peak Hour Exit	447	102	345
Saturday Peak Hour Total	913	208	705

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation Handbook, March, 2001

TRIP GENERATION BY MICROTRANS

Exhibit D
ITE Trip Generation
Land Use #862
Home Improvement
Weekday and Weekend Trips

Summary of Trip Generation Calculation
 For 99,857 Th.Gr.Sq.Ft. of Home Improvement Superstore
 July 26, 2008

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	29.80	9.01	1.00	2976
7-9 AM Peak Hour Enter	0.65	0.00	1.00	65
7-9 AM Peak Hour Exit	0.55	0.00	1.00	55
7-9 AM Peak Hour Total	1.20	1.17	1.00	120
4-6 PM Peak Hour Enter	1.15	0.00	1.00	115
4-6 PM Peak Hour Exit	1.30	0.00	1.00	130
4-6 PM Peak Hour Total	2.45	1.76	1.00	245
AM Pk Hr, Generator, Enter	1.48	0.00	1.00	148
AM Pk Hr, Generator, Exit	1.37	0.00	1.00	137
AM Pk Hr, Generator, Total	2.85	1.88	1.00	285
PM Pk Hr, Generator, Enter	1.68	0.00	1.00	168
PM Pk Hr, Generator, Exit	1.37	0.00	1.00	137
PM Pk Hr, Generator, Total	3.05	1.95	1.00	305
Saturday 2-Way Volume	45.67	0.00	1.00	4560
Saturday Peak Hour Enter	2.86	0.00	1.00	286
Saturday Peak Hour Exit	2.54	0.00	1.00	254
Saturday Peak Hour Total	5.40	2.33	1.00	539
Sunday 2-Way Volume	20.93	0.00	1.00	2090
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	4.20	0.00	1.00	419

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Exhibit E
Project Site Plan
Source: CEQA Preliminary Review Study

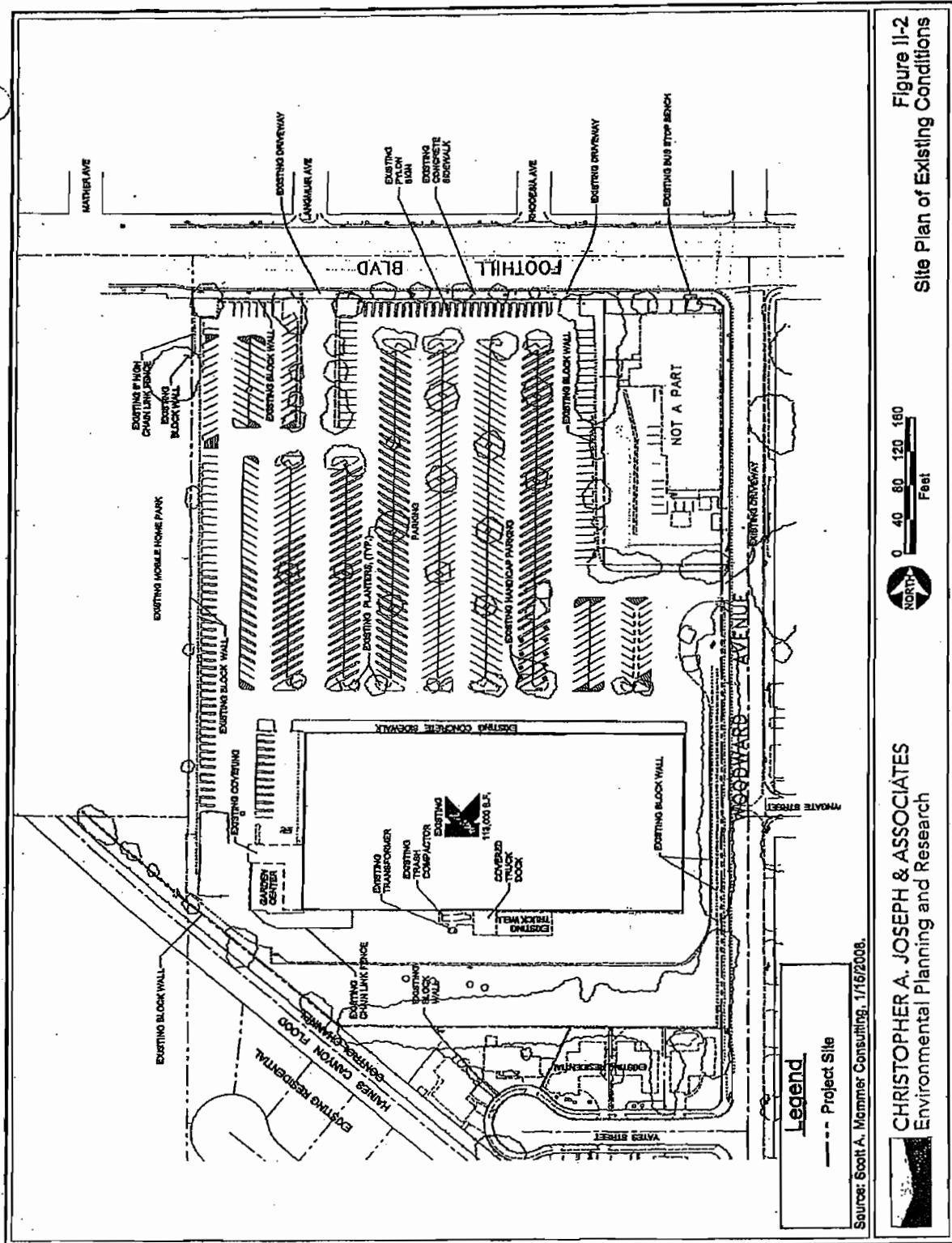


Figure 11-2
Site Plan of Existing Conditions



CHRISTOPHER A. JOSEPH & ASSOCIATES
Environmental Planning and Research

Source: Scott A. Memmer Consulting, 1/16/2008.

III. RESPONSE TO COMMENTS

Response 1

The Preliminary CEQA Review for the Sunland-Tujunga Home Depot project was prepared by Christopher A. Joseph & Associates (“CAJA”), a firm that has built its reputation on providing accurate and unbiased CEQA analysis to the public and private sectors for over 20 years. CAJA and its employees pride themselves on a reputation for thorough, unbiased, and conscientious environmental review. The consultants hired to prepare the various technical studies prepared for this Project have also built their reputation on providing accurate and unbiased data, and consistently deliver a quality of work that assures their reputation as firms. Providing biased data is not a business practice in which any of these firms participate.

STA argues that the proposed Project may have one or more significant effects on the environment. STA is wrong. STA relies on circumstantial evidence that is unsubstantiated, and/or based on inaccurate data or erroneous assumptions. Thus, STA’s argument is just that, argument, and does not constitute a “fair argument” supported by substantial evidence that the Project would result in significant environmental impacts.

As the proposed Project involves the reuse of an existing retail structure for another retail use, the Project is categorically exempt from the provisions of the CEQA, as described below in Response 3. Although the proposed Project is categorically exempt from the provisions of CEQA under Classes 1, 2, 4, and 11, a Preliminary CEQA Review was prepared to assist the City in its determination. As noted throughout the Preliminary CEQA Review and in the associated technical appendices, the majority of analysis assumed very conservative conditions (e.g., calculating more delivery trucks than would occur, assuming children attended the Apperson Street Elementary School (the “School”) for 7 years, assuming 100% lung absorption rates of on-site air emissions over 70 years of exposure) in reaching its conclusion that the Project would not cause any significant environmental impacts.

The Preliminary CEQA Review found that the proposed Project does not have the potential to result in significant environmental impacts. Therefore, the City should find that the Project is exempt from CEQA and no further environmental review is required. Furthermore, substantial evidence has not been presented to suggest that an environmental impact report (“EIR”) is required.

Response 2

See Response 1. The Preliminary CEQA Review is a full environmental review of the Project’s potential impacts. The work that the Applicant proposes under the Project Permit Compliance Review application is exempt from CEQA under the City’s and State CEQA Guidelines. Specifically, it is exempt under Classes 1, 2, 4, and 11. Please see response 3 below. The Los Angeles Department of Building and Safety (the “LADBS”) previously issued building permits for the majority of the work now proposed under the Project Permit Compliance Review application and the Applicant completed the majority of the work under it before the Los Angeles City Council determined that review pursuant to the Foothill Boulevard Corridor Specific Plan should have been completed. The City Council did not indicate what

level of environmental review was required under CEQA, if any. The City Planning Department is the City's expert on CEQA and it will determine, based on its expertise and the evidence before it, the level of environmental review required for the Applicant's proposed remodel.

Response 3

This comment summarizes STA's opinion regarding whether the proposed remodel is categorically exempt from CEQA. STA repeats these points in its letter and responses to these points are discussed in greater detail in Responses 19 through 33. A summary of responses are provided here. Please refer to Responses 19 through 33 for additional information.

CEQA Guidelines § 15301, which sets forth the provisions for a Class 1 exemption, permits alterations of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves the expansion of an existing use. Applicable examples provided by the Guidelines as minor alterations to existing facilities include, but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);

The Project's renovation activities are consistent with the examples provided under CEQA Guidelines § 15301. Therefore the Project renovation activities would be consistent with the definition of minor alterations to existing structures as set forth by the CEQA Guidelines. Further, the Project as a whole is exempt under Class 2 exemption. Class 2 consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. In addition, specific aspects of the remodel are also clearly covered by certain exemptions should they be undertaken on their own, i.e. the replacement landscaping is exempt under Class 4, Category 3 (new gardening, tree planting, or landscaping, but not including tree removal except dead, damaged or diseased trees or limbs), and Class 11 (construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities).

Response 4

The comment erroneously suggests that the Project is not exempt from CEQA on the grounds that the Project would have a significant impact on the environment and that a number of “unusual circumstances” are present at the Project Site. These points are raised in greater detail in Responses 19 through 33. Provided below is a brief overview of the key points raised in the responses to the referenced comments. Please refer to Responses 19 through 33 for additional information.

As the proposed Project is the reuse of an existing retail structure by another retail use and would only result in minor alterations to the existing structure, the proposed Project would not have a significant effect on the environment. To clearly and unequivocally demonstrate that the Project would not have the potential to result in environmental impacts, a Preliminary CEQA Review was prepared. The Preliminary CEQA Review informs the public and City decision makers why the proposed Project does not result in any significant environmental impacts. The Preliminary CEQA Review’s finding, which is supported by numerous technical studies, is that the proposed Project does not have the potential to result in any significant environmental impacts.

As clearly and unequivocally demonstrated by the Project’s Preliminary CEQA Review, the Project’s impacts, across the full range of CEQA issues, are not significant. Moreover, no evidence, let alone substantive evidence is contained in STA’s comment letter that refutes any of the conclusions presented in the Project’s Preliminary CEQA Review. As clearly concluded in the Project’s Preliminary CEQA Review, the Project’s impacts with regard to air quality, noise, hazardous materials and traffic impacts are not significant even after taking into consideration the circumstances noted by the commenter. These conclusions remain valid in light of the comments presented in the STA letter. The Project Site and the proposed retail Project are typical of conditions and the type of commercial business found throughout the Foothill Boulevard commercial corridor and thus, constitute “usual conditions”. No “unusual circumstances” are present.

Response 5

Please refer to Response 4.

Although the proposed Project is categorically exempt from CEQA under Classes 1, 2, 4, and 11, a Preliminary CEQA Review was prepared to analyze the Project’s potential environmental impacts. As noted throughout the Preliminary CEQA Review and in the associated technical appendices, conservative assumptions were used to analyze the Project’s potential environmental impacts (e.g., calculating more delivery trucks than would occur, assuming children attended the School for 7 years, assuming 100% lung absorption rates of on-site air emissions over 70 years of exposure). Even assuming this greater intensity of use, the Preliminary CEQA Review concluded, based on a thorough, accurate, and field-based analysis, that the retail use proposed for the former Kmart site would not have a significant effect on the environment.

Response 6

This is a general comment that does not substantiate its claims that the Project is inconsistent with the General Plan and the Foothill Boulevard Corridor Specific Plan. As discussed in the Preliminary CEQA Review, the Project is consistent with all applicable goals and policies of the General Plan, Community Plan and Specific Plan. See pages III-42 through III-46 of the Preliminary CEQA Review. In addition, the Project will be reviewed by the Department of City Planning as part of the Project Permit Compliance Review, and in order for the Project to be approved, the City must find that it complies with the Specific Plan and the General Plan.

Response 7

This comment summarizes STA's conclusions regarding the Project's operational air quality impacts during the winter months. This comment is comprehensively responded to in Response 61. As stated in Response 61, the URBEMIS commissioned by STA uses a trip generation rate of 51.29 trips per 1,000 square feet of Project floor area. This trip generation rate is 173 percent higher than the trip generation rates used in the Project's traffic study, which has been reviewed and whose findings have been concurred by the Los Angeles Department of Transportation ("LADOT"). There is absolutely no basis for applying this high trip generation rate. Hence, the most basic of URBEMIS modeling inputs is tremendously overstated by STA and this had lead to a tremendous overstatement of impacts. Moreover, the vehicle fleet mix assumptions applied in the URBEMIS analysis by STA greatly overstate the percentage of trucks within the overall fleet mix. There is no basis for the vehicle mix assumption used by STA. This fault assumption regarding vehicle fleet mix further inflates and overstates the Project's potential regional operational emissions. Once these errors in input assumptions are corrected, the Project's operational air quality impacts during the winter months, as set forth in the Project's Preliminary CEQA Review, are less than significant. Please refer to Response 61 for additional information.

Response 8

The commenter incorrectly states the Project is located within two (2) kilometers of a known fault. This is incorrect. As stated on page III-20, the Project Site is located approximately 2.9 kilometers (1.8 miles) from the Sierra Madre Fault. The Project Site's location within three (3) kilometers of the Sierra Madre Fault or within an identified liquefaction zone does not translate to a significant impact as suggested by the comment. As a matter of fact, most of the Los Angeles region is located within two miles of one or more faults. The City's building code takes into account the presence of faults in an area and then establishes standards that provide a level of safety that is experienced throughout Los Angeles. There are no known deficiencies in the building's structural design that would create an unacceptable risk with regard to the geotechnical issues under discussion. Thus, the comment provides an unsubstantiated general concern regarding the Project's potential geotechnical and seismic impacts and is not substantial evidence. A more detailed set of responses regarding the commenter's concern over the proposed Project's potential to result in geotechnical and seismic hazards is presented below in Responses 75 through 85. Further, the Project's potential geotechnical and seismic impacts were analyzed in pages III-

20 through III-22 of the document entitled Preliminary CEQA Review, and determined to not be significant.

Response 9

This comment provides an unsubstantiated general concern regarding the Project's potential water quality impacts. The Preliminary CEQA Review evaluated the proposed Project's water quality impacts on pages III-27 through III-30. A more detailed set of responses regarding STA's opinion regarding the proposed Project's potential to cause water quality impacts are presented in Responses 94 through 99.

The proposed Project's potential to result in significant water quality impacts are discussed on pages III-27 through III-30 of the Preliminary CEQA Review. As indicated in the Preliminary CEQA Review, construction activities resulting in exposed soil are limited and proper cleanup and disposal of wastes will occur to ensure compliance with applicable standards. Operation of the Project Site will also be in compliance with applicable standards, as no outdoor storage of hazardous materials will occur on-site, and all major vehicle repairs will occur off-site. The Preliminary CEQA Review concluded that as the proposed Project would be constructed and operated in compliance with local and state water quality requirements at the time of permit, there would be no impact to water quality.

The commenter erroneously states that the proposed Project would violate the City's National Pollutant Discharge Elimination System Permit (NPDES) General Permit. The proposed Project would be constructed and operated in accordance with local and state water quality requirements at the time of permit. The Project would comply with all applicable NPDES and Standard Urban Stormwater Mitigation Plan (SUSMP) requirements, where applicable, for the construction and operation of the proposed Project, which prevents the discharge of pollutants from private property developments. This is in addition to the limited construction and operational activity that will occur on the Project site. Compliance with applicable requirements would ensure that there would be no water quality impacts. The comment does not change the conclusion presented in the Preliminary CEQA Review and commenter has failed to provide any substantial evidence of any potential impact that would require further review pursuant to CEQA.

The Preliminary CEQA Review also evaluated the proposed Project's hazardous materials impacts on pages III-23 through III-27, and in Appendix E. As was the case for the Kmart store that previously operated on the Project Site, all potentially hazardous materials would be contained within the store, used in accordance with manufacturer's instructions and handled in compliance with applicable standards and regulations. In addition, as is standard industry practice, a Hazardous Materials Business Plan ("HMBP") will be submitted to the City of Los Angeles Fire Department that will list all such materials, and would outline procedures for remediation in the event of an isolated spill, as well as procedures to follow during a hazardous material emergency.

Response 10

The Preliminary CEQA Review evaluated the Project's potential to result in urban decay at pages III-4, III-5, and III-48, and Appendix B. Urban decay is a process by which a city, or a part of a city, falls into a state of disrepair. It is characterized by desolate and unfriendly urban landscapes with the loss of viable commercial retail establishments as a contributing factor to urban decay. Urban decay can occur where a development reduces the profitability of nearby commercial or retail stores so that they are no longer economically viable, though closures alone are not indicative of urban decay. If a large number of closures result, a physical deterioration that is so prevalent and substantial may result and impair the proper utilization of affected real estate or the health, safety, and welfare of the surrounding community, thus resulting in urban decay.

As summarized on pages III-4, III-5, and III-48 of the Preliminary CEQA Review, the Preliminary CEQA Review prepared for the Project found that there is currently a substantial surplus of unmet demand in the trade area for merchandise that the Home Depot store will carry and that the profitability of larger home improvement stores in the vicinity would not be impacted. In addition, while some smaller hardware/building materials and specialty retailers may experience an impact from the opening of a Home Depot store if they do not adjust their merchandise, pricing, and operations to complement and compete effectively with the Home Depot store, the analysis concluded that commercial vacancy rates in the trade area are low and that rents are stable or rising, and on this basis, characterized the local commercial real estate market as strong. The general pattern of change occurring along the Foothill Boulevard corridor, including the Sunland portion, is much more one of new development and properties being renewed and improved as opposed to properties falling into disrepair and marginal use. As such, Project development would not contribute or lead to urban decay. Please refer to Appendix A of this document for a more detailed response.

Response 11

Please refer to Responses 4 and 5.

As it is concluded through a thorough, accurate, and scientific analysis, that the proposed retail use proposed for the former Kmart site would not have a significant effect on the environment, the commenter's conclusions regarding the Project's discussion of the mandatory findings of significance are without merit. STA presents opinions and conclusions that do not constitute substantial evidence. Further, as discussed in Response 7 and 61, the proposed Project would not result in emissions in excess of thresholds established by the South Coast Air Quality Management District (the "SCAQMD") during wintertime or summertime conditions, including NO_x.

Response 12

The proposed Project is the re-use of an existing retail structure for another retail use, and not a "mega-warehouse-style discount facility" as stated in the comment. All of the operational attributes of the proposed Project have been incorporated in the applicable analyses set forth in the Project's Preliminary

CEQA Review (e.g., hours of store operations, number of employees, etc.). All of these analyses, without exception, reached the same conclusion – the Project’s impacts would not be significant. As clearly concluded in the Project’s Noise Study, and reiterated in Responses 114 through 119, neither Project construction nor Project operations would result in a significant noise and/or vibration impact.

Response 13

The standard to evaluate the application of a CEQA exemption is not “insignificant, ordinary, or non-controversial project.” Indeed, public controversy regarding an environmental effect does not trigger preparation of an environmental impact report in and of itself; rather there must be substantial evidence that the project may have a significant effect. Neither the public’s feeling nor generalized conclusions absent fact or evidence rise to the level of substantial evidence. Unless there is substantial evidence that an otherwise exempt project might have a significant environmental impact, no further review under CEQA is required. As discussed herein and in the Preliminary CEQA Review, there is no substantial evidence that the proposed remodel could have a significant environmental impact. Thus, no further review under CEQA is required. See also Responses 3 and 4.

Response 14

Comment noted. As discussed in detail throughout these responses, the comments submitted do not change any of the conclusions in the Preliminary CEQA Review and no further environmental review is required.

Response 15

The reuse of the existing Kmart store as a Home Depot store is not a change of use. Under the City of Los Angeles Municipal Code, neither a name change nor the change in the product for sale in a retail use is a change of use. It should also be noted that each determination made by the City, pursuant to CEQA, is independent of other determinations and previous environmental review does not indicate the need for future environmental review. For example, it is standard City policy to require a Mitigated Negative Declaration (“MND”) for a conditional use permit to allow the sale of alcohol for off-site purposes, which is not a change of use. Thus, the Kmart store completed an MND when it obtained a conditional use permit for the sale of off-site alcohol. The change of use proposed for the former Penske area (5,000 sf) is negligible in relation to the existing building, is analyzed in the Preliminary CEQA Review and determined to have a less than significant impact.

Response 16

Under CEQA, it is appropriate to use past operations of a prior use as the baseline from which a proposed project’s environmental impacts are calculated. For example, LADOT’s policy looks backwards in time to determine a project’s impact on traffic. An agency is charged with weighing the facts and determining the appropriate baseline for a given project based on the facts and evidence for each situation.

In the present case, the Project site operated as a Kmart store from the late 1970s until 2004. The Applicant initiated its proposed reuse of the Project site in January 2005 and submitted an entitlement application to reuse the site at that time. In February 2006, the Applicant then submitted an application to reuse the existing Kmart store as a Home Depot store. The permit applied for was granted by the City and the Applicant completed significant work pursuant to the permit. The Applicant is now pursuing Project Permit Compliance Review so that it can complete the remodeling work it undertook pursuant to its February 2006 application and the City's subsequent building permits.

Thus, since January 2005, which was shortly after the Kmart store closed, the Applicant has diligently pursued entitlements to reuse the Project site for a Home Depot store. This gap is far less than the two year gap LADOT typically allows in its analysis. It is irrelevant how long it has taken the Applicant to pursue the reuse of the Project site. Instead, the appropriate baseline is an operating Kmart store because the Applicant's initial application to reuse the Project site as a Home Depot store, the same use proposed today, was made in January 2005 and well within two years of an operational Kmart store. This is consistent with CEQA Guidelines Section 15125 which provides for prior use history to determine the appropriate baseline.

Further, although the appropriate baseline is an operational Kmart store, the Applicant's Preliminary CEQA Review analyzed potential impacts against both a Kmart store operating at the Project site and no Kmart store operating at the site. Under both scenarios, the Preliminary CEQA Review concludes that the proposed remodel would not have any significant environmental impacts. Therefore, no further CEQA review is required.

See also Response 128.

Response 17

See Responses 16 and 128 regarding the appropriate CEQA baseline. While Kmart has ceased operations, its impacts on traffic, noise, air quality and other areas are readily quantifiable. For example, Kmart's trip counts were calculated by using ITE Trip Generation Rates, which is the industry standard for determining the number of trips a development generates. This figure informed both an analysis of Kmart's air quality and noise impacts. As Kmart's environmental impacts are quantifiable, it is not speculative to compare a Home Depot store's impacts against them.

Response 18

See Responses 1, 2, and 3 above regarding the applicability of a categorical exemption for this Project. Home Depot's proposed remodel of the existing Kmart store falls squarely within the exemptions set forth in the Notice of Exemption and Preliminary CEQA Review document submitted in support of the Project Permit Compliance Application on June 20, 2008. As discussed therein, the proposed remodel is exempt from CEQA under Classes 1, 2, 4 and 11 of the City's CEQA Guidelines. The remodeling project as a whole is exempt under Class 1, Category 1 of the City's CEQA Guidelines. The Project as a whole is also exempt under Class 2, Category 2 of the City's CEQA Guidelines. In addition, specific aspects of

the remodel are also clearly covered by certain exemptions should they be undertaken on their own, i.e. the replacement landscaping is exempt under Class 4, Category 3 (new gardening, tree planting, or landscaping, but not including tree removal except dead, damaged or diseased trees or limbs), and Class 11 (construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities).

Under Class 1 of the City's CEQA Guidelines, "[i]nterior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use" are exempt from CEQA (City CEQA Guidelines, at page 7). As presented in its Project Permit Compliance Review Application and Preliminary CEQA Review, as well as discussed above in Response 3, the proposed remodel involves minor interior and exterior alterations to the existing Kmart store so that it can be reopened as a Home Depot store. Every City department to review the remodel has concluded that Home Depot is a retail use, just like the Kmart store was. Therefore, no change, expansion or intensification of use is contemplated. Moreover, the remodel merely brings the building into compliance with Title 24, the Americans with Disabilities Act, and undertakes other necessary updates. Notably, the remodel will result in a smaller store because of the removal of over 20,000 square feet of floor area. The value of a project is irrelevant to whether a project is exempt from CEQA. Accordingly, as the proposed Project is the remodel of an existing store that will continue the previous use, retail, and will not expand, and will in fact shrink the size of the use, it is clearly exempt from CEQA under the City's CEQA Guidelines.

Additionally, no unusual circumstances are present. CEQA Guidelines Section 15300.2 does not apply to the Project. There is no evidence that the Project may "impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies." Likewise, there is no evidence of (b) Cumulative Impact or (c) Significant Effect related to the remodel. There are also no Scenic Highways (d), Hazardous Waste Sites (e) or Historical Resources (f) in the immediate area or region that could be affected by the remodel. Thus, the exception under Guideline section 15300.2 does not apply.

The Sunland Home Depot also clearly falls under the purview of CEQA Guidelines Section 15061(b)(3). The existing Kmart store, for which an EIR was completed before it opened, is located in a dense urban area in the City of Los Angeles. The Kmart operated from 1977 until 2004 and there is no evidence that it resulted in any significant environmental impacts during its operation. The environmental conditions on and surrounding the site remain unchanged from when Kmart operated at the Project Site. As the City has previously found, the remodel would merely allow for the replacement of one retailer, Kmart, with another, Home Depot. Further, the project site is zoned C2 (Commercial) and P (Parking). Retail stores are permitted by right in the C2 zone. A Home Depot store, like a Kmart store, is a retail use and, therefore, is permitted by right in the C2 zone. Since the project is a remodel of a store that operated in the same location for nearly 20 years, there are no unusual circumstances present that would preclude the application of the City's Class 1 exemption. The Preliminary CEQA Review and related appendices, in addition to the applications filed by the applicant, make it clear that "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." CEQA Guidelines Section 15061(b)(3).

Finally, there is no substantial evidence to support any conclusion other than that the Project has no potential to cause significant environmental impacts. As set forth in the Preliminary CEQA Review, the remodel will not have a significant environmental impact. Specifically, the Preliminary CEQA Review, which is supported by a traffic study prepared under the direction of the LADOT and economic, air, and noise impact analyses, concludes that there is no potential for the proposed remodel to have a significant impact. There is no substantial evidence to suggest otherwise. Even a fair argument that a project may have a significant impact must be supported by substantial evidence and, again, no such substantial evidence has been presented. Since the proposed remodel falls squarely within the City's exemption for interior and exterior alterations, no unusual circumstances are present and there is no substantial evidence to support a finding that the remodel could potentially result in significant environmental impacts, no further environmental review under CEQA is required, and a Notice of Exemption should be adopted.

The value of the work under the proposed remodel is not relevant to whether the Project is exempt from CEQA, and in particular not relevant to the determination of an expansion of use. As discussed in further detail in Response 18, the proposed remodel involves interior and exterior work that does not involve an expansion of use from the former Kmart operation – both uses are defined under the Municipal Code as “retail” uses. Moreover, the Home Depot store is smaller than the Kmart store as it reduces the floor area from 113,750 square feet to 95,250 square feet. Therefore, the proposed reuse project falls squarely within the City's Class 1 exemption and is exempt from further CEQA review.

Response 19

See Responses 3, 18 and 76.

Response 20

See Responses 1, 2, 12, 16 and 18. The Project Site operated as a Kmart store from the late 1970s until 2004. Home Depot initiated its redevelopment of the Project Site in January 2005. Since that time, Home Depot has diligently pursued entitlements to reuse the project site for a Home Depot store. As discussed in Response 18, the proposed remodel will reduce the size of the existing Kmart store by over 20,000 square feet, thus, there will be no expansion or intensification of the present retail use. All of the operational attributes of the proposed Project have been incorporated in the applicable analysis set forth in the Project's Preliminary CEQA Review (e.g., hours of store operation, number of employees, etc). All of these analyses, without exception, reached the same conclusion – the Project's impacts would not be significant. The Project Site is zoned C2 (Commercial) and P (Parking). Retail stores are permitted by right in the C2 zone. A Home Depot store, like a Kmart store, is a retail use and, therefore, is permitted by right in the C2 zone. Therefore, the proposed Project is exempt from further CEQA review.

Response 21

The Applicant is not piecemealing its proposed remodel. Piecemealing is the breaking up of one project into smaller pieces such that the full environmental impact of the proposed project cannot be reviewed comprehensively. The Applicant's Project Permit Compliance Review Application and Preliminary

CEQA Review present the full scope of Home Depot's proposed plans for the Project site. There are no additional pieces of the proposed remodel that the Applicant intends to bring forward at a later date. The entire proposed remodel is exempt under Class 1 of the City's CEQA Guidelines, "[i]nterior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use" are exempt from CEQA (City CEQA Guidelines, page 7). All of the work proposed under the proposed remodel falls within the City's Class 1 exemption and, therefore, the proposed Project is exempt from further CEQA review. The Project as a whole is also exempt under Class 2, Category 2 of the City's CEQA Guidelines. In addition, specific aspects of the remodel are also clearly covered by certain exemptions should they be undertaken on their own, i.e. the replacement landscaping is exempt under Class 4, Category 3 (new gardening, tree planting, or landscaping, but not including tree removal except dead, damaged or diseased trees or limbs), and Class 11 (construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities). That certain portions of the proposed remodel would also be exempt under the City's CEQA Guidelines does not mean that the Applicant is "piecemealing" its project. As discussed above, the Applicant has presented the entire scope of the proposed remodel to the City for its review of its conformance with the General Plan, Specific Plan, zoning and CEQA.

Response 22

As discussed in Response 18, there is no substantial evidence that the proposed remodel could have a potentially significant impact on the environment. There are no "unusual circumstances" with respect to this Project. As set forth in the Preliminary CEQA Review, the remodel will not have a significant environmental impact. Specifically, the Preliminary CEQA Review, which is supported by a traffic study prepared under the direction of the LADOT and economic, air, and noise impact analyses, concludes that there is no potential for the proposed remodel to have a significant impact. There is no substantial evidence to suggest otherwise. Even a fair argument that a project may have a significant impact must be supported by substantial evidence and, again, no such substantial evidence has been presented. Accordingly, the proposed remodel is not subject to further CEQA review.

Response 23

As discussed in Response 18, the proposed remodel does not present any unusual circumstances. The existing Kmart store, for which an EIR was completed before it opened, is located in a dense urban area in the City of Los Angeles. The Kmart operated from 1977 until 2004 and there is no evidence that it resulted in any significant environmental impacts during its tenure. The environmental conditions on and surrounding the site remain unchanged from when Kmart operated at the Project Site. As the City has previously found, the remodel would merely allow for the replacement of one retailer, Kmart, with another, Home Depot. Since the Project is a remodel of a store that operated in the same location for nearly 30 years, there are no unusual circumstances present that would preclude the application of the City's Class 1 exemption. Further, the Project is exempt under Class 2 exemption, as well as Class 4 (Minor Alteration to Land) and Class 11 (Accessory Structures), as detailed in the Applicant's Permit Application. Therefore, the proposed remodel is exempt from further CEQA review.

Response 24

The proposed Project is a retail store and does not function as a wholesale warehouse as erroneously suggested in the comment. Moreover, the Preliminary CEQA Review provides a full analysis of the potential noise impacts of the Project and demonstrates that in most cases, the impacts of the Project are less than or equal to those of the former Kmart use. Furthermore, in those few instances wherein the Project's impacts are greater, the Preliminary CEQA Review definitively shows, based on substantial information and analysis, that the Project's impacts in all of these cases, without exception, are less than significant.

The letter referenced in the comment notes only that environmental impacts from the Project to the School should be evaluated. The Project's Preliminary CEQA Review fully analyzed the potential for noise impacts to occur at the School. Development between the Project Site and the School, in addition to the distance, would further reduce the Project's noise levels at the School. See Preliminary CEQA Review, pages III-50 through III-61. This analysis addressed the School specifically and concluded that all Project construction and operational activities would not have a significant impact at the School. Furthermore, based on ambient noise levels at the School, many Project construction and operational activities would be inaudible at the School. The analysis presented in the Project's Preliminary CEQA Review addresses the Los Angeles Unified School District's ("LAUSD") concerns cited in this letter and as stated above, concludes that Project impacts are not significant. The noise study recognized the sensitivity of the School to increased noise levels and as such, provided a conservative analysis in evaluating potential noise impacts. See Preliminary CEQA Review, Appendix D: Environmental Noise Assessment for a Proposed Home Depot (the "Noise Study"). In particular, the Noise Study extended the provisions of Los Angeles Municipal Code ("LAMC") Section 112.05 to apply to the School, even though this Section of the LAMC does not apply to schools. As discussed on page 18 of the Noise Study, the construction noise levels experienced at the School would range from 16-61 dBA during exterior construction activities at the Project Site, while noise levels would range from 23-33 dBA at the School during interior construction activities within the proposed Home Depot building at the Project Site. Given the ambient noise level at the School, it was determined that the peak Project construction noise level at the Project Site would be barely perceptible, while Project construction noise levels that are lower than the peak noise level would be inaudible at the school. Thus, it has been quantitatively concluded that the Project's construction activities would not have a significant noise impact on the School and STA has presented no evidence that contradicts or refutes this conclusion.

In terms of the Project's operational noise levels at the School, the Noise Study determined that given the distance between the school and the Project Site, as well as the presence of intervening structures located between the two locations, both composite and individual operational noise levels at the Project Site would not exceed the ambient noise level at the School by more than 5 dBA. As shown in Table 8 on page 21 of the Noise Study, the composite operational noise levels at the School would increase by 0.1 dBA CNEL due to the Project, which is well below the 5 dBA CNEL threshold. In terms of individual on-site operational noise sources such as truck circulation, loading dock activities, lumber unloading activities, and mechanical equipment, it was determined that none of these on-site activities would result

in noise levels that would exceed the current ambient noise level at the School. As such, operational noise impacts on the School from the Project would be less than significant.

Due to the conservative nature and detailed manner in which noise impacts on the School has been conducted, future construction and operational noise levels generated at the Project Site would not result in a significant effect on the School.

Section 15186(b) of the CEQA Guidelines sets forth requirements that need to be followed “[b]efore certifying an EIR or adopting a negative declaration for a project located within one-fourth mile of a school....” As such, this CEQA Guidelines section is not applicable to the Project as the Project’s CEQA clearance is anticipated to occur via a categorical exemption and not a negative declaration or EIR. Furthermore, the CEQA Guidelines only require consultation with and noticing of the local school district, in this case the LAUSD. In this case, the School has submitted comments on the Project and is fully apprised of it. Lastly, it is anticipated that the City, although not required, would comply with the provisions of CEQA Guidelines Section 15186(b)(2) and notify the LAUSD of the City’s decision on the Project.

The comment’s statements regarding Goal 6 in the Sunland-Tujunga Community Plan are a misinterpretation of the text of the goal and its supporting policies and programs. Goal 6, along with its policies and programs, focuses on the location of schools themselves within the community and not on projects located near schools. Furthermore, the main objective of this goal is to “site schools in locations complimentary to existing land uses, recreational opportunities and community identify.” As the Project does not concern the development or relocation of a school, this goal does not apply. Regardless, the analysis in the Noise Study demonstrates that the Project would have no significant impacts at the School.

The comment does not present an “unusual circumstance” as defined in CEQA.

Response 25

The Project’s Preliminary CEQA Review addresses all potential impacts to the sensitive receptors identified in this comment, as well as others not included in the comment, and concludes that there would be no significant impact. As such, no further analysis of the referenced sensitive receptors is required. The comment does not point to the existence of any unusual circumstance.

Response 26

The proposed Project’s traffic impacts are analyzed in the Preliminary CEQA Review’ Traffic Study as well as on pages III-66 through III-75. Based on consultation with, and direction from LADOT, and a review of the Project vicinity and Project traffic-generating characteristics, it was determined that an evaluation of the Project’s potential traffic impacts during the A.M. and P.M. peak hours be conducted at the following six (6) intersections along Foothill Boulevard:

- 1) Foothill Boulevard and Sunland Boulevard;

- 2) Foothill Boulevard and Oro Vista Avenue;
- 3) Foothill Boulevard and Woodward Avenue;
- 4) Foothill Boulevard and Mount Gleason Avenue;
- 5) Foothill Boulevard and Commerce Avenue; and
- 6) Foothill Boulevard and Tujunga Canyon Boulevard.

As stated in the Preliminary CEQA Review, an evaluation of the base conditions (2008 + former Kmart) found that all of the above six (6) intersections except one (1) were operating at an LOS C or better; the intersection of Foothill Boulevard and Tujunga Canyon Drive operates at a LOS E during the AM peak hour.

The Project is estimated to generate 120 total AM peak hour trips, 244 total PM peak hour trips and 2,976 daily traffic trips. After accounting for trips generated by the former Kmart use and pass-by trips, the Project is estimated to generate 71 net AM peak hour trips, 5 net PM peak hour trips and 283 net daily trips. These Project trips were assigned as new trips to the local street system.

Two separate analyses of future (2009) traffic conditions along Foothill Boulevard were completed; one that took credit for the traffic trips generated by the former Kmart store and one that assumed the Project Site was vacant (a zero credit analysis). Under both analyses, both with and without credits taken for the former Kmart use, no significant traffic impact was found.

Further, it should be noted that while the comment indicates that this is a new regional "attraction" that would result in additional traffic impacts as a result of its regional sales area, this is an incorrect assertion. The former Kmart store was also a store with a regional sales area, as recognized by the Sunland-Tujunga-Toluca Lake-Shadow Hills-Lakeview Terrace-East La Tuna Canyon Community Plan.

This comment provides the commenter's unsubstantiated conclusion regarding the Project's air quality impacts. STA is not an expert on air quality issues and has presented no facts or evidence supporting its opinion. This opinion is further responded to in Responses 46 through 69. As clearly demonstrated in the Project's Preliminary CEQA Review, and further substantiated by Responses 46 through 69, emissions during Project construction and operations would not be significant. Please refer to Responses 46 through 69 for additional information in support of the conclusion that the Project's construction and operational emissions would not be significant.

The comment does not raise any facts supporting a finding that an unusual circumstance is present.

Response 27

As stated several times in the Preliminary CEQA Review, the Project does not increase the amount of impervious surfaces at the Project Site. Hence, there would be no change in conditions regarding the quantity of flows to the Haines Canyon Flood Control Channel. As stated in the Preliminary CEQA Review, pages III-27 through III-30, and restated in Response 9, the Project would comply with all applicable local and state requirements at the time of permit issuance, which would preclude Project

activities from having an adverse effect on water quality standards. See also Responses 9 and 94 through 99.

Response 28

All of the uses referenced in the comment as well as the suggested impacts have been appropriately and comprehensively addressed in the Project's Preliminary CEQA Review. As stated above, see Responses 4 and 5 in particular, the construction and operations of the Project would result in impacts that are concluded to not be significant. As analyzed in the Project's Preliminary CEQA Review, the Project would not result in a potentially adverse change in the environment for any adjoining residential property or the School. Furthermore, it is asserted in the comment that the Project presents "unusual" circumstances, and as is the case with numerous other comments, this assertion is made without providing substantial information to support the claim.

For a more detailed discussion of hazardous materials impacts, including the routine transport of hazardous materials, please refer to Responses 86 through 90. For a more detailed discussion of potential noise impacts from Project operations, please refer to Responses 114 through 119. For a discussion of the proposed Project's operations, please refer to Response 12. For a more detailed discussion of potential traffic impacts resulting from the proposed Project, please refer to Responses 26, and 126.

Response 29

An EIR was completed for the retail Kmart store before it opened. The proposed remodel is not an intensification of use as it is merely the replacement of one retail use with another retail use. In fact, the Home Depot retail use will be smaller as it reduces the size of the existing retail building by over 20,000 square feet. As discussed above in Response 18, no unusual circumstances are presented by the proposed remodel which is, again, a reuse of an existing Kmart store. Accordingly, the proposed remodel is exempt from further CEQA review. See also Response 12.

Response 30

The size of the Project and the Project Site and its location do not constitute unusual circumstances. Although the Project Site and existing building are larger than most in the surrounding area, this does not give rise to a reasonable possibility that the Project may have a significant impact. The General Plan Framework Element Community Center designation for the Project Site does not indicate that it is intended to be developed with any specific community-serving shopping center development, as the comment appears to suggest; rather, that designation indicates that the area so designated is intended to serve as a focal point for the surrounding community, containing a diversity of uses developed in two to six story buildings. The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan indicates that the Community Center area which includes the Project Site is intended to be developed with uses serving on a community-wide basis.

The Project involves the reuse of an existing single-story building. The building itself and the outdoor garden center will actually be reduced in size. The Project involves the continuation of the use of the property as a retail store. The Project is well within the limits of permitted floor area, provides parking significantly exceeding the LAMC requirements for retail stores, and otherwise fully complies with the Municipal Code and the Foothill Boulevard Corridor Specific Plan. Neither the Community Plan nor the Specific Plan mandate or even suggest that the Project site be redeveloped with new buildings as the comment appears to indicate. See pages III-32 through III-48 of the Preliminary CEQA Review, for a more detailed discussion of the Project's compliance with the General Plan, Community Plan and Specific Plan.

Response 31

The commenter's statements relating to urban decay are fundamentally flawed and erroneous and do not change the conclusion on pages III-32 through III-48 of the Environmental Impact Analysis, Appendix B of the Preliminary CEQA Review, that the Home Depot store will not result in urban decay. Further, the STA/King comments regarding urban decay do not present any evidence to support the assertion that the Project would result in urban decay.

The commenter claims, without providing supporting economic evidence, that the region is in a recent economic downturn, that there are a number of struggling smaller home improvement type of businesses along Foothill Boulevard, and that there is a stagnant local commercial real estate market and high vacancy rates. The commenter further claims that this new "regional mega-discount home improvement outlet" would create an "economic disaster."

As stated on page III-4 and III-48 of the Preliminary CEQA Review and in the Economic Impact Analysis, the Foothill Boulevard corridor, which runs east-west through the Trade Area, is generally characterized by a long-term trend of relatively low vacancy and rising rents. While the region is experiencing an economic slowdown in a number of sectors, this phenomenon is a part of the business cycle. The region has strong underlying fundamental strengths as noted in the Economic Impact Analysis, page 27. The Preliminary CEQA Review and associated technical report notes that within the western portion of Foothill Boulevard in Sunland nearest to the site of the proposed Home Depot, there are more older and underutilized improvements. Nevertheless, there is no pattern of ongoing urban decay or even a trend in that direction. Quite to the contrary, the trend in the real estate market along that portion of the corridor is one of redevelopment of obsolete or underutilized improvements and renovations, not disinvestment and deterioration.

The commenter states the Foothill Boulevard corridor is a "stagnant local real estate market" without providing supporting evidence. This opinion is incorrect. The market is in fact characterized by significant new private initiated investment in the form of redevelopment to replace obsolete and underutilized properties as well as renovation improvements. Example of this are provided on page 27 of the Economic Impact Analysis, and include PetSmart leasing a portion of a property in Tujunga and reusing an existing building formerly occupied by a supermarket. Further examples of re-investment

along Foothill Boulevard are located at the southwest corner of Foothill Boulevard and Commerce Avenue and in the 8200 block of Foothill Boulevard.

Claims that many retailers are likely to close as a result of competition from the proposed Home Depot store are unfounded. As indicated on page 19 of the Economic Impact Analysis, even with Home Depot in operation, a very large portion (in excess of 30% with a value of over \$100 million) of the demand for hardware and home improvement merchandise in the Trade Area will still be unmet by retailers in the Trade Area after the opening of the proposed store and will be lost to retailers outside the Trade Area. Thus, there will be ample demand in the Trade Area—not captured by Home Depot—to continue to support the existing retailers at the level at which they are accustomed.

Strategies in which smaller format, locally owned hardware or home improvement stores can successfully compete with “big-box” stores and adapt to new competitive environments, including providing increased convenience, enhanced service, increasing availability of alternate product lines, and altering hours/days of operation are provided in the Economic Impact Analysis. Further, two articles are provided that demonstrate how smaller format, locally owned home improvement stores can compete with “big box” stores.

A number of the statements made by the commenter essentially equate loss of sales or closure of existing competing retailers with the onset of urban decay. It must be emphasized that loss of sales or store closures is not sufficient to trigger urban decay in a locale. As California Courts have made clear, urban decay requires a two-step analysis: first, there must be closures of existing businesses where the spaces vacated by existing businesses are not reoccupied by new businesses or tenants. Second, the vacant spaces related to the opening of a new store must lead to a physical effect on the environment.

The commenter does not show that urban decay could occur due to the opening of a Home Depot in Sunland and its general opinion, based on a misstatement of the law, is not substantial evidence. As discussed previously, there is sufficient market capacity in the hardware/home improvement sector to absorb the opening of a Home Depot in Sunland. Even if the opening of a Home Depot in Sunland resulted in closures of hardware/home improvement stores in the market area, it is clear that the real estate market along the Foothill Boulevard corridor is characterized by new investment in the form of privately initiated redevelopment and renovation. Thus, there is no indication that the space remaining from closed businesses would not be reoccupied. There is also no evidence that even if storefronts were not reoccupied in this vibrant market, that the physical environment would be affected by the closed storefronts. Thus, a Sunland Home Depot would not trigger a sequence of events culminating in urban decay.

Please refer to Appendix A of this document for a more detailed response.

Response 32

The proposed remodel does not have the potential to cause a significant environmental impact. As set forth in the Preliminary CEQA Review, the remodel will not have a significant environmental impact.

Specifically, the Preliminary CEQA Review, which is supported by a traffic study prepared under the direction of the LADOT and economic, air, and noise impact analyses, concludes that there is no potential for the proposed remodel to have a significant impact. There is no substantial evidence to suggest otherwise. Even a fair argument that a project may have a significant impact must be supported by substantial evidence and, again, no such substantial evidence has been presented. Accordingly, the proposed remodel is exempt from further CEQA review. See also Response 18.

Response 33

The City's CEQA review process calls for the applicant to prepare the application and any other supporting documentation and to present it to the City for its expert review. The City then reviews the application, any supporting documentation, and any information submitted by the public or other agencies, evaluates its validity, and reaches an independent conclusion. The City's right to proceed in this manner has been affirmed by the Courts as consistent with CEQA, and the commenter has presented no evidence that the City has not met its obligations.

The City is employing its independent review process here and there is no reason that the City should depart from it. The Applicant has prepared its application and submitted documentation to support it. Specifically, in addition to the application, the Applicant prepared a Preliminary CEQA Review for the City to review independently and consider when determining whether the proposed remodel is categorically exempt from CEQA. The exemption determination is made by the City, not by the Applicant, although the Applicant can apply for an exemption. The City's independent review is guided and informed by the comments of City experts, including the LADOT, as well as comments from the public in reaching its determination. The Applicant's and the City's own experts' conclusions are substantial evidence on which the City can find that the proposed remodel is exempt from further CEQA review. The mere fact that an applicant, here Home Depot, submitted expert analysis in support of its Project Permit Compliance Review in no way raises an issue of City bias nor does the City's review of those analyses create an issue of bias any more than the City's review of project opponent comments. The City conducts a full and independent review. In this case, there is not substantial evidence of a potential significant impact from the proposed remodel. Please see Response 1.

Response 34

CEQA does not require that public agencies provide public notice or notice to other public agencies of their internal decision-making processes on whether a project is exempt from CEQA. Under CEQA, however, if the City determines that the Applicant's proposed remodel is exempt, it may, but is not required to, file a Notice of Exemption to inform the public of its decision after it is made in the event the project is approved.

Despite the fact that the City is not required to accept any public input in its review of a proposed exemption, the City has provided ample time for the public to review and comment on the Applicant's proposed remodel and Preliminary CEQA Review. The Applicant submitted its proposed Notice of Exemption together with the Preliminary CEQA Review on June 20, 2008. The City made this

information available to the public for review and comment. The City has accepted public comments on the Preliminary CEQA Review and has reviewed or is in the process of reviewing these comments. Notably, under CEQA, a public agency is only required to circulate publicly a draft environmental impact report for 45 days. Comments submitted after this 45-day period do not need to be considered by the agency. The Sunland-Tujunga Alliance and the No Home Depot Campaign submitted its comments on the Preliminary CEQA Review on August 8, 2008 or 49 days after the Applicant submitted its Preliminary CEQA Review to the City and the City made it available to the public for review. The City's decision to accept and review comments while undertaking its internal review of a proposed exemption goes beyond its obligations under CEQA.

Response 35

As stated in Responses 3, 4 and 19 through 33, a categorical exemption is the appropriate CEQA clearance for the Project and this conclusion is further supported by substantial evidence, as set forth in the Project's Preliminary CEQA Review, that the Project's impacts would not be significant. As such, there is no basis under CEQA to require the preparation of an EIR for the Project.

Response 36

Please refer to Response 35.

Response 37

The commenter asserts that the proposed Project would result in a less than significant on scenic vistas. However, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur. Regarding the commenter's assertion that the proposed Project not substantially damage scenic resources, these comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 38

The comment acknowledges that the Project consists of an existing building constructed prior to the adoption of the Specific Plan and the associated Design Guidelines, and is therefore considered to be non-conforming. Neither the Specific Plan nor the Design Guidelines require an existing building to fully comply with all of the various provisions of both documents. Most of the provisions cited by the commenter apply to the construction of new buildings or to additions to existing buildings; the Project does not involve either. Numerous other existing buildings located within the Specific Plan area that have been subject to Project Permit Compliance Review under the Specific Plan, similar to the Project, have not been required to comply with all of the Specific Plan's requirements that apply to new buildings. To the extent the Project involves work regulated by the Specific Plan (e.g. the repainting of exterior walls, new exterior lighting), those elements fully comply with the Specific Plan and Design Guidelines. The Project is not a Significant Project, as defined by the Specific Plan. Nevertheless, the Project Applicant agreed voluntarily to comply with the additional minimal requirements, which essentially involve the

inclusion of bicycle racks, news racks, benches and trash receptacles. Although the parking lot will be resealed and restriped, neither of those activities are regulated by the Specific Plan, and any repairs that may be required in the future would also not be regulated by the Specific Plan.

The reuse of an existing, legal nonconforming building cannot cause visual blight as the commenter indicates merely because it does not comply with subsequently enacted requirements applicable largely to the construction of new buildings. For the reuse of existing buildings, the City does not apply every design and architectural requirement in the Specific Plan, many of which are intended solely for new buildings. The proposed orange accent color is permitted by Standard 8-B of the Design Guidelines, which provides "Bright colors including fluorescent and day-glow are not permitted, *except when used as accent*" (emphasis added), and is not prohibited as indicated in the comment. The new rooftop mechanical units will not be visible from the surrounding areas because they are located hundreds of feet from the adjoining streets, and the perimeter walls, intervening landscaping at the perimeter of the Project Site and within the parking areas, and the existing raised parapet wall along the front of the building will effectively screen views of the equipment.

The Project's compliance with the applicable provisions of the Foothill Boulevard Corridor Specific Plan and Design Guidelines is detailed in Attachments 1 and 2 to the Project Permit Compliance Review Application. The Department of City Planning will review the Project for compliance with the Specific Plan and must find that it complies with the relevant provisions of the Specific Plan in order for it to approve a Project Permit Compliance Review Application.

See also Response 21.

Response 39

The comment provides no independent source of information that clearly establishes the items referenced in the comment as "commonly recognized and accepted ... principles." These "aesthetic and design principles" are not required by the LAMC, the Foothill Boulevard Corridor Specific Plan, or by any other law or code, and are therefore, inapplicable to the Project. The commenter draws completely unsubstantiated conclusions without providing any substantial evidence to support its claims. Without substantial evidence the information presented in this comment represents nothing more than one commenter's opinion.

The Project's Preliminary CEQA Review evaluates the proposed Project's potential to affect the existing visual character or quality of the site and its surroundings on pages III-2 through III-5 and discusses the proposed Project's consistency with the aesthetic guidelines of the Foothill Boulevard Corridor Specific Plan, and other related land use plans on pages III-33 through III-46 of the Preliminary CEQA Review. Based on these analyses, a conclusion, based on substantial evidence, is reached that the proposed Project would not substantially degrade the existing visual character or quality of the site and its surroundings and that the proposed Project would be consistent with all applicable land use policies. Please refer to Responses 6, 30, 38, 40, 41, and 101 through 110 for a discussion of the proposed Project's consistency

with applicable land use regulations governing the Project Site, including the Foothill Boulevard Corridor Specific Plan, which seeks to ensure an aesthetically pleasing environment.

Response 40

See Response 38. The existing building is non-conforming and is not required by the Specific Plan to comply with all of its provisions. The Project complies with all applicable provisions of the Specific Plan as set forth in detail in Attachments 1 and 2 to the Project Permit Compliance Review Application submitted for the Project.

Response 41

See Responses 38 and 40. The Project site is subject to the existing Q conditions, the LAMC, and the Foothill Boulevard Corridor Specific Plan and Design Guidelines. However, not all provisions of these apply to the reuse of an existing building. Numerous other existing buildings within the Foothill Boulevard Corridor Specific Plan, including those located at 6348, 6545, 7101, and 7245 W. Foothill Boulevard, have had Project Permit Compliance Review approvals issued without being required to fully comply with every provision of the Specific Plan and Design Guidelines. The Project is consistent with all applicable provisions of the Specific Plan and Design Guidelines as discussed on pages III-42 through III-46 of the Preliminary CEQA Review. The comment does not present any evidence of a potential significant visual impact.

Response 42

Please refer to Response No. 31 above.

The Preliminary CEQA Review evaluated the proposed Project's potential to result in a significant aesthetic impact through urban decay on pages III-4 and III-48, and in the Economic Impact Analysis. As stated therein, the Project does not have the potential to cause urban decay. Please refer to Appendix A of this response document for a more detailed discussion.

Response 43

The Preliminary CEQA Review evaluates the proposed Project's potential aesthetic impacts from light and glare. As concluded on pages III-5 through III-6, the proposed Project would not cause substantial light and glare impacts.

Site lighting would continue to be provided similar to the existing pole- and building wall-mounted fixtures, although the existing light fixtures would be replaced with more energy-efficient and directional models. The parking lot, walkways, trash area, and other areas on-site would have properly shielded security lighting. The lighting would be designed to contain light on-site to ensure the safety of customers and employees, while reducing off-site glare. These enhancements to the existing site lighting system would reduce the amount of light reaching off-site locations when compared to the operations at the former Kmart store. As such, the Project would improve conditions relative to off-site lighting

impacts. Moreover, all Project lighting would comply with City requirements regulating the amount of spill-over lighting on nearby residential properties and would not interfere with light-sensitive activities that occur in the residential development to the west, east and south of the site.

The comment claims that the amount of lighting and its intensity have not been quantified. However, the amount of lighting provided by the proposed Project is described in the Project Description, on page II-15. Additionally, lighting would be designed and installed so that light levels at the property line would comply with LAMC Section 93.0117 and would not exceed the quantifiable level of two (2) foot-candles. Thus, the quantifiable amount of light reaching adjacent residential properties would not exceed two (2) foot candles. The Project would also comply with Section 6 of the Foothill Boulevard Specific Plan in that no floodlighting would be located so as to be directly seen by adjacent properties, meaning there would be no floodlighting at adjacent properties to quantify. Additionally, the existing landscaping at the eastern and southern edge of the Project Site would obstruct on-site light sources from residential land uses to the east and south. Furthermore, the existing and extended walls around the north, east, south, and west perimeter of the Project Site would screen headlights from the adjacent uses.

Response 44

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 45

While the commenter asserts that the level of impact is less than significant, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

Response 46

The Project's air quality analysis presents its conclusions both in terms of no activity at the Project Site (i.e., no existing vehicle trips or operational emissions) as well as the change in emissions in relation to the former Kmart store. See Appendix C to the Preliminary CEQA Review, Air Quality Assessment for a Proposed Home Depot. The conclusions of both of these analyses, as presented in the Project's Preliminary CEQA Review, are the same – the Project's emissions would not be significant. Furthermore, the analysis taking into account the emissions attributable to the former Kmart use is proper and appropriate for the same reasons as those set forth in the traffic responses. The assumptions used in calculating the emissions from the former Kmart use are those set forth in the EIR prepared by the City for what was then a proposed Kmart store. As such, the assumptions used to calculate emissions from the former Kmart store were reviewed and previously approved by the City of Los Angeles. As such, the data is valid and is not "fictional" nor "pure speculation" as suggested in the comment. Refer to Response 16 regarding the appropriate baseline for the site.

Response 47

The air quality analysis prepared for the proposed Project reflects all of the operational attributes of the proposed Project, including, but not limited to, hours of operation and number of employees. These operational attributes, as discussed in Response 26, were used in the analysis of Project emissions both in terms of no activity at the Project Site (i.e., no vehicle trips or operational emissions for the Kmart store) as well as the change in emissions in relation to the former Kmart store. Thus, the analysis requested in the comment has already been provided in the Project's Preliminary CEQA Review.

Response 48

As stated in earlier responses, the proposed Project is a retail store and does not function as a warehouse as erroneously suggested in the comment.

The requested diesel exhaust analysis requested in the comment is presented on pages 34 through 42 of the Project's Air Quality Assessment. This analysis concludes impacts would not be significant as the calculated maximum cancer risk is less than 10 in 1 million. The 5 minute idle time assumption used in the modeling reflects the maximum allowed by law under the State's truck idling reduction program which went into effect in 2006. In order to provide a conservative analysis, the analysis assumed a truck travel speed of 5 mph around the Project Site, rather than the standard assumption of 8 mph. While this assumption was made to provide a conservative analysis, it also serves to respond to the comment's assertion regarding the on-site truck travel path. The Project's truck travel route, as shown in Figure 2 of the Project's Air Quality Assessment, indicates a logical and efficient truck travel route that makes a loop around the Project Site thereby minimizing the amount of truck travel, and resultant emissions, generated within the Project Site. It should be noted also that the truck route is the same as the route used by trucks for the Kmart store. The modeling of truck idling emissions was calculated as a volume source, consistent with standard industry practices.

Response 49

The Preliminary CEQA Review discusses the volume of delivery trucks on pages III-70 and III-71. The number of delivery trucks necessary to service the proposed Project was conservatively determined based on the number of trucks required to service an average Los Angeles-area Home Depot store. At 99,857 S.F. (including the Garden Center), the new project will be approximately 35,000 S.F. smaller than the average Home Depot store currently operating in the Los Angeles area. See also Responses 92 and 135 regarding the conservative number of trucks assumed for the CEQA analysis.

Based on the Project's site plan, it was determined that delivery trucks entering the Project Site would be traveling greater than 50 feet away from the Senior Mobile Home Park property line. However, to be absolutely positive that the proposed Project would not result in a health risk, the distance between the delivery trucks and the mobile home park was conservatively assumed to be 9.5 feet. This conservative distance was used in the Project's health risk assessment (see the Air Quality Assessment provided as Appendix C of the Preliminary CEQA Review).

Response 50

The SCAQMD provides neither methodologies nor thresholds of significance to be used to assess cumulative air quality impacts. Instead, the SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed utilizing the same significance criteria as those for project specific impacts. After applying the SCAQMD's protocols, the Preliminary CEQA Review concludes that the Project's diesel particulate emissions would not be cumulatively significant.

Response 51

Based on the information presented in Responses 48 through 50, the Project's Preliminary CEQA Review was conducted in accordance with all regulatory guidance and used a number of assumptions that yield a conservative and accurate assessment of the Project's potential air quality impacts. As all of the commenter's assertions regarding the deficiencies of the analysis are directly contradicted by the analysis itself, the analysis as presented in the Project's Preliminary CEQA Review is valid and accurate. Therefore, it is proper to rely on the Preliminary CEQA Review's conclusion that the Project's emissions on both an individual and cumulative basis would not be significant.

Response 52

Many of the Project's remaining construction activities must be performed sequentially; i.e., moving of building entrance ways must be finished before the exterior can be painted, and the exterior must be painted before signs are hung. This sequential nature of Project construction is reflected in the Project's construction schedule, which is one of the bases upon which the Project's air quality construction analysis was conducted (see Figure 1). The SCAQMD's regional construction thresholds are expressed in terms of pounds of emissions per day. Hence, the analysis presented in the Project's Preliminary CEQA Review is correct as the individual emission sources included in Table 5 of the Air Quality Assessment do not occur on the same day, so it would be erroneous to add them together.

**Figure 1
Construction Activities Timeline**

Activity	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6
Install CMU Wall (Woodward Avenue)	█					
Install Cart Corral Enclosures		█				
Dry Wall (Interior)	█	█				
Electrical Fixtures (Interior)		█	█		█	
Remove & Replace Concrete Slab (Penske Area)		█	█			
Install Garden Center Fencing			█			
Install CMU Walls & Doors (Enclosed Truck Dock)		█	█			
Install New Storefronts & Fill-In Masonry Openings			█	█		
Removal Of Existing & Installation Of Roof Equipment				█		
Re-Paint Building				█	█	
Install New Wall Signage					█	
HVAC (Interior)				█	█	
T-Bar Ceilings (Interior)					█	
Painting (Interior)					█	█
Plumbing (Interior)						█
Planting Trees & Shrubs						█
Install Site Signage						█
Repair Parking Surface, Slurry Seal & Re-Stripe						█
Clean-Up						█

Source: A.J. Padelford & Sons, Inc., Cerritos, CA.

As set forth in Table 1 of SCAQMD Rule 403, a number of techniques are available to control dust without the use of water trucks. Furthermore, there are no large open areas proposed for the remaining construction at the site so there is no need for a water truck. Hence, the inclusion of Rule 403 compliance without the presence of water trucks is not an error in the analysis.

The purpose of the Project’s regional construction air quality analysis is to identify the daily emissions associated with Project construction. Therefore, consideration of the emissions for activities which have already been completed is not applicable or relevant.

Construction worker trips were not included because of the small size of each construction work crew; i.e., based on the equipment required to complete the activities detailed on the Applicant’s Construction Activities Plan, the maximum Project construction work crew is seven. Additionally, as all construction workers were assumed to live locally in the Los Angeles Metropolitan Area, a construction worker trip length of 20 miles was used as it represents a conservative estimate based on the UREMBIS default assumptions for this analytic parameter. If it was assumed that all seven crew members drove separately,

each with a 20 mile commute and that the analysis year is 2009 then the maximum mass emissions from the crew trips would be as shown in the table below.

Table 1
Daily Emissions from Construction
Worker Trips

Criteria Pollutants	Quantity
CO	0.00652
NO _x	0.000682
ROG	0.000667
SO _x	6.64E-06
PM ₁₀	5.26E-05
PM _{2.5}	3.27E-05
<i>This analysis utilizes "Highest (Most Conservative) Emfac 2007 (version 2.3) Emission Factors for On-Road Passenger Vehicles & Delivery Trucks" produced for the SCAQMD by CARB.</i>	

Given the extremely low level of emissions, as shown above, no material change in the analysis of the Project's regional construction emissions would occur with the addition of these emissions. With regard to the Project's construction dispersion analysis, these additional emissions would have no effect on the analysis as these emissions would occur over a 20 mile commute and would end prior to the start of operating the on-site construction equipment.

The emissions from the construction crew would not be added to the construction emissions for the localized analysis because the construction crews would arrive on site before their construction equipment is operating.

As stated in Response 50, the SCAQMD recommends that a project's potential contribution to cumulative impacts be assessed utilizing the same significance criteria as those for project specific impacts. As the Project would result in less than significant impacts with regard to construction impacts on an individual basis, the Project's cumulative impacts would also be less than significant.

Response 53

All of the modeling output files used in the Project's air quality analysis were included in the appendices to the Project's Air Quality Study. Within these appendices, all of the requisite modeling parameters are presented, which would allow the commenter to replicate the modeling it had it chosen to do so. Instead, the commenter chose to erroneously assert that the information was not included in the Project's Air Quality Study, rather than use the very large amount of data and modeling included in the appendices to the Project's Air Quality Assessment. As analyzed in the Air Quality Assessment, the Project would not have a significant NO_x impact.

Response 54

All of the equipment that would be used during the Project's construction phase is presented in the appendices to the Air Quality Assessment along with the construction activity, hours of use, miles traveled, emissions factors, estimated emissions per equipment type, and full summations of emission levels by pollutant. Once again, all of the information requested in the comment was provided in the Project's Air Quality Assessment.

Response 55

As set forth in Response 52, the Project's construction analysis was conducted correctly based on the Project's construction schedule. The commenter is mistaken in both its assertions regarding the Project's construction analysis as well as the Project's operational analysis. Table 7 on Page 31 of the Air Quality Technical Report presents the emissions from the individual sources, totals the emissions and then compares the total emissions to the SCAQMD's significance thresholds. The separations that occur in the Table are to improve the readability of the table as the table presents several analyses (e.g., Home Depot versus Kmart and Summer versus Winter). Emissions by source are not individually evaluated against the SCAQMD thresholds. Also of note, the commenter in its very next comment (Comment 56) acknowledges its understanding of the Table format: "The table [Table 7] provides a summary of total emissions and compares them against SCAQMD thresholds of significance."

Response 56

All data inputs, model output files, and explanations of the changes made to the default settings in URBEMIS 2007 with regard to the Project's regional operational emissions are included in Appendices A and B to the Air Quality Assessment. All modeling performed for the proposed Project, as well as the data used, is reproducible from these output files. Please also see Response 53 regarding verification and accuracy of the modeling of the Project's regional emissions.

Response 57

All modeling of the Project's emissions were conducted in strict accordance with the protocols established by the SCAQMD. The Preliminary CEQA Review provides all of the information required to evaluate the Project's potential air quality impacts and the Air Quality Assessment and its appendices provide all the supporting data required to independently validate the modeling results. Hence, the analyses were conducted properly. The commenter proposes that using a vehicle fleet mix of 2.10% is inappropriate, and also asserts that Home Depot is a special retail center (ITE Code No. 814) and that the ITE Code is different than that used for Project trip generation (ITE Code 862). This assertion is incorrect. As explained in Response 64, the correct ITE land use code for the proposed Project is 862 (Home Improvement Superstore); however, as explained below, a different ITE use code was inputted for air quality analysis purposes.

In reference to the vehicle fleet mix, changes to the statewide vehicle mix are explained in detail in pages 1 and 2 of Appendix B of the Air Quality Assessment, and are based on ITE values. The 14.60% total truck trips is generated as a statewide average of the percentage of truck trips. This percentage accounts for every ITE land use throughout the state. To simply apply a statewide average to the proposed Project, as suggested by the commenter, would be inappropriate and would not take into account the specific type of operations at the proposed Project.

It should be noted that the URBEMIS modeling program does not currently contain the Retail Home Improvement Store (ITE Code 862) as an input option. Thus, the land use code which provided the closest match to this land use, and which was included in the modeling program, Specialty Retail Center (ITE Code 814) was applied in the model. The Specialty Retail Center land use code accounts for a truck fleet mix of 2.10 percent. It is important to note that the other land use codes that could have been applied to the proposed Project, such as Hardware and Paint Store (816), produce a lower percentage of truck trips (1.58 percent). Thus, the use of ITE Code 814 provides a more conservative analysis of truck trips.

Response 58

The Project's operational emissions can be grouped into two general categories – mobile sources and non-mobile sources. As shown in Table 7 of the Preliminary CEQA Review, mobile emissions constitute between 96 percent and 100 percent of total Project emissions depending on the individual pollutant being evaluated. These emissions reflect the number of vehicle trips generated by the Project. As the number of vehicle trips used in the analysis are consistent with those used in the traffic analysis (see Response 59), the discrepancy in building square footage identified in this comment would have no material effect on the Project's mobile source emissions. As a result, the discrepancy in building square footage would only affect non-mobile source emissions. As shown in Table 7, Project emissions of SO_x, PM₁₀ and PM_{2.5} are 100 percent attributable to mobile sources, so the discrepancy in building square footage would have no effect on emissions of these pollutants. With regard to CO, NO_x and VOC emissions, non-mobile sources account for a maximum of 4 percent of individual pollutant emissions. The analysis correctly assumes the building area to be 95,750 square feet. The building discrepancy raised in the comment results from the inclusion of the 4,607 square foot garden center in the overall Project area, which represents less than 5 percent of the Project's total area (99,857 vs. 95,250 square feet). So even if the total area was adjusted, it would have a marginal change in the total emissions generated by the Project. As Project emissions for all pollutants are no greater than 58 percent of the significance threshold, a very minor increase in non-mobile source emissions would not cause a change in conclusions, and as such, Project regional operational emissions would continue to not be significant.

In addition, the comment identifies a 100,607 square-foot facility. No information is provided as to the source of this number as it does not appear in any of the materials addressing the proposed Project. The proposed Project is 99,857 square feet in area, inclusive of the covered garden center.

Response 59

The commenter notes that the traffic volumes in the Air Quality Assessment (Appendix C to the Preliminary CEQA Review) are slightly lower than those shown in the Traffic Impact Analysis (Appendix A to the Preliminary CEQA Review) (2,838.45 vs. 2,976 daily trips). While this is true, it is important to note that traffic volumes in URBEMIS, even when adjusted, often do not match the traffic volumes in a projects' traffic report. In this particular case, there are 138 fewer trips in the Air Quality Assessment. The estimation of daily trips in the Air Quality Assessment is approximately 5 percent lower than the daily trips shown in the Traffic Impact Analysis. As none of the pollutants analyzed are greater than 58 percent of the significance threshold, a 5 percent increase in mobile source emissions would not cause a change in conclusions, and as such, Project regional operational emissions would continue to be not significant. This conclusion is supported by the following table which is based on the number of Project trips that are set forth in the Project's traffic study.

**Table 2
Forecast of Daily Project Operational Emissions**

Emissions Source	Emissions in Pounds per Day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Wintertime Emissions						
Proposed Project						
Water and Space Heating	0.07	0.92	0.77	0.00	0.00	0.00
Architectural Coatings	0.56	--	--	--	--	--
Mobile (Vehicle) Sources	26.23	31.17	278.86	0.20	43.76	8.35
Total Emissions	26.86	32.09	279.63	0.20	43.76	8.35
SCAQMD Thresholds	55	55	550	150	150	35
Significant Impact?	No	No	No	No	No	No
Kmart Emissions						
Water and Space Heating	0.07	0.96	0.81	0.00	0.00	0.00
Architectural Coatings	0.58	--	--	--	--	--
Mobile (Vehicle) Sources	53.89	60.26	563.4	0.35	75.34	14.35
Total Emissions	54.54	61.22	564.21	0.35	75.34	14.35
Net Increase in Daily Operational Emissions (Project Minus Kmart)						
Net Increase in Daily Operational Emissions	-27.68	-29.13	-284.58	-0.15	-31.58	-6.0
SCAQMD Thresholds	55	55	550	150	150	35
Significant Impact?	No	No	No	No	No	No
VOC = volatile organic compound, NO _x = nitrogen oxide, CO = carbon monoxide, SO _x = sulfur oxide, PM ₁₀ = particulate matter.						
Source: Christopher A. Joseph & Associates, August 2008 Calculation sheets are provided in Appendix A to these responses.						

Response 60

The commenter incorrectly suggests that it is erroneous to assess the Project's emissions taking into consideration the trips generated by the former Kmart store. Please refer to Response 16. Moreover, the analysis of Project emissions was conducted both with and without considering the former Kmart store, and both of these analyses reached the same conclusion – Project impacts would not be significant.

Response 61

The URBEMIS modeling presented in this comment was conducted using a number of erroneous or unsubstantiated assumptions, thus leading to erroneous and unsubstantiated results and conclusions. As stated in Response 58, no information in any of the Project's materials indicates a building square footage of 100,607. As no support is provided for this number, it is impossible to assess its validity. With regard to the modeling itself, the modeling is based on an incorrect land use code which tremendously overstates the Project's trip generation. The modeling presented in this comment based its trip generation on ITE Code 816 - Hardware/Paint Store. As detailed below in Response 64, the Hardware/Paint Store land use code is intended for a much smaller store (less than 28,000 gross square feet), and thus, generates a much higher trip rate per 1,000 square feet of floor area. Based on the ITE trip rate of 51.29 trips per 1000 square feet of Hardware/Paint Store, the proposed Project would generate 5,159.77 trips per day, or 173% of the estimated daily trips under the correct ITE land use (Retail Home Improvement Store). Further, as discussed above in Response 59, none of the Project's individual pollutant emissions are within 40 percent of the threshold. Thus, even if the store size is increased as suggested by the commenter, the proposed Project would not result in emissions that exceed the thresholds established by the SCAQMD. As the Project's emissions would not be significant, no further analysis beyond that provided in the Preliminary CEQA Review is required.

Response 62

As discussed in the Traffic Study, Chapter 5, pages 19 through 29 includes a cumulative traffic impact analysis. Table 5 on page 21 of the Traffic Study, entitled "Related Projects Descriptions," lists the related projects that were considered in the cumulative impact analysis. The related project list consists of all potential projects located within the study area, and was obtained from the LADOT and City Planning. The locations of the related projects are depicted in Figure 9, Related Projects Map. In addition, the cumulative impact analysis includes an ambient growth factor of 2 percent per year in order to account for any smaller or unknown related projects in the project vicinity.

Thus, the cumulative impacts analysis includes: (1) the effects of past projects, as part of the environmental baseline; (2) the effects of current projects, included in the related projects list and ambient growth; and (3) probable future projects, also included in the related projects list and ambient growth. Thus, the cumulative effect of potential traffic growth is analyzed with the results reported in Table 7, page 26 of the Traffic Study.

Pursuant to the City of Los Angeles Policies and using industry standard methodologies, the traffic impact of the Project's net change in traffic volume has been calculated by adding the Project volume to the "cumulative without project" traffic volume. Comparing the changes in the traffic conditions provides the information to determine if the project generated traffic increases create a significant impact on the study intersection. According to the standards adopted by to the City of Los Angeles, a project traffic impact is considered significant if the related increase in the V/C value equals or exceeds the thresholds shown in the table below.

Table 3
Level of Service by V/C Value

LOS	Final V/C Value	Increase in V/C Value
C	0.701 - 0.800	+ 0.040
D	0.801 - 0.900	+ 0.020
E, F	> 0.900	+ 0.010 or more

Source: Overland Traffic Consultants, August 2008.

As is discussed in the Traffic Study, none of the study intersections for the proposed Home Depot equal or exceed the thresholds in the table. See Traffic Study page 27, Table 8.

The table provided in the comment incorrectly shows the “Impact” as the incremental traffic from related projects, ambient growth and the Project traffic, rather than from just Project traffic, as directed by the LADOT Traffic Study Policies and Procedures. When properly analyzed, the Project does not have a significant impact at any location.

Traffic-generating characteristics of commercial developments have been surveyed by the Institute of Transportation Engineers (“ITE”). The results of the traffic generation studies have been published in a handbook titled Trip Generation, 7th Edition. This publication of traffic generation data has become the industry standard for estimating traffic generation of different land uses and is the data recommended in the LADOT Traffic Study Policies and Procedures.

ITE recommends using supplemental local data when the trip generation database has less than 6 data points. The ITE Home Improvement Superstore (ITE 862) data base contains 9 to 11 data points. To maintain consistency with the ITE’s nationally recognized data base, ITE recommends and it is common practice to collect trip generation data at three (3) to five (5) sites to draw valid conclusions. The data used by STA, drawn from a Thousand Oaks Home Depot example, was based on one unsubstantiated study at one site with no analysis or adjustments.

It is important to validate any independent trip generation data for local use. ITE recommends that a local trip generation rate should be considered valid if it meets the following criteria:

- The trip generation rate for each of the locally surveyed sites falls within one standard deviation of the ITE trip generation rates. The referenced Home Depot trip generation rate used in the Thousand Oaks example does not satisfy this criterion for any of the time periods (daily and peak hour).
- The sites surveyed should be within 15% of the ITE trip generation rate. The one site collected for the Thousand Oaks Home Depot example exceeds the ITE data base by 42% daily, 175% A.M. peak hour and 72% P.M. peak hour.

The review of the Thousand Oaks Home Depot data example shows that the reported local data and the national data are substantially different. ITE does not recommend replacing the national database with local rates not in conformance with the procedures recommended by ITE for establishing local trip generation rates. In other words, the local data needs to maintain the same statistical integrity as has been applied to the national data based prepared by ITE. The Thousand Oaks Home Depot example does not meet this threshold requirement and, thus, cannot be used in a traffic study using industry standard principles and complying with City of Los Angeles policies. Therefore, any conclusions reached in relying on this data do not constitute substantial evidence supporting an argument that the Project could have a significant environmental impact.

Therefore, no changes to the CO analysis are necessary.

Response 63

The commenter incorrectly suggests that the Traffic Impact Analysis was prepared using an incorrect methodology, and, therefore, that the analysis of the Project's potential air quality impacts related to CO emissions is also incorrect. As discussed above in Response 62, the Traffic Impact Analysis was prepared in accordance with LADOT guidelines. Thus, the CO hotspot analysis presented on pages III-13 and III-14 of the Preliminary CEQA Review and on pages 33 and 34 of the Air Quality Assessment (Appendix C of the Preliminary CEQA Review) remains valid as does the conclusion that Project impacts would not be significant.

To demonstrate that commenter's conclusions are incorrect, Christopher A. Joseph & Associates re-ran the Project's CO hot spot analysis using the erroneous trip count figure suggested in the comment (i.e., 4,134 trips). To be as conservative as possible, this additional analysis also assumed that all 4,134 trips would go through one intersection. Even based on these extremely unrealistic assumptions, the Project's localized CO concentration at the roadway edge using commenter's figures would be substantially less than the established significance thresholds.

Response 64

The ITE Trip Generation, 7th Edition publication contains data from over 4,250 trip generation studies submitted to ITE. The publication provides trip generation data for many different land uses including three (3) separate categories of retailers selling household goods. The three land uses are Home Improvement Superstore (ITE 862), Building Material and Lumber Store (ITE 812) and Hardware/Paint Store (ITE 816):

- Home Improvement Superstore (Land Use Code 862) - Home Improvement Superstores are free-standing facilities that specialize in the sale of home improvement merchandise. These stores generally offer a variety of customer services and centralized cashiering. Home improvement superstores typically maintain long store hours 7 days a week. The buildings in this land use usually range in size from 50,000 to 200,000 square feet of gross floor area.

- Building Materials and Lumber Store (Land Use Code 812) - Building Materials and Lumber Store is a free-standing building that sells hardware, building material and lumber. The lumber may be stored in the main building, yard or storage shed. The buildings contained in this land use are less than 25,000 gross square feet.
- Hardware/Paint Store (816) - Hardware/Paint Store is free-standing with off-street parking. The buildings contained in this land use are less than 28,000 gross square feet.

The commenter suggests that the most appropriate land use category for estimating the traffic should be the Building Materials and Lumber Store use. This assertion is misplaced. First, the land use description for Home Depot is an exact match for ITE code 862; the proposed Home Depot would be a 95,250 s.f. free-standing facility that specializes in the sale of home merchandise, and would offer a variety of customer services as well as centralized cashiering. The proposed Home Depot would also offer extended store hours, 7 days a week. The Commenter acknowledges throughout the Comment Letter that the proposed Home Depot will offer more than hardware, building materials, and lumber, instead referring to the proposed Home Depot as: “a combination hardware store, building materials and lumber yard, tool rental and vehicle rental center, a nursery, appliance dealer, tile and flooring center, barbecue/patio and furniture store, paint store, as service contractor or installer center and a professional construction contractor wholesale supplier.” STA Comment Letter, page 3. It should also be noted that the ITE codes for Building Materials and Lumber Store data are based on small lumber yards with less than 25,000 square feet of building area and fewer surveys. Also, Hardware/Paint Store data represent the mom and pop hardware store retailer, under 28,000 square feet, and not large corporate retailers like Lowes, Home Depot, Do-It-Center or Orchard Hardware. As is indicated in the Project Description, the proposed Home Depot would exceed the square footage requirement for both ITE codes 812 and 816 and its product offering most closely resembles ITE code 862.

Please also see page 30 of the Traffic Study explaining why a Congestion Management Plan Impact Analysis is not required for the proposed Home Depot. Response No. 127 discusses the applicability of trip credits to the proposed Home Depot site.

Response 65

The proposed Project, as concluded in the Preliminary CEQA Review, would be consistent with the SCAQMD’s AQMP. Refer to Responses 16, 47 and 60 regarding the baseline that was used in the Preliminary CEQA Review. As indicated in prior responses, the analysis of Project emissions was conducted both with and without considering the former Kmart store, and both of these analyses reached the same conclusion – Project impacts would not be significant.

Response 66

Quite a bit of legislative and other forms of attention has been paid in the last few years to issues regarding greenhouse gas (“GHG”) emissions. Most notably, in August 2006, the California Legislature adopted AB 32, the California Global Warming Solutions Act of 2006. This bill requires the California

Air Resources Board (“CARB”) to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with that program. As part of this effort, CARB will adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990, to be achieved by 2020. CARB will adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. Because, the intent of AB 32 is to limit 2020 emissions to the equivalent of 1990, and the present year (2008) is near the midpoint of this timeframe, it is expected that the regulations would affect many existing sources of GHG and not just new general development projects.

As of this date, no regulatory agency has formally adopted a methodology or significance threshold for assessing GHG impacts. Lacking such regulatory guidance, the courts have become the primary source of direction with regard to the analysis of GHG emissions. One of the most recent cases within the Los Angeles area in which the courts clearly ruled on the role of GHG emissions in an environmental document is Westfield, LLC, et al. v. City of Arcadia et al. BS 108923 and Arcadia First! v. City of Arcadia et al., BS 108937, July 23, 2008 (the “Arcadia decision”).

The court in the Arcadia decision concluded the following: (1) the SCAQMD and the CARB have not issued any significance thresholds; (2) the SCAQMD has stated that an individual project cannot have a significant impact; (3) Public Resources Code Section 21097 does not require an analysis of GHGs for projects like the Project; and (4) it is not appropriate to evaluate a Project’s GHG emissions as a cumulative impact. However, in order to allow for full disclosure of the potential environmental effects of the Project, an inventory of GHG emissions attributable to the Project, the former Kmart store, and a comparison of the two has been conducted.

There are several factors that should be considered when noting the results presented below. For instance, even though the proposed Project would result in an increase in net daily trips over the former Kmart store, passenger vehicles sold in California have been and are becoming cleaner and more efficient at an increasing rate. Also, the replacement HVAC units would be more efficient than the older units they replace; this increase in efficiency is not included in the below GHG analysis. Further, modern paints are being held to a lower volatile organic compound (“VOC”) content which would also reduce GHG emissions.

The analysis presented below utilizes the California Energy Commission’s (“CEC”) approach and utilizes energy rates as provided by the SCAQMD. The CEC method for estimating GHGs is identified in guidance issued by the Governor’s Office of Planning and Research, which can be viewed at: www.climateregistry.org/tools/protocols/general-reporting-protocol.html.

As shown in the below tables, the proposed Project would result in a net reduction in greenhouse gasses when compared to the former Kmart store.

Table 4
Forecasted Home Depot Operational Greenhouse Gas Emissions

Emissions Source	CO ₂ e Emissions in Metric Tons per Year
Natural Gas Consumption	179
Electricity Generation	472
Motor Vehicles	7,618
Subtotal	8,269
2004 Statewide Total ^a	364,000,000
Net Increase as a Percentage of 2004 Statewide Total	0.002271641
^a Statewide totals were derived from the California Energy Commission: http://www.energy.ca.gov/2006publications/CEC-600-2006-013/CEC-600-2006-013-SF.PDF . Source: Christopher A. Joseph & Associates, 2008.	

Table 5
Forecasted Kmart Operational Greenhouse Gas Emissions

Emissions Source	CO ₂ e Emissions in Metric Tons per Year
Natural Gas Consumption	182
Electricity Generation	481
Motor Vehicles	7,869
Subtotal	8,532
2004 Statewide Total ^a	364,000,000
Net Increase as a Percentage of 2004 Statewide Total	0.002343946
^a Statewide totals were derived from the California Energy Commission: http://www.energy.ca.gov/2006publications/CEC-600-2006-013/CEC-600-2006-013-SF.PDF . Source: Christopher A. Joseph & Associates, 2008.	

Table 6
Forecasted Home Depot Compared to Kmart Operational Greenhouse Gas Emissions

Emissions Source	CO ₂ e Emissions in Metric Tons per Year
Natural Gas Consumption	-3
Electricity Generation	-9
Motor Vehicles	-251
Subtotal	-263
2004 Statewide Total ^a	364,000,000
Net Increase as a Percentage of 2004 Statewide Total	-0.00007%
^a Statewide totals were derived from the California Energy Commission: http://www.energy.ca.gov/2006publications/CEC-600-2006-013/CEC-600-2006-013-SF.PDF . Source: Christopher A. Joseph & Associates, 2008.	

Response 67

Please refer to Response 50 above.

Response 68

The Preliminary CEQA Review fully and completely analyzes the potential for Project operations, including on-site truck and loading dock operations, to result in air quality impacts. This analysis, as presented on pages III-12 through III-15 and Appendix C of the Preliminary CEQA Review, concludes, based on quantitative analyses conducted in full accordance with established SCAQMD protocols and significance thresholds, that the Project's impacts would not be significant. Furthermore, and with specific reference to on-site truck operations, the analysis of potential impacts from trucks operations, to be conservative, assumed a greater number of deliveries than would actually occur. The analysis assumed that 9 semi trucks per day (63 per week) would deliver to the site, whereas, the actual number of trucks that would service the site would be 20–30 per week, with only 12–18 of these trucks being semi-trailer trucks. See also responses 49 and 92.

Response 69

The commenter asserts that Project operations would create objectionable odors without providing evidence to substantiate this claim. The SCAQMD has identified certain industries that are commonly associated with odor impacts; the Project is not one of those industries. In accordance with Section 8.A.1.g of the Foothill Boulevard Corridor Specific Plan, no open storage areas would occur at the Sunland Home Depot and the products sold at the store would be properly packaged, which would reduce any odors that could potentially emanate from products. Furthermore, if any of the retail goods sold at the proposed store were to generate an objectionable odor, it is anticipated that this odor would be localized to the area where the product is being stored and would have dissipated to ambient conditions well before reaching any off-site location.

Response 70

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 71

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 72

The Project's Preliminary CEQA Review evaluates the proposed Project's potential to result in impacts on archaeological resources on pages III-19 and III-20. As stated therein, the proposed Project does not have the potential to result in impacts to archaeological resources.

The Project Site has been developed since the early 1950s, first with a drive-in movie theater, then with a Kmart store. As such, it is likely that any archaeological resources would have been removed or damaged with the construction of this existing development, as the integrity of shallow resources would have been destroyed by even light grading. Additionally, with the exception of a few minor remodeling activities (e.g., replacement of the concrete slab within the old Penske auto area), all remodeling work would occur at and above grade. For the activities that require subsurface activities, the extent of ground disturbance would not extend to a depth greater than previously required for the construction of the existing structures. Therefore, Project construction is not anticipated to encounter any archaeological resources. However, should such a discovery of archaeological resources occur during construction, those resources would be treated in accordance with federal, state and local guidelines, as appropriate. Therefore, development of the Project would have no impact with respect to archeological resources. Additionally, as it is unlikely that any archaeological resources are located on-site or would be disturbed by construction, and would be protected by federal, state, and local guidelines, an archaeological resources survey and associated report are not necessary.

Response 73

The Project's Preliminary CEQA Review evaluates the proposed Project's potential to result in impacts on paleontological resources on pages on III-19 and III-20. As stated therein, the proposed Project does not have the potential to result in impacts to paleontological resources.

For the same reasons outlined in Response 72, Project construction is not anticipated to encounter any paleontological resources. However, should such a discovery of paleontological resources occur during construction, those resources would be treated in accordance with federal, state and local guidelines, as appropriate. Therefore, development of the Project would have no impact with respect to paleontological resources. Additionally, as it is unlikely that any paleontological resources are located on-site or would be disturbed by construction, and would be protected by federal, state, and local guidelines, a paleontological resources survey and associated report are not necessary.

Response 74

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 75

The Project's Preliminary CEQA Review evaluates the Project's potential geotechnical and seismic hazards on pages III-20 through III-22. As stated therein, the Project Site is not located within an Alquist-Priolo Earthquake Zone, but is located within three (3) kilometers of the Sierra Madre Fault. The Project Site is also located in an earthquake-induced liquefaction area. The existing structure was built and maintained in accordance with applicable building codes and no change in the use of the site as a retail store would occur under the Project. There was a site specific evaluation of liquefaction potential conducted, and the results indicated that the subsurface soils at the site are not susceptible to liquefaction

or seismic related ground failure. Further, all building renovations would be reviewed and approved by the City Building Department, assuring that the structure and all associated fixtures (e.g., racking system) would be in compliance with applicable building codes related to earthquake safety. As such, the re-use of the structure under the proposed Project, with a different retail use, would have no change in terms of potential impacts attributable to seismic ground shaking and liquefaction. Also see response 8.

Response 76

The Project's Preliminary CEQA Review evaluates the Project's potential geotechnical and seismic hazards on pages III-20 through III-22. As stated therein, the Project Site is not located within an Alquist-Priolo Earthquake Zone, but is located within three (3) kilometers of the Sierra Madre Fault, and not two (2) kilometers as stated in the comment. The Project Site is also located in an earthquake-induced liquefaction area. The comment claims that there would be a significant impact to employees and customers because of the age of the structure that does not comply with existing building codes and high shelving system. As part of the building permit process, the City will confirm that the structure and associated fixtures would not cause an unsafe condition. No further analysis or requirements are needed.

Further, the comment makes note that Section 8106.1 of the Los Angeles Building Code requires that when the total cost of all work on a building exceeds 50 percent of the replacement value of the building, the entire building must be brought up to the current seismic coefficient factor. The comment then asserts that this stipulation applies to the Project. This is incorrect. The existing structure was built and maintained in accordance with applicable building codes and no change in the use of the site as a retail project would occur under the Project. The proposed renovations include minor modifications to the existing structure. As part of the building permit process, the City will confirm that the structure and associated fixtures would not cause an unsafe condition. No further analysis or requirements are needed. In addition, the City's building expert, LADBS, previously determined that the construction work related to the prior building permits did not exceed 50% of the replacement cost of the existing structure. The currently proposed Project would not change that determination. In addition, prior to issuance of building permits for the work currently contemplated, LADBS will confirm this value.

The plans for the building remodel were previously reviewed for structural adequacy by the LADBS, and were accepted by issuance of a Permit No. 06016-10000-03354. The Kmart building was designed and permitted using the pertinent codes in effect at the time of plans preparation. The storage racking system to be installed for the project is a separate review item, and plans, including seismic fastenings and calculations per the current 2007 CBC design requirements (Chapter 16 – Structural Design) will be submitted to City of Los Angeles Building & Safety for review and approval prior to installation.

Please also see Responses 8 and 75.

Response 77

Please see Response 76.

It should also be noted that the comments made by Mr. Arnold Bookbinder on February 7, 2007, were previously submitted to LADBS and after review, LADBS did not change its determination regarding the value of the proposed work being less than 50% of the replacement cost of the existing structure. The currently proposed Project would not change that determination. In addition, prior to issuance of building permits for the work currently contemplated, LADBS will confirm this determination as it applies to the currently proposed Project.

Response 78

The Applicant has been clear in its communications with the City that the Kmart building had a cracked beam. The cracked beam was discovered when the ceiling panels were removed during the demolition of the interior improvements in the building, and the cracked beam was located near the middle of the existing structure. The cracked beam is not related to the area of the previously repaired roof damage. The cracked beam does not change the Preliminary CEQA Review's conclusions that the reuse of the Kmart building as a Sunland Home Depot would not create a significant environmental impact. See also Responses 76 and 77.

Response 79

The Project's Preliminary CEQA Review evaluated the Project's potential geotechnical and seismic hazards on pages III-20 through III-22. As part of the building permit process, the City will confirm that the structure and associated fixtures would not cause an unsafe condition. No further analysis or requirements are needed.

Response 80

The proposed renovations include minor modifications to the existing structure. All renovations would be done in accordance with all applicable City code requirements. Any remaining renovations to the existing structure would be required to be approved by the LADBS, and as part of the permit review process, the structure would be required to comply with applicable building codes related to earthquake safety.

Refer to Response 76 regarding the value of the work, which is less than 50% of the replacement cost of the existing building.

Response 81

The existing building meets all codes in place at the time it was built, and all improvements since that time meet the code requirements in place at the time they were installed. All current improvements to the building meet current code requirements.

The removal and replacement of the existing floor slab was part of the proposed project improvements submitted to LADBS, and Permit No. 06041-10000-21552 covered this work. This permit, it should be noted, required the removal and replacement of the existing floor slab pursuant to current code requirements. The storage racking system used by the Applicant and planned for installation at the site is

a separate review item, and plans, including seismic fastenings and calculations per the current 2007 CBC design requirements (Chapter 16 – Structural Design) will be submitted to the City’s LADBS for review and approval prior to installation. LADBS, through its permit review process would require the racking system to be in compliance with applicable building codes related to earthquake safety.

See also Responses 76 and 80 regarding the additional review and approval that will be conducted by LADBS prior to issuance of permits that will confirm compliance with applicable codes and safety measures.

Response 82

While the commenter asserts that the level of impact is less than significant, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

Response 83

Based on the City of Los Angeles file, the Foundation Engineering Company, Inc. November 12, 1976 Certificate of Compliance for Compacted Earth Fills indicates that the soil is considered to be non-expansive. Based on this and other documents in the record, the Project’s structure is located on suitable soils and is appropriate to house the proposed Project. None of the geologic hazards suggested in the comment are present at the Project Site and the commenter has not provided evidence to the contrary. See also Responses 75 and 76.

Response 84

Please see Responses 75, 76 and 83.

Response 85

These comments confirm the accuracy of the analysis presented in the Project’s Preliminary CEQA Review. No further response is required.

Response 86

The proposed Project is a retail store and does not function as a warehouse as erroneously suggested in the comment. The Preliminary CEQA Review evaluated the proposed Project’s hazardous materials impacts on pages III-23 through III-27, and in Appendix E. As was the case for the former Kmart, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturer’s instructions and handled in compliance with applicable standards and regulations. It should be noted that the prior Kmart store also carried, without incident, a number of the same materials carried by Home Depot. Pursuant to the regulations of the US Occupational Health and Safety Administration (“OSHA”), a material safety data sheet (“MSDS”) must be prepared by the manufacturer for products that contain hazardous materials. The MSDS outlines instructions for the proper use, handling, storage, and disposal

of the product. As mentioned, all products containing hazardous materials would be handled in accordance with the manufacturers' MSDS. Further, should an isolated spill of hazardous materials occur, it would be handled in accordance with the proposed Project's Hazardous Materials Business Plan ("HMBP"), which outlines procedures for remediation in the event of an isolated spill, as well as procedures to follow during a hazardous material emergency. As such, Project implementation would not create a significant impact. Please see Response 9.

Response 87

The commenter asserts without providing evidence that the proposed Project has the potential to create potentially significant hazards and hazardous waste impacts. The Preliminary CEQA Review evaluated the proposed Project's hazardous materials impacts on pages III-23 through III-27, and in Appendix E. As discussed above in Response 86, all products sold, stored, or used on-site would be handled in accordance with the manufacturers instructions and applicable regulations. As discussed on page III-24, a Penske Auto Center operated on the Site as part of the former Kmart store, and an existing underground storage tank ("UST") has been previously removed in 1987 under permit and regulatory supervision, and subsequent testing revealed no contamination in the area. There are additional components that include hydraulic lifts, floor drains, and a wastewater clarifier that will be removed under the permit(s) required by the authorities governing such removal during the Project's renovation activities. The Phase 1 Environmental Assessment prepared for the Project found that these remaining components could be safely removed without causing any adverse effects with regard to a hazardous release. Please also see Responses 9 and 86.

Response 88

The Preliminary CEQA Review provided a comprehensive analysis of potential impacts at the School. With regard to hazardous materials, the analysis is presented on pages III-24 and III-25. The remaining renovation activities are limited, and thus, the potential release of hazardous materials would be equally as limited. Further, these limited renovation activities would be anticipated to encounter or utilize very limited amounts of hazardous materials. Thus, the total potential for the release of hazardous materials is low to begin with. Further, any impacts associated with the handling of hazardous materials would be precluded by using licensed contractors that have experience dealing with hazardous materials in accordance with industry specific procedures. Adherence to these procedures would all but eliminate the potential for hazardous releases at the site. Lastly, even if a hazardous release were to occur, due to the very limited amount of hazardous materials encountered or utilized during renovation activities, it is anticipated that no adverse effects would occur as the School is located 440 feet from the Project Site. Thus, the conclusions reached in the Preliminary CEQA Review remain valid, the proposed remodel would not have a significant effect on the environment, and no substantial evidence to the contrary has been presented. Please also see Response 9.

Response 89

The comment asserts that there is a “significant potential for such materials to be mishandled or spilled” but provides no evidence, facts or argument in support of this erroneous assertion. The vendors whose business is the delivery of these materials and who will be making these deliveries are trained in the handling of the materials. So there is no objective basis to support the assertions made in the comment. The Preliminary CEQA Review evaluated the proposed Project’s hazardous materials impacts on page III-21, pages III-23 through III-27, and in Appendix E, and concluded that the Project would not result in a significant impact. As was the case for the Kmart store, all potentially hazardous materials would be contained, stored, transported, and used in accordance with manufacturer’s instructions and handled in compliance with applicable standards and regulations. Please refer to Response 87 above. Further, a HMBP will be submitted to the City of Los Angeles Fire Department that will list all hazardous materials, and would outline procedures for remediation in the event of an isolated spill, as well as procedures to follow during a hazardous material emergency. Please also see Responses 9 and 88.

Response 90

The commenter incorrectly asserts, without any supporting evidence, that a closure letter is necessary for the proposed Project to result in a less than significant hazardous materials impact. A Phase 1 Environmental Assessment is included in the Preliminary CEQA Review (Appendix E), which states that the existing UST was removed in 1987 under permit and regulatory supervision, and soil samples were collected beneath the former tank in accordance with the City of Los Angeles Fire Department (“LAFD”) requirements. These samples were tested, and no contamination was identified. The remaining components from the prior auto repair use will be removed during the remodeling of the building, and any required permits and clearances will be obtained. The Phase 1 Environmental Assessment prepared for the Project found that the Project could reuse the prior auto repair area and remove any remaining equipment without resulting in the potential for a hazardous materials release or causing any significant impact. Whether or not to pursue a closure letter from the LAFD is the option of the Applicant and does not change the impact identified in the Preliminary CEQA Review. Thus, the comment does not change the conclusion set forth in the Preliminary CEQA Review that the Project would not result in a significant impact.

Response 91

These comments confirm the accuracy of the analysis presented in the Project’s Preliminary CEQA Review. No further response is required.

Response 92

Foothill Boulevard is designated a major highway Class II facility and truck route in the Community Plan Area. Foothill Boulevard was originally constructed as a state highway prior to its relinquishment by Caltrans to the City in 1996. At that time, the roadway was refurbished with paving, street lighting, and traffic signal improvements consistent with the design requirements for arterial roadways designated as

truck routes. Pursuant to the City's General Plan Transportation Element, a major highway Class II roadway will accommodate 30,000 to 50,000 vehicles per day. Foothill Boulevard carries approximately 40,000 vehicles per day. Thus, Foothill Boulevard has excess capacity and is underutilized. There is no data present to suggest that emergency access would be inhibited by the opening of the proposed Home Depot store. See Traffic Study page 27, Table 8 regarding trip generation expected for the proposed Home Depot store, indicating that there would be no significant impacts at all study locations.

A comprehensive traffic impact analysis has been completed that indicates no significant traffic impacts would be created by the proposed Project. The ITE trip generation estimate for the proposed Project includes all traffic to and from the Project Site. This includes trips associated with all types of vehicles (i.e., passenger cars and trucks, small vendor trucks and larger semi-trailer trucks) to a home improvement store from employees, customers and delivery vehicles. However, to provide a more conservative analysis of the traffic impacts, the volume of larger semi-trailer truck traffic expected at the site has been added as a separate trip generation component in addition to the trips estimated using the ITE Trip Generation Rates, which already includes truck trips. This additional component overestimates the number of total trips to and from the Project Site and is used in this analysis to be more conservative. In addition, to further support the conservative nature of this analysis, no credit is taken for the number of truck trips associated with the prior Kmart store use. Please see discussion of the conservative analysis of truck trips used in the traffic analysis at page 8-9 of the Traffic Study.

To evaluate the potential effects of these trucks on the operations of the study intersections, the volume of truck traffic assumed for this Project has been converted into a passenger car equivalent value. One semi-trailer truck is assumed to have a passenger car equivalent ("PCE") value equal to 3 passenger cars. The PCE value accounts for the larger truck length, increased vehicle spacing requirements and slower truck acceleration times. For example, 9 daily semi-trailer trucks is equivalent to 54 passenger car trips (9 semi-trailer trucks * 2 trips per truck * 3 PCE per truck = 54 PCE trips). Even with this conservative analysis, there is no evidence that the Project would have a significant impact at any location on Foothill Boulevard.

Response 93

This comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 94

The comment draws cause and effect relationships, without any supporting evidence, that are simply invalid; i.e., on-site activities would cause accidents and spills which in turn would result in pollutants entering the storm drain. As set forth in the responses above, no such cause and effect relationships would occur. Further, the proposed Project is the re-use of an existing retail structure for another retail use. Implementation of the Project would not result in a change in the amount of impervious surface at the Project Site and, thus, would not increase the amount of runoff from the Site. Therefore, the Project would have no impacts related to storm drain capacity. With regard to water quality, implementation of

the Project would not affect the quality of runoff from the Project Site. Compliance with all applicable local and state requirements discussed above in Responses 9 and 27 would ensure that there would be no water quality impacts. Therefore, the Project would have no impacts related to water quality. It should be noted that the Project does not propose major vehicle/equipment repair of vehicles or equipment on site. See also Response 9 regarding the conclusion presented in the Preliminary CEQA Review that hazardous materials would not be permitted to enter the storm drain and water quality impacts are not significant.

Response 95

See Responses 9 and 94.

Response 96

See Response 9.

Response 97

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 98

The Preliminary CEQA Review evaluates the proposed Project's potential to create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff on page III-30. As stated therein, regarding construction, while the remodel would temporarily disrupt a small amount of impervious surface during construction activities (e.g., installing new shopping cart corrals in the existing parking lot) the disturbance would be negligible and would not result in an increase in runoff from the Project Site that would significantly contribute to the existing stormwater drainage system. With regard to water quality, as discussed in the Preliminary CEQA Review, implementation of the Project would not affect the quality of runoff from the Project Site.

Regarding Project operations, as stated on page III-22 of the Preliminary CEQA Review, the existing site is currently mostly developed with impervious surfaces (e.g., buildings, parking areas). The existing site drainage is in the form of sheet flow that is collected in concrete valley gutters that convey the water to grated drain inlet catch basins. The Project would be constructed and operated in accordance with all applicable local and state requirements, which would ensure that there would be no water quality impacts. Implementation of the Project would not result in a change in the amount of impervious surface at the Project Site and, thus, would not increase the amount of runoff from the Site. Therefore, the Project would have no impacts related to storm drain capacity. With regard to water quality, as stated above in Responses 94 through 98, implementation of the Project would not affect the quality of runoff from the Project Site. Therefore, the Project would have no impacts related to water quality.

As the proposed Project is a re-use of an existing building and would not result in an increase in the amount of runoff from the Project site, the proposed Project would not increase the amount of flow to existing stormwater facilities. As there would be no increase in the amount of runoff entering the existing stormwater facility, there would be no impact on the remaining capacity of these systems.

Response 99

As stated in the Preliminary CEQA Review and above in Response 94, implementation of the Project would not affect the quality or quantity of runoff from the Project Site. The project will comply with all applicable local and state requirements.

All other arguments made in Comment 99 confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 100

This comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 101

See Response 30. The General Plan Framework neither overrides nor supersedes the Community or Specific Plans, but rather serves as a guide for the City's long-range growth and development. The Framework does not connote land use entitlements or affect existing zoning or buildings for properties in the City of Los Angeles. According to the Framework Element, the land use categories designated by it are intended to serve as the guideline for the subsequent amendment of the City's Community Plans where the precise designation and alignment of uses will be determined. The Project involves the reuse of an existing retail building for another retail use, and as such, it would not typically be expected to be fully consistent with General Plan goals and objectives that are more usually intended to be applied to future growth of an area or protection of existing areas from intrusion by incompatible uses. Here, the proposed Project does not conflict with the objectives and goals referenced in the comment. A vibrant commercial district is created by having active businesses, such as that which is proposed, and not by large vacant deteriorating buildings, as is currently the case. The reuse of the site would increase opportunities for employees to live near their jobs and for residents to live near shopping, consistent with the General Plan's goals.

The General Plan merely serves as a guide for development of areas of the City and does not determine permitted uses or the manner in which properties may be developed; that is determined by zoning provisions of the Municipal Code and any applicable Specific Plan. In this case, the Project site is zoned C2, general commercial, which permits retail stores, including home improvement stores. As discussed in the Land Use Section of the Preliminary CEQA Review, the Project is consistent with the General Plan, Specific Plan and zoning for the site.

Response 102

See Responses 30, 38 and 101. Neither the Community Plan nor the General Plan mandate that the Project Site be developed as a shopping center or mixed use project as the commenter represents. The property has been used as a retail store for almost 30 years without conflict with surrounding uses and will continue to remain compatible with surrounding uses, including closely adjacent residential uses. The Project is buffered from the single family uses to the south and east by wide building setbacks, landscaped berms, perimeter walls and mature trees. The mobile home park to the west is separated by a wide parking area, perimeter walls, and is located below the ground surface of the Project Site, resulting in limited views between the two properties.

The proposed reuse of the Project site as a retail home improvement store is entirely consistent with Objective 2-1 of the Community Plan, which provides:

To conserve and strengthen viable commercial development in the community and provide additional opportunities for new commercial development and services.

Reoccupying a vacant, non-performing building with a strong retail use will strengthen commercial development along Foothill Boulevard, and provide an opportunity for new services available to those residing and working in the vicinity of the Project. The Specific Plan does not call for the Project site to be developed with a community shopping center, as the Comment suggests, but rather, the larger area along Foothill Boulevard, which includes the Project site, is intended to be developed as a community center containing a wide mix of uses to serve the surrounding community.

The Specific Plan defines a major activity centers as “core areas with existing vibrant commercial activity,” and does not mandate any specific type of development. Rather, the designation merely allows mixed commercial/residential developments and allows additional height for such, but does not otherwise affect the permitted use and development of a property so designated.

Response 103

See Responses 38, 40 and 41. The roof mounted HVAC units are located hundreds of feet from the surrounding property lines. Parapet walls, mature landscaping, and perimeter walls would screen the views of such equipment from the surrounding public streets.

Response 104

Goals and policies of regional plans help shape local land use plans. The discussion of the Project’s consistency with these plans is provided to the decision maker for consideration in the review of the Project.

Response 105

The proposed reuse of the existing retail building will certainly help maintain the economic vitality of the subregion by supporting the needs of the City's existing and future residents. While the comment asserts that only a general merchandise store will fulfill this goal, that claim is simply unsubstantiated by any facts and is mere opinion. The use of the property as a retail home improvement store will likely spur additional investment within the surrounding area, and will help meet the needs of area residents who are currently traveling to San Fernando, Burbank and Glendale to meet the needs that will be served by the Project, as discussed in detail on pages III-4, III-48, and Appendix B (Economic Impact Analysis) of the Preliminary CEQA Review.

Response 106

The Comment speculates that the operation of the Project site would increase the costs of public services and infrastructure without providing any support for this claim. The Project site would be operated in a manner that is consistent with all applicable zoning and other provisions of the Los Angeles Municipal Code, and is well within the density permitted for the subject property. The floor area of the building, after it has been reduced from the area Kmart occupied, will be approximately 0.75:1, or about half of the amount of floor area that could otherwise be developed. Because the development is well within the limits allowed for the property, there is no indication that its use would result in additional public expenditures beyond those planned for the property if fully developed to its maximum capacity.

Response 107

As shown in the Traffic Study, page 10, Table 2, the number of trips and peak-hour trips generated by the proposed Home Depot, using very conservative assumptions, would slightly increase. However, as indicated on page 27, Table 8 of the Traffic Study, none of these trips would result in a significant impact on traffic. Notwithstanding, the Project would reduce certain of those vehicle trips that are currently driving out of the Sunland-Tujunga area to San Fernando or other distant locations for home improvement needs, reducing vehicle trips on the street and freeway network.

Response 108

The Project involves the continuation of a retail use within an existing building. The building itself is separated from adjoining residential areas by wide landscaped setbacks and large landscaped surface parking areas, despite no setbacks being required under the C2 zoning designation. Accordingly, the Project site does provide an appropriate and viable transition between the commercial use and surrounding residential uses, as discussed in Section III-9 of the Preliminary CEQA Review.

Response 109

The Project is entirely consistent with the referenced General Plan objectives as discussed in Section III-9 of the Preliminary CEQA Review. Objective 3.1 provides: "Accommodate a diversity of uses that supports the needs of the City's existing and future residents, businesses and visitors." The reuse of the

existing building as a retail home improvement store meets this objective by locating this use conveniently along a major commercial street, eliminating the current need for customers of such facilities to travel to other cities to satisfy their needs. The Project site need not provide for such a diversity of uses, as is suggested by the Comment. This objective would similarly be met if the Project site was proposed to be used as a general merchandise store, however, that is not proposed at this time. Objective 3.1 provides in part "Provide for ...development that promotes an improved quality of life by facilitating a reduction of vehicular trips, vehicle miles traveled, and air pollution." The Project will meet this objective since current customers of this type of business will no longer have to travel longer distances to other cities to patronize this type of store. Objective 3.4 provides in part: "Encourage new...retail commercial...in the City's...community, regional and downtown centers, as well as along primary transit corridors/boulevards..." The Project involves a retail home improvement store in an area designated as a community center and is located along Foothill Boulevard, a major transit corridor and commercial thoroughfare; therefore, the Project is consistent with this objective.

Response 110

See Responses 101 and 102. The reuse of a vacant commercial property with a viable commercial use is fully consistent with this objective. This is the only viable use for the property at this time, which is supported by the fact that there have been no other viable proposals for the property's use since the time the Kmart store closed. Data set forth in Section III-1 and Appendix B of the Preliminary CEQA Review shows that residents from within the immediate and surrounding areas are currently traveling to other neighboring cities to patronize retail home improvement stores in those cities, demonstrating that the area is not currently over-served in building material suppliers. Conveniently locating the proposed Project within the community it will serve is consistent with Goal 2 and Objective 2-1. Although residents may choose to drive outside of the area for some goods and services, they will no longer have to do so for the types and goods and services available at the proposed Project, consistent with Objective 2-1. The Framework Element does not establish the permitted uses of properties; rather, it serves as a general guide for development, so while it may discourage certain uses, it does not prohibit them. The proposed use as a retail home improvement store is permitted under the C2 zone and the Foothill Boulevard Corridor Specific Plan. The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan recognizes that the previously existing Kmart Store provided a larger retail radius for citizens living throughout the Plan area, and the proposed Project will continue to serve this larger retail radius.

Response 111

Please refer to Response 31 above.

The Preliminary CEQA Review evaluated the Project's potential to result in urban decay pages III-4, III-5, and III-48, and Appendix B. Urban decay is a process by which a city, or a part of a city, falls into a state of disrepair. It is characterized by desolate and unfriendly urban landscapes with the loss of viable commercial retail establishments as a contributing factor to urban decay. Urban decay can occur where a development reduces the profitability of nearby commercial or retail stores so that they are no longer

economically viable. If a large number of closures result, a physical deterioration that is so prevalent and substantial may result and impair the proper utilization of affected real estate or the health, safety, and welfare of the surrounding community.

As concluded on page III-4, III-5, and III-48 of the Preliminary CEQA Review, the Economic Impact Analysis prepared for the Project concluded that there is currently a substantial surplus of unmet demand in the trade area for merchandise that the Home Depot store will carry and that the profitability of larger home improvement stores in the vicinity would not be impacted. In addition, while some smaller hardware/building materials and specialty retailers may experience an impact from the opening of a Home Depot store if they do not adjust their merchandise, pricing, and operations to complement and compete effectively with the Home Depot store, the analysis concluded that commercial vacancy rates in the trade area are low and that rents are stable or rising, and on this basis, characterized the local commercial real estate market as strong. The general pattern of change occurring along the Foothill Boulevard corridor, including the Sunland portion, is much more one of new development and properties being renewed and improved as opposed to properties falling into disrepair and marginal use. As such, Project development would not contribute or lead to urban decay. Please refer to Appendix A of this Response to Comments on a Preliminary CEQA Review for a more detailed response.

Response 112

This comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 113

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 114

As analyzed in the Noise Study, the Project will not have a significant noise impact from construction or operation activities associated with the Project. The comment erroneously refers to standards established in the City of Los Angeles General Plan as being applicable to temporary or periodic noise impacts, such as those associated with construction activities, as well as permanent noise increases resulting from the operation of individual noise sources associated with a project. The City's General Plan does not establish quantitative thresholds to determine the level of significance of a project due to its construction activities or individual on-site noise sources. Instead, the only quantitative noise standards found in the City's General Plan Noise Element are those pertaining to the community noise compatibility guidelines established by the California Department of Health Services for use in assessing the compatibility of various land use types with a range of noise levels. As discussed on page 6 and shown in Table 2 of the Noise Study, these noise guidelines are set forth in the City's General Plan Noise Element in terms of CNEL, which is defined as a 24-hour average noise level with a 5 dBA "penalty" during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA "penalty" added to noise during the hours of 10:00 P.M. to 7:00 A.M.

to account for noise sensitivity during the evening and nighttime hours, respectively. Thus, the established CNEL standards set forth in the City's General Plan Noise Element are used to evaluate composite operational noise sources associated with a project over the course of an entire day. To determine noise impacts resulting from a project's construction activities or the individual on-site noise sources associated with a project, the City's General Plan Noise Element refers to the noise standards and enforcement practices in the City's comprehensive noise ordinance. The LAMC sets forth regulations limiting noise levels for construction activities as well as for many noise sources on an individual or source-by-source basis. Therefore, the proper approach to analyze the noise impacts of the Project, as was carried out in the Noise Study, is to determine compliance of the Project with the noise standards in the LAMC for Project construction as well as individual on-site operational activities, and compliance with the noise guidelines in the General Plan Noise Element for the combined noise levels from all the on-site operational noise sources (i.e., composite noise levels). This approach is reflected in the analysis conducted in the Noise Study, which analyzed noise impacts resulting from temporary construction activities at the Project site, on-site operational activities after construction, and off-site Project-related traffic volumes associated with operation of the Project.

In terms of construction noise impacts, the Noise Study acknowledges that exterior construction activities associated with the Project would generate episodic noise levels above the ambient noise levels currently experienced in the areas surrounding the Project Site. However, the increase in noise levels at the off-site locations would be temporary in nature, and would not generate continuously high noise levels. In addition, while construction noise levels at each of the off-site locations would be the loudest when peak construction activities are occurring at an area within the Project Site that is nearest to the off-site location, the majority of the time noise levels at these off-site locations would be reduced as construction activities are not at peak levels, conclude or move to another more distant location within the Project Site. As discussed in the Noise Study, implementation of the Project's Construction Management Plan would set forth all feasible measures to reduce construction noise levels, pursuant to the requirements set forth in Section 112.05 of the LAMC. In addition, all construction activities associated with the Project would also only occur within the allowable hours established under Section 41.40 of the LAMC, which prohibits exterior demolition and construction activities between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays and all federal holidays. By complying with Sections 112.05 and 41.40 of the LAMC, Project construction noise impacts would not be significant.

In terms of increases in noise levels due to Project-related operational activities, which includes on-site delivery truck circulation, loading dock activities, lumber unloading activities, the operation of mechanical equipment, and customer pick-up areas, the Noise Study concluded that none of these activities would result in noise increases that would exceed their respective and applicable noise standards as set forth in the LAMC. In particular, the City noise standards that the Noise Study examined include those established under Sections 114.02, 114.03, and 112.02 of the LAMC, which would be applicable to on-site Project operations. Section 114.02 of the LAMC addresses noise levels associated with the operation of motor driven vehicles upon any property within the City, Section 114.03 of the LAMC addresses noise levels associated with loading and unloading activities, and Section 112.02 of the LAMC

addresses noise levels associated with the operation of mechanical equipment. In recognition of the sensitivity of the School to increased noise levels and in an effort to provide a conservative analysis, all of the above described LAMC provisions were also applied to the School in the operational noise analysis (see Response 24). Based on the analysis conducted in the Noise Study, it was determined that the operational activities associated with the Project would not exceed any of their respective noise standards in the LAMC. As such, operational noise impacts on the surrounding off-site sensitive receptors would be less than significant. Additionally, the Noise Study also determined that the composite noise levels experienced by the surrounding off-site receptors to the Project Site from the collective operation of all the identified on-site noise sources would not exceed the CNEL noise standards set forth in the City's General Plan Noise Element, and thus would not result in any significant noise impacts.

Furthermore, based on traffic information provided in the Traffic Report for the Project, it was also determined that the increase in local noise levels at the roadway segments in the Project Site vicinity due to implementation of the Project would not exceed the established significance thresholds of 3 dBA and 5 dBA CNEL. As such, it was determined that a substantial permanent increase in ambient noise levels due to traffic noise would not occur under the Project, and no significant impact would occur with regard to off-site roadway traffic noise.

Based on the noise analysis presented in the Project's CEQA Review, Project construction and operations would not expose residents to noise levels in excess of General Plan standards, nor expose residents to temporary or episodic noise levels in excess of those permitted by the LAMC.

Response 115

The Project is a retail store and does not function as a warehouse, as erroneously suggested in the comment. Noise impacts to all of the off-site sensitive receptors identified in this comment due to Project construction and operation are addressed in the CEQA Review and the Noise Study, and have been determined to be less than significant.

The comment erroneously refers to the presumed ambient noise levels for different noise zones in the City as being noise standards that are set forth in the City of Los Angeles General Plan. As discussed previously in Response 114, the only quantitative noise standards found in the City's General Plan Noise Element are those pertaining to the community noise compatibility guidelines established by the California Department of Health Services for use in assessing the compatibility of various land use types with a range of noise levels. Instead of the City General Plan, the presumed ambient noise levels referred to in the comment are actually found in Table II of the City's Noise Ordinance.

The daytime and nighttime noise levels shown in Table II of the City's Noise Ordinance, as replicated in the Comment, represent presumed ambient noise levels for the different noise zones in the City, and are not classified or established anywhere in the City's General Plan Noise Element as mandated noise levels. As a point of fact, ambient noise levels serve as the baseline to determine whether there is a violation of the LAMC noise standards. Furthermore, these presumed ambient noise levels are provided for use under conditions where direct quantitative sound level "A" measurements can not be obtained. As indicated in

Section 111.03 of the LAMC, the presumed ambient noise levels indicated in Table II are only to be used if it is determined that the actual measured ambient noise level is less than the designated presumed ambient noise level. The most accurate way of determining the ambient noise levels at sensitive uses is to conduct noise measurements at the receptors, which is what was done for the Project's noise analysis. Table 3 of the Noise Study presents a summary of the existing daytime noise levels at the off-site sensitive use locations that surround the Project Site, which includes the residential uses to the north, east, south, and west as well as the School to the south.

Noise impacts associated with on-site truck circulation are addressed on pages 22-25 of the Project's Noise Study. According to the Project's site plan, a row of parking spaces would be located along the western boundary of the Project Site abutting the Senior Mobile Home Park property. Based on the Project's site plan, it was determined that delivery trucks entering the Project Site would be traveling greater than 50 feet away from the Senior Mobile Home Park property line. The 9.5 foot distance reflects a conservative assumption that was used in the Project's health risk assessment (see the Air Quality Assessment provided as Appendix C of the Preliminary CEQA Review document. In addition, based on the truck path within the Project site, it was also determined that delivery trucks would be traveling approximately 80 feet from the single-family residential properties to the south, approximately 520 feet from the School to the south, and approximately 80 feet from the single-family residential properties to the east. As discussed on page 13 of the Noise Study, noise level data collected for operational noise sources at other existing Home Depot stores located in California was used to assess the potential noise impacts of the Project on the nearby noise receptors to the Project Site. This noise level data was collected using industry standard noise monitoring procedures. Using this data, and given the distance delivery trucks would be traveling relative to the surrounding off-site noise receptors, the analysis demonstrates that noise levels from on-site truck circulation would not increase the ambient noise levels at any the off-site noise receptors by more than 5 dBA, which is the applicable noise threshold as set forth in Section 114.02 of the LAMC. In particular, noise levels at the School and the single-family residences to the east from on-site truck circulation would actually be less than the ambient noise levels at these two off-site noise receptors. As such, on-site truck travel would comply with the provisions set forth in Section 114.02 of the LAMC, and this noise impact would be less than significant.

Similar to the methodology discussed above for determining the noise levels associated with on-site truck travel, noise levels at the nearby off-site sensitive receptors were also determined from operation of the on-site loading dock. As discussed on pages 25 to 27 of the Noise Study, noise levels generated by loading dock activities within the Project Site would comply with the provisions set forth in Sections 114.02 and 114.03 of the LAMC, and noise impacts from this on-site operational noise source would not be significant at all of the surrounding uses.

All of the on-site analyzed noise sources, individually, would comply with all applicable LAMC provisions, and collectively with the General Plan noise standards. As such, Project operations would not constitute a public nuisance nor require abatement under any General Plan or LAMC provisions.

As discussed in Response 24, the Project has similar operational activities and noise characteristics as the Kmart use and would not result in a significant noise impact. No substantial evidence to the contrary has been presented, and no further analysis is required under CEQA.

Response 116

The comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 117

The Project is a retail store, not a warehouse as suggested by the comment. Please refer to Response 114 regarding the technical issues raised in this comment.

The claim in the comment about reverberation and echo effects due to the Project Site's geographic location is unfounded and unsubstantiated and, therefore, not substantial evidence. Such reverberation and echo effects occur within the context of narrow canyons, and certainly not in the context of a valley where the two mountain ranges are approximately 1.5 miles apart. The noise effects suggested in the comment simply could not and would not occur in this geographic location. Such an assertion is a clear misrepresentation of a fundamental acoustical concept and not substantial evidence supporting a fair argument that the proposed remodel could have a significant environmental impact.

As stated in Response 114, based on the Noise Study prepared for the Project, it is concluded that operation of the Project would not generate noise levels that would exceed the noise standards established in the City's General Plan Noise Element or the LAMC. Thus, the noise impact associated with on-site Project operations would not be significant.

Response 118

The Noise Study for the Project analyzed construction noise impacts based on the type of equipment that would be used on-site for the various construction activities needed to reuse the existing Kmart building. The types of construction equipment that would be used at the Project Site are shown in Table 5 of the Noise Study.

As discussed in Response 114, the City's General Plan does not establish quantitative thresholds to determine the level of significance of a project's construction activities. Instead, the established CNEL standards set forth in the City's General Plan Noise Element are used to evaluate operational noise sources associated with a project over the course of an entire day from all of its sources, not just one or another. To assess construction noise levels, the City's General Plan Noise Element refers to the noise standards and enforcement practices in the City's comprehensive noise ordinance. The LAMC, in particular Sections 112.05 and 41.40, sets forth regulations limiting noise levels and hours of operation, respectively, for construction activities. The Noise Study uses the noise regulations in Sections 112.05 and 41.40 of the LAMC to determine that the Project's construction noise impacts would not be significant.

As discussed in the Noise Study, since certain noise levels associated with exterior construction at the Project would exceed 75 dBA at 50 feet from the noise source within the Project Site, all technically feasible construction noise reduction measures would be implemented. The Project's Construction Management Plan would be implemented that sets forth all feasible measures to reduce construction noise levels. To satisfy the requirements of LAMC Section 112.05, the following methods and procedures are included in the Project's Construction Management Plan:

- Construction for exterior construction activities would be limited to between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and 8:00 A.M. and 6:00 P.M. on Saturday. No construction shall occur on Sundays and all federal holidays. Management, supervisory, administrative, and inspection activities would take place within the designated construction hours to the extent feasible; however, such activities may take place outside of the designated construction hours.
- The Project would comply with the City of Los Angeles Ordinance No. 178048, which requires a construction site notice to be provided that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the site, and City telephone numbers where violations can be reported. The notice would be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City's Department of Building and Safety.
- Prior to beginning construction activity and until construction of the Project is complete, the General Contractor would maintain a site superintendent located at the Project Site. The site superintendent would be at the site at all times when construction activity is underway. A representative of the General Contractor could be reached by phone via a posted telephone number at the Project Site. In the event of an emergency, the General Contractor could also be reached by phone via a posted telephone number at the Project Site.
- The Developer would provide the LAUSD with a construction schedule and would notify it of the commencement of Project construction. All construction crews shall be notified of school locations and will be instructed to stop when school bus red lights are flashing.
- To the extent feasible, the arrival and departure of construction trucks and vehicles would occur outside of and be minimized during peak morning and evening commute hours and avoid residential areas.
- Construction employees commuting to the Project site would not be allowed to park on public streets. All construction employees would park on the Project site.
- Sidewalks would not be closed.

- The Project would comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and would implement as necessary, the following:
 - All interior construction at the proposed Home Depot building would be conducted with the doors to the building closed.
 - Construction activities whose specific location on the Project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) would be conducted as far as possible from off-site noise-sensitive land uses to the extent feasible.
 - Construction activities would be scheduled, to the extent feasible, so as to avoid operating several pieces of equipment simultaneously.
 - The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential would be minimized. Examples include the use of drills and jackhammers.
 - The Project contractor would use power construction equipment equipped with state-of-the-art noise shielding and muffling devices.
 - Engine idling from construction equipment would be limited to the extent feasible.
 - The General Contractor and its subcontractors would inspect construction equipment to ensure that such equipment is in proper operating condition and fitted with standard factory silencing features. Construction equipment would use available noise control devices, such as equipment mufflers, enclosures, and barriers.

Thus, the Project's Construction Management Plan would result in the implementation of all technically feasible features to reduce the noise levels of the construction equipment operating at the Project Site, as required in the provisions set forth in LAMC Section 112.05. The Project, as proposed, would reduce construction noise levels to the extent that is technically feasible in compliance with the provisions of the LAMC. In addition, all construction activities associated with the Project would also only occur within the allowable hours established under Section 41.40 of the LAMC, which prohibits exterior demolition and construction activities between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays and all federal holidays. Furthermore, the Project Applicant has voluntarily agreed to impose upon itself more restrictive construction hours than those permitted by the LAMC. Specifically, the Applicant proposes to stop weekday construction at 6:00 P.M., instead of going until 9:00 P.M. as permitted by the LAMC. As a result, there will be no Project construction impacts with regard to the hours that construction would and would not occur. By complying with Sections 112.05 and 41.40 of the LAMC, Project construction noise impacts would not be significant.

Response 119

The comment erroneously refers to standards established in the City of Los Angeles General Plan as being applicable to temporary or periodic noise impacts. As discussed above in Responses 114 and 115, the only quantitative noise standards found in the City's General Plan Noise Element are CNEL standards established by the California Department of Health Services for use in assessing the compatibility of various land use types. The established CNEL standards set forth in the City's General Plan Noise Element are properly used in the Noise Study to evaluate composite operational noise sources associated with this Project over the course of an entire day. Using these noise standards to assess periodic noise impacts is incorrect.

As discussed previously in Response 114, the operational noise sources that would occur at the Project Site with implementation of the Project include on-site delivery truck circulation, loading dock activities, lumber unloading activities, the operation of mechanical equipment, and customer pick-up areas. Where applicable, the Noise Study analyzed the noise impacts from each of these on-site noise sources against the established noise standards in LAMC that pertain directly to that noise source. Specifically, the noise regulation set forth in Section 114.02 of the LAMC was applied to noise generated by motor driven vehicles on the Project Site, while those in Section 114.03 was applied to noise generated by vehicle loading and unloading activities. The noise regulation set forth in Section 112.02 of the LAMC was applied to noise generated by the operation of mechanical equipment within the Project Site. As there are currently no specific LAMC regulations that regulate noise levels associated with activities such as customer pick-up areas, the noise study indicated that the appropriate noise metric to analyze this particular noise source was its contribution to the CNEL at the noise receptor locations within the Project vicinity. Thus, the analysis in the Noise Study has been properly conducted. Within the technical assessment performed for each individual on-site noise source, an emphasis was also placed on providing a conservative analysis.

The Project, as proposed, would also comply with the requirements set forth in Section 112.04 of the LAMC. Of the various operational noise sources that would occur at the Project site, as identified above, none of these noise sources would occur between the hours of 10:00 P.M. and 7:00 A.M. As indicated in the Noise Study, no Project truck deliveries or loading/unloading activities would occur between the hours of 10:00 P.M. and 7:00 A.M. In addition, the Noise Study indicated that all of the mechanical rooftop equipment would operate continuously during daytime and evening hours, but not during nighttime hours, as the store would be either closed or cooling requirements greatly diminished. Thus, the operational activities within the Project Site would not generate any "loud, raucous, or impulsive sound" within a residential zone or within 500 feet of a residence between the hours of 10:00 P.M. and 7:00 A.M.

In terms of daily truck deliveries to the Project Site, it is anticipated that approximately 2-3 semi-flatbed trucks for lumber deliveries, approximately 10-15 semi-trailer trucks for the delivery of materials to the loading dock, and approximately 20-30 small trucks (e.g., Fed-X, UPS, garden supplies, etc.) for basic deliveries would occur per week. The noise analysis, in an effort to provide a more conservative analysis, assumed that 9 semi-trailer trucks would make deliveries to the Project Site on a daily basis (63 semi-

trailer trucks on a weekly basis). When considering the Project, it is important to note that the size of the Project (i.e., total square feet of floor area) is much smaller than the average Home Depot store constructed in the Los Angeles area. As such, the assumed number of truck deliveries to the Project Site indicated above would represent a conservative assumption. The Noise Study analyzed the noise impacts on all of the surrounding sensitive receptors due to truck deliveries at the Project site. As discussed and shown in Table 10 of the Noise Study, the noise levels at the nearest off-site noise receptors from on-site truck travel would range from 31 dB L_{eq} at the School to the south of the Project Site, to 49 dB L_{eq} at the mobile home residences to the west of the Project Site. The comment erroneously refers to a truck circulation noise level of 72 dBA. As stated in Table 10 of the Noise Study, the distances of the on-site trucks to the mobile home residences to the west and single-family residences to the south as being approximately 55 feet and 80 feet, respectively; with corresponding L_{eq} noise levels of 49 and 46 dBA, respectively. Given these two distances, as well as the distances of the on-site trucks to the other off-site noise receptors, the analysis concluded that the noise level increases at the off-site noise receptors would not exceed the noise standards established in Section 114.02 of the LAMC. As such, the truck pass-bys within the Project Site would not be considered to be "dangerously close" to the adjacent off-site noise receptors. Overall, noise impacts associated with on-site truck circulation would not be significant at the surrounding sensitive receptors.

In terms of noise levels from delivery trucks exiting the Project Site, vehicle travel on public highways, streets, or rights-of-way are exempt from the provisions of the LAMC. Instead, traffic noise impacts associated with a project are evaluated against the CNEL standards in the City's General Plan Noise Element. Off-site roadway traffic noise impacts are analyzed in the Noise Study on pages 33 and 34. This analysis concluded that the increase in local noise levels at all of the analyzed roadway segments resulting from implementation of the Project would not exceed the established significance thresholds, and, as a result, a substantial permanent increase in ambient noise levels due to traffic noise would not occur under the Project. As such, no significant impact would occur with regard to off-site roadway traffic noise.

In accordance with Section 115.02 of the LAMC, which prohibits the operation of a loudspeaker or sound amplifying equipment in all residential zones and within 500 feet thereof, the Project does not propose to install or operate a loudspeaker system within 500 feet of a residential zone.

Response 120

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 121

While the commenter asserts that the level of impact is less than significant with regard to the Project's potential to induce substantial growth in the area, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

The remaining comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 122

While the commenter asserts that the level of impact is less than significant with regard to the Project's potential to impact fire protection services, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

Response 123

The comment makes unsubstantiated claims that the Project Applicant has been unable to sufficiently address loitering, littering, crime and security, and environmental (hazardous spills) issues pertaining to the operation of its businesses, and its secondary impacts, particularly in nearby residential neighborhoods.

The Preliminary CEQA Review evaluates the proposed Project's potential to result in impacts to police services on pages III-63 through III-64. Home Depot currently has policies in place to discourage the presence of day laborers at store locations. As part of these policies, an asset protection manager would be on-site during store operations and would manage site security issues and discourage activities such as loitering and solicitation. In addition, the Los Angeles Police Department ("LAPD") would inspect the Project Site for the presence of illegal activities, including loitering, as part of its routine patrol of the service area and day laborers would be dispersed as required. Thus, the proposed Project would not increase the demand for police services and no facility improvements or additional personnel would be required to serve the Project area. Therefore, the Preliminary CEQA Review concluded that the Project would not have a significant impact on LAPD services.

Response 124

While the commenter asserts that the level of impact is less than significant, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

Response 125

The commenter asserts that the level of impact is less than significant with regard to the Project's potential to increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated. However, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

The remaining comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 126

See Response 62.

Response 127

As documented in the Traffic Study, the Project will not have a significant traffic impact. The STA comments are flawed and/or inconsistent with LADOT policy. Kmart traffic generation estimates were based on the ITE Free-Standing Discount Store land use code 815. Land use code 815 is defined by ITE as follows:

Free-Standing Discount Store (Land Use Code 815) – The discount stores in this category are fee-standing with off-street parking. They usually offer a variety of customer services, centralized cashiering and a wide range of products. They typically maintain long store hours 7 days a week. Truck trips accounted for approximately 2 percent of the weekday traffic at one site. The sites were surveyed from the 1970's to the 2000's through the United States. The buildings in this land use usually range in size from 100,000 to 115,000 square feet of gross floor area.

This description accurately describes the Kmart that operated on the site: The Sunland Kmart was a 113,750 s.f. free-standing discount store with off-street parking. It offered a variety of customer services, centralized cashiering, and a wide range of products. As acknowledged by the commenter, Kmart was open long hours, seven days a week from 8:00 A.M. to 10:00 P.M. (closing at 9:00 P.M. on Sundays). See STA Comment Letter page 20.

The commenter incorrectly states that the traffic rate used for the Kmart traffic credit estimates was based on the ITE code for a Free-Standing Discount Superstore (Land Use code 813). This ITE code is used for free-standing discount superstores that are 50% larger and contain a full service grocery department. As indicated above and in the Traffic Study, Table 1 page 8, the ITE Superstore Code 813 was not used in the Home Depot Traffic Study. Instead, the more appropriate and analogous Land Use code 815 was utilized. See Traffic Study, page 8. In fact, the low end of the trip generation rate for Land Use Code 815 was used in the Traffic Study for the Kmart trip credit to be even more conservative as shown in Table 1 page 8 of the Traffic Study.

Kmart traffic estimates are used to determine the net added traffic volume to the street network for the analysis of the proposed Home Depot traffic impacts. Pursuant to the LADOT's Policy on Pass-by Trips, used for traffic analysis in the City of Los Angeles, discount stores like Kmart are assigned a 30% pass-by adjustment. The Traffic Study is consistent with the LADOT pass-by rate adjustment for Kmart.

Since the Kmart traffic estimates are a credit against the Home Depot traffic estimates, the use of a larger pass-by adjustment (30% from LADOT vs. 17% from ITE) results in a more conservative impact analysis, as the credit for Kmart trips is further reduced, resulting in an increased number of net new trips. Using a 17% adjustment from ITE, as suggested by the commenter, would result in more trip credit for the Kmart and a lower net Home Depot traffic volume. Please refer to the Traffic Study, pages 9 through

11. It should be reiterated that, as stated in the Traffic Study, even if no Kmart trip credits are taken, the proposed Home Depot still results in no significant impact, Traffic Study, page 11.

Response 128

See Response 16. The Kmart store closed operations in late 2004. The first entitlement application for the Home Depot store was submitted to the City of Los Angeles Planning Department in January 2005 with the first comprehensive traffic study submitted to LADOT in March 2005. LADOT approved the March 2005 study in December 2005 with the determination that no significant traffic impacts were created by the proposed Home Depot project. Home Depot has been diligently pursuing a reuse of this site since January 2005.

The LADOT traffic credit requirement for 6 months of occupancy within the past 2 years is satisfied with the first submittal of the entitlement applications documents in January 2005. While Project opponents have extended the time frame for an occupancy date, those actions do not change the January 2005 filing date or reuse of the site and the appropriate baseline. Notwithstanding the delay, the LADOT's 2-year policy is not an inflexible rule. Note that the LADOT policy states that that is used generally, but provides flexibility for other circumstances. Further, defining the baseline solely on present traffic conditions at the Project site would be misleading, given the existing building and a prior approved and certified EIR for the retail use and building. In anticipation of the Project, the prior use of the existing building at the Project site was terminated. A more accurate baseline determination, which better describes prior traffic conditions and is representative of the amount of traffic historically produced by the property, includes using full utilization of the Project site. This is consistent with the Project Applicant's current rights to fully re-lease and occupy all of the space in the existing building. Pursuant to LADOT policy, use credits were applied using a standard ITE trip generation rate for the prior Kmart use. This is also consistent with CEQA Guidelines Section 15125.

Finally, the Traffic Study also included an analysis showing the impacts of the Project with no Kmart credit and concluded that there would be no significant impact at any location in that scenario as well.

Response 129

See Response 127. In addition to using a higher pass-by percentage for Kmart (i.e. reducing credit value), the credit for the Kmart store was further reduced by using the lowest reported traffic rate included in the ITE Kmart data base (ITE code 815). See Traffic Study, page 8, Table 1. The trip rate reduction using the lowest trip rate for all time periods was a 46% daily trip credit reduction, 61% A.M. peak hour reduction and a 49% P.M. peak hour trip credit reduction.

As indicated in the Traffic Study, page 11, it is worth noting that in 1974 an Environmental Impact Report was approved and certified by the City of Los Angeles for the prior Kmart commercial project (EIR 1034-590-73-ZC). That analysis included a traffic review and impact analysis that indicated the Kmart facility would generate 10,000 vehicle trips per day with 1,100 peak hour trips. The analysis for the Home Depot Sunland project applied a credit value of 2,152 daily trips: 43 A.M. peak hour trips and

208 P.M. peak hour trips after the adjustments. This is less than approximately 25% of the trips that were originally expected and assigned to the Kmart building.

Response 130

See Response 127.

Response 131

A critical movement analysis ("CMA") of the existing baseline and future traffic conditions was completed at those locations in the study area expected to have the highest potential for significant traffic impacts. See Traffic Study pages 15 through 20. Morning and afternoon peak hour conditions have been evaluated at six key intersections selected by LADOT for review. Consistent with standard LADOT policy, certain low volume intersections or intersections with minimal project traffic need not be included specifically in a traffic study. Other higher volume intersections are better indicators of a potentially significant traffic impacts than low volume intersections with more capacity which are much less likely to be impacted per LADOT's sliding scale of significance. Traffic counts for Sunland Avenue and the Foothill Freeway (210) ramps were collected and capacity analyses were conducted as part of the scoping process prior to preparing the comprehensive traffic study. The results of this analysis indicated that Sunland Avenue and the Foothill Freeway ramps were found to be operating at LOS A and B for the Southbound off ramp and Northbound on/off ramp, respectively. The study area was selected in consultation with LADOT based on the traffic generation of the Project, the Project distribution, the street network and the traffic impact thresholds used by the City of Los Angeles. It was determined that no additional analysis was necessary for the Foothill Freeway ramp intersections based on the currently operating conditions of the Foothill Freeway ramps and the nominal amount of Project traffic passing through those intersections. The study area is specific to the Project being evaluated and additional intersection analysis is not necessary or warranted. This analysis has been provided to LADOT.

Response 132

The commenter states that the Home Depot project's two-way daily traffic volume on Saturday is 4,560 trips using the ITE land use code 862. However, the commenter fails to state that according to the ITE rates for the Kmart store (ITE code 815), the Kmart store would generate 8,571 trips, over 4,000 additional trips in comparison to the Home Depot use. Furthermore, using the lowest reported Saturday rate in the ITE database for the Kmart use (notwithstanding additional data that results in far more trips) would result in 5,469 daily trips for the Kmart use, which still exceeds the number of trips that would be generated by the proposed Home Depot. See Traffic Study page 10, Table 2.

Response 133

LADOT has been provided with the estimate project driveway volumes for its driveway review. Both Foothill Boulevard driveways serving the proposed Home Depot are estimated to operate at LOS C during both peak hours. The Woodward Avenue driveway serving the Home Depot is estimated to

operate at LOS A during both peak hours. The driveway volumes do not change any conclusion in the Traffic Study.

Response 134

The commenter incorrectly states that the Project's incremental increase in trips at the intersection of Foothill Boulevard and Tujunga Canyon Boulevard exceeds the significance thresholds established by the City of Los Angeles. The incremental increase reported in Table 8, page 27 of the Traffic Study is +0.005 at LOS E and +0.001 at LOS D for the A.M. and P.M. peak hour respectively. These impact values are below the +0.01 for LOS E and +0.002 for LOS D intersections, and do not meet the significance threshold.

Response 135

See Responses 62 and 64 above. The anticipated truck traffic has been researched for the Sunland store, and the number of heavy trucks has been considered in the traffic impact analysis. See Traffic Study, page 9. The City of Los Angeles uses the Transportation Research Circular 212 for the CMA analysis procedure and methodology. Page 9 of Circular 212 states that "the recommended PCE for converting trucks to passenger cars is 2.0 and that the working definition of truck is 6 or more tires on the pavement." Furthermore, the heavy vehicles in the Home Depot Sunland Traffic Study converted the truck count by a factor of 3.0 to be extra conservative. See Traffic Study, page 9. See also Responses 49, 68 and 92.

The Home Depot truck count provided by the commenter has not been validated and it should be noted that the truck data obtained by the commenter erroneously includes pickup trucks and vans with 2 axles which are considered heavy vehicles, not trucks, for the purpose of a traffic analysis.

Response 136

See Response 64 above. As shown in the Traffic Study, the project does not add 150 vehicles per hour in any direction on the Foothill Freeway, which is the accepted threshold for conducting a Congestion Management Program ("CMP") analysis. As shown in Table E3, page 41 of the Traffic Study Appendix E, the total Project traffic adds 114 morning trips and 213 afternoon trips without Kmart credit and 71 morning trips and 5 afternoon trips with Kmart credit as shown in Table 2, page 10. It is not possible that 150 of those trips would be on any one direction of the Foothill Freeway north or south of Sunland Avenue in any one hour given the trip distribution shown in the Traffic Study and approved by LADOT. See Traffic Study page 12, Figure 4. For a discussion of CMP analysis, see Traffic Study page 30.

Response 137

The proposed Project is the re-use of an existing retail structure for another retail use, and not a "discount wholesale hardware store" with "atypical wastewater such as industrial, automotive, and/or agricultural/pesticide effluent" and "contaminated waste products" being "discharged from the Project site as domestic sewage" as stated in the comment. The commenter does not provide any evidence to support any of these incorrect claims and, therefore, has presented no evidence, let alone substantial

evidence, to support its claim that the proposed remodel could result in potentially significant environmental impacts. The Preliminary CEQA Review demonstrates that there is adequate water supply and water treatment and sewer capacity to accommodate the Project. See the Preliminary CEQA Review, pages III-76 through III-82. See also Response 9.

Response 138

The proposed Project is the re-use of an existing retail structure by another retail use, and is not a “wholesale hardware store.” The commenter correctly notes that the Project will not have any impact to off-site water or wastewater treatment facilities, but fails to substantiate its incorrect claim that there would be “atypical wastewater discharges” from the Project and the need for the on-site facilities. See Responses 9 and 137. Such a claim, without supporting evidence, is not substantial evidence for the commenter’s claim that the proposed remodel could cause a significant environmental impact.

Response 139

Please refer to Responses 9, 94 and 98.

As the proposed Project is the re-use of an existing facility and would not result in an increase in the amount of runoff from the Project Site, the proposed Project would not increase the amount of flow to existing stormwater facilities. As there would be no increase in the amount of runoff entering the existing stormwater facility, there would be no impact on the remaining capacity of these systems. In addition, the commenter has made the unsubstantiated claim that excessive puddling/flooding would occur in the northwest corner of the parking lot. There is no evidence that this puddling, to the extent that it occurs, constitutes or could constitute a significant environmental impact. The majority of the Project Site does not flow directly into the Haines Canyon Flood Control Channel, which is separated from the Project Site by a concrete wall. The commenter has made the unsubstantiated claim that residents have observed runoff flowing towards the south, to the Haines Canyon Flood Control Channel. Currently, a portion of the Project Site drains into the existing drain inlet, located at the southwest corner of the Project Site, which is connected to a public storm drain pipe that conveys runoff from a drain inlet on Woodward Avenue which terminates into the Hanes Canyon Flood Control Channel. As discussed above in Response 94, the Project would comply with all local and state requirements for NPDES at time of permit. Compliance with local and state water quality permits at the time of permit would ensure no water quality violations would result from the proposed Project. Further, puddling in the northwest corner, if any, would be eliminated by the routine removal of accumulated debris, an activity that did not occur while the Project Site was not in operation. As the Project’s Preliminary CEQA Review clearly demonstrates, based on substantial evidence, that the Project’s impacts would not be significant, no EIR is required.

Response 140

While the commenter asserts that the level of impact with regard to the water supplies available to serve the Project is less than significant, based on the substantial evidence provided in the Preliminary CEQA Review, the correct characterization would be that no impact would occur.

The remaining comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 141

This comment confirms the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 142

These comments confirm the accuracy of the analysis presented in the Project's Preliminary CEQA Review. No further response is required.

Response 143

The Project's Preliminary CEQA Review clearly and comprehensively demonstrates, based on substantial evidence, that Project construction and operations would not result in a significant impact to the environment. With regard to cumulative impacts for the issues identified in the comment, cumulative land use impacts are not anticipated as any new project would be subject to the City's project permit approval process and zoning. With regard to cumulative noise impacts, the Project's roadway traffic analysis (see Table 22 of the Project's Noise Study) incorporates cumulative vehicle trips and quantitatively demonstrates that cumulative roadway noise impacts would be less than significant. Cumulative construction and operational noise impacts are also anticipated to not be significant as the related projects identified in the Project's Traffic Study are located sufficiently distant to the Project Site so as to not combine with the Project's noise sources such that a cumulative impact would occur.

As set forth in Responses 50 through 52, the Project's cumulative air quality impacts would be less than significant. With regard to traffic/circulation, Project impacts are less than significant and with respect to traffic from each of the related projects, mitigation measures for each related project would be implemented individually in coordination with LADOT, thereby precluding a significant impact. The Project's Urban Decay Study is a cumulative analysis as it looks at the market potential and then determines the extent to which the Project meets the market demand within the area. As the Project's urban decay study concluded that the Project would not result in a significant urban decay impact, it is concluded that this applies to the Project on an individual as well as a cumulative basis. Based on the preceding, Project cumulative urban decay impacts would not be significant.

Response 144

As discussed in numerous responses on a wide variety of topics, the Preliminary CEQA Review concludes that the proposed Project would not result in the potential to result in potentially substantial and adverse impacts which have direct adverse effects on human beings. Specifically, as discussed above, the proposed Project would not result in significant air quality impacts or result in increased noise levels that would exceed established thresholds. Further, as discussed above, the proposed Project would not result in economic impacts, including urban decay. Lastly, the proposed Project would not reduce the mobility of area residents. Thus, the proposed Project would not result in direct adverse effects to human beings or result in health impacts.

Response 145

See Responses 1 and 3. As the proposed Project involves the reuse of an existing retail building by another retail use, the Project is categorically exempt from the provisions of CEQA under Article 3.1.a (Class 1, Existing Facilities) and Article 3.1.b (Class 2, Replacement or Reconstruction) of the City of Los Angeles Environmental Quality Act Guidelines (refer to Responses 3, 4, and 19 through 33). Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing. Class 2 consists of the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. In addition, specific aspects of the remodel are also clearly covered by certain exemptions should they be undertaken on their own, i.e. the replacement landscaping is exempt under Class 4, Category 3 (new gardening, tree planting, or landscaping, but not including tree removal except dead, damaged or diseased trees or limbs), and Class 11 (construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities).

Although the proposed Project is categorically exempt from the provisions of CEQA under Classes 1, 2, 4, and 11, a Preliminary CEQA Review was prepared to provide additional support for the conclusion that the Project does not have the potential to cause any significant environmental impacts. As noted throughout the Preliminary CEQA Review and in the associated technical appendices, the majority of analysis assumed conservative conditions (e.g., calculating more delivery trucks than would occur, assuming children attended the School for 7 years, assuming 100% absorption rates of on-site emissions).

The Preliminary CEQA Review found that the proposed Project does not have the potential to result in significant environmental impacts; thus, no further environmental review under CEQA is required.

The comments submitted to the City do not change any of the conclusions in the Preliminary CEQA Review.

APPENDIX A: DETAILED RESPONSES TO KING ECONOMIC ANALYSIS

M E M O R A N D U M

To: Bruce Lackow, Christopher A. Joseph & Associates

From: Ross S. Selvidge, Ph.D.

Date: August 22, 2008

Subject: Response to Comments from Sunland-Tujunga Alliance Relating to Potential for Urban Decay Associated with Proposed Home Depot Store in Sunland

CBRE Consulting has reviewed the comments relating to the proposed Home Depot store in Sunland which were submitted to the City of Los Angeles on August 8, 2008 by Sunland-Tujunga Alliance (STA) and an accompanying July 30, 2008 memorandum report prepared by Philip King (King).

The comments in the STA and King documents relating to urban decay are fundamentally flawed and erroneous. The comments in the STA/King documents are fully addressed below and do not change the conclusion from the CBRE Consulting's Economic Impact Analysis that the Home Depot store will not result in urban decay. Further, the STA/King comments do not present any evidence to support their assertion of urban decay. The STA/King comments are fundamentally flawed and erroneous due to several functional and base errors and assumptions, including:

1. Ignoring data that the Trade Area for the proposed Home Depot in Sunland is now losing \$158.4 million in annual hardware and home improvement sales (51% of the total demand) to retailers outside the Trade Area;
2. Seriously mischaracterizing the nature of the real estate market along the Foothill Boulevard corridor by suggesting it is now deteriorating or on the brink of doing so;
3. Claiming without foundation that a significant number of existing hardware and building related retailers in the Trade Area will close as a result of competition from the proposed Home Depot in Sunland;

4. Erroneously equating loss of sales or closure of existing retailers in the Trade Area with urban decay; and
5. Incorrectly asserting that the findings in the CBRE Consulting analysis support the contention that urban decay will result from the opening of the Home Depot in Sunland.

Each of these summary points is discussed separately below. That discussion is followed by sections with separate citations correcting and noting each place in the documents where significant oversights, invalid claims, inaccurate statements, or erroneous assertions occur.

OVERALL FLAWED ASSUMPTIONS THROUGHOUT THE DOCUMENT

This section addresses the fundamentally incorrect statements and assumptions that form the basis for the STA/King arguments with respect to Urban Decay and other potential effects related to the opening of a Home Depot store in Sunland.

LOSS OF SALES TO RETAILERS OUTSIDE THE TRADE AREA

CBRE Consulting performed an analysis of demand and existing sales for hardware and home improvement merchandise categories in the Trade Area from which the proposed Home Depot store is expected to draw its customers (the Sunland and Tujunga portions of the City of Los Angeles, portions of the cities of Glendale, Burbank, and La Canada Flintridge as well as unincorporated portions of Los Angeles County). That analysis was based on demand and sales data obtained from independent nationally recognized providers of econometric data. Within the Trade Area, it is estimated that the demand for hardware and home improvement merchandise is approximately \$313.6 million. It is also estimated that approximately \$155.2 million in retail sales in those categories is now occurring at existing retailers in the Trade Area. This means that \$158.4 million (51% of the total) demand from the Trade Area is being satisfied by sales occurring at retailers outside the Trade Area.

The proposed Home Depot store, which would be smaller than the average Home Depot format, is expected to experience between \$46 and \$56 million in annual sales. Therefore, even with the proposed Home Depot in operation, there would still be approximately \$100 million in demand for hardware and home improvement merchandise in the Trade Area being lost to retailers outside the Trade Area. This means that to the extent any existing hardware or home improvement retailer experiences a loss of sales following the opening of the Home Depot store, it will not be because demand in the Trade Area is insufficient to support the existing retailers present in the Trade Area as well as the Home Depot store. Even after the opening of a Sunland Home Depot, there would still be a large surplus of demand in the area's hardware and home improvement market.

CHARACTERISTICS OF THE COMMERCIAL REAL ESTATE MARKET ALONG THE FOOTHILL BOULEVARD CORRIDOR

The Foothill Boulevard corridor which runs east-west through the Trade Area is generally characterized by a long-term trend of relatively low vacancy and rising rents. In the western portion of Foothill Boulevard in Sunland nearest to the site of the proposed Home Depot, there are more older and underutilized improvements. Nevertheless, there is no pattern of ongoing urban decay or even a trend in that direction. Quite to the contrary, the trend in the real estate market along that portion of the corridor is one of redevelopment of obsolete or underutilized improvements and renovations, not disinvestment and deterioration.

POTENTIAL FOR CLOSURE OF EXISTING RETAILERS

Claims that many retailers are likely to close as a result of competition from the proposed Home Depot store are unfounded. As indicated above, even with Home Depot in operation, a very large portion (in excess of 30% with a value of over \$100 million) of the demand for hardware and home improvement merchandise in the Trade Area will still be unmet by retailers in the Trade Area and will be lost to retailers outside the Trade Area. Thus, there will be ample demand in the Trade Area—not captured by Home Depot—to continue to support the existing retailers at the level at which they are accustomed. If any existing retailers close after the opening of the Home Depot store, it will not be because the Home Depot store has captured so much of the local demand for hardware and home improvement merchandise that there is an insufficient demand left over to support the existing retailers. There will be a very substantial excess demand after the opening of the Sunland Home Depot.

Two hardware-industry articles describing how smaller format, locally owned hardware or home improvement stores can successfully compete with "big-box" stores are included in CBRE Consulting's Economic Impact Report. Another such article appears as the cover story for the August 2008 edition of *Hardware Retailing* magazine which is published by the North American Retail Hardware Association, an industry trade group for hardware retailers. That article describes how the owner of six Ace hardware stores in Florida has learned to apply specific strategies to not just compete with but actually "thrive in the face of big-box competition." The article discusses ten strategies that can be followed to successfully compete in the same trade area as big-box retailers. It is interesting to note that in the discussion of the product line differentiation strategy, the example presented is of three Do It Best stores in Indiana.

LOSS OF SALES OR STORE CLOSURES AND URBAN DECAY

A number of the comments by STA/King essentially equate loss of sales or closure of existing competing retailers with the onset of urban decay. It must be emphasized that loss of sales or store closures is not sufficient to trigger urban decay in a locale. As California Courts have made clear, urban decay requires a two-step analysis: first, there must be closures of existing businesses where the spaces vacated by existing businesses are not reoccupied by new businesses or tenants. Second, the vacant

spaces related to the opening of a new store must lead to a physical effect on the environment.

STA/King cannot show that urban decay would occur due to the opening of a Home Depot in Sunland. As has been indicated previously, there is sufficient market capacity in the hardware/home improvement sector to absorb the opening of a Home Depot in Sunland. Even if the opening of a Home Depot in Sunland resulted in closures of hardware/home improvement stores in the market area, it is clear that the real estate market along the Foothill Boulevard corridor is characterized by new investment in the form of privately initiated redevelopment and renovation. Thus, there is no indication that the space remaining from closed businesses would not be reoccupied. There is also no evidence that even if storefronts were not reoccupied in this vibrant market, that the physical environment would be affected by the closed storefronts. Therefore, a Sunland Home Depot would not trigger a sequence of events culminating in urban decay.

FINDINGS IN CBRE CONSULTING ECONOMIC IMPACT ANALYSIS

The STA comments seriously mischaracterize many of the conclusions in the CBRE Report regarding urban decay and store closures. The results of the CBRE Consulting analysis do not "essentially admit" that urban decay will result from the opening of the Home Depot store. Instead, the CBRE Consulting analysis is clear that the factors necessary for urban decay are not present in the Sunland Home Depot trade area. Further, the analysis does not state that the Home Depot store "would...close a number of smaller hardware and other related stores in the area." What the analysis does say is that any existing stores that do not adapt to the new competitive environment (e.g., increased convenience, enhanced service, availability of alternate product lines, hours/days of operation, etc.) may be at risk of losing sales or even closing. It is well established that small format hardware and home improvement stores can coexist and thrive in a trade area along with big-box stores.

RESPONSES TO SUNLAND-TUJUNGA ALLIANCE DOCUMENT

The following provides responses to specific comments that are fundamentally flawed, unsubstantiated and/or erroneous:

- 1. Page 10, Paragraph 4:** This paragraph makes reference to the "region's recent economic down turn." While the region is experiencing an economic slowdown in a number of sectors, this phenomenon is a part of the business cycle. The region has strong underlying fundamental strengths as noted in the CBRE Consulting analysis which found strong demographic indicators (e.g., number of households and household income) as well as favorable healthy real estate market indicators (e.g., low vacancy, stable or rising rents and new investment). Long-term land use policy decisions should not be based on normal swings in the business cycle.

2. **Page 10, Paragraph 4:** This paragraph states the Foothill Boulevard corridor is a "stagnant local real estate market" without providing supporting evidence. That is incorrect. The market is in fact characterized by significant new privately initiated investment in the form of redevelopment to replace obsolete and underutilized properties as well as renovation of existing improvements. Specific examples of this new investment along Foothill Boulevard include new multi-family (rental) development in the 8500 block, a recently completed retail project in the 8200 block and a large retail/commercial project under construction in the 7200 block. The behavior of this market is inconsistent with a stagnant commercial real estate market.
3. **Page 10, Paragraph 4:** This paragraph states that King found "struggling smaller home improvement type of businesses." The King report does not characterize any businesses as struggling. Any store that struggles in a trade area which falls far short of meeting the local demand for its goods is most likely suffering from internal operating problems and cannot attribute its difficulties to existing or potential future competition from other stores.
4. **Page 10, Paragraph 4:** This paragraph makes reference to an "economic disaster" resulting from the opening of the Home Depot store which is neither described nor explained. Terms such as that are hyperbole and are unsubstantiated.
5. **Page 18, Paragraph 1:** This paragraph states that existing local small retailers will not be able to compete with a large format retailer such as Home Depot. This is manifestly incorrect. The retail business is characterized by almost constant evolution and change. The strategies that small local format retailers can implement to successfully compete with large format big-box stores are well known, and have been identified in the CBRE Consulting analysis and thoroughly described (in the context of hardware retailing) in the three articles on this very subject, as discussed above. The STA/King comments do not provide supporting evidence for the claim that urban decay will result from the opening of a Home Depot store.
6. **Page 46, Paragraph 3:** This paragraph asserts that an analysis of the potential economic impact of the proposed Home Depot store has not been performed. The CBRE Consulting analysis addresses exactly that issue. The analysis by CBRE Consulting concluded that urban decay will not result from the opening of the proposed Home Depot store.

RESPONSES TO MEMORANDUM FROM PHILIP KING

The following provides responses to specific comments that are fundamentally flawed, unsubstantiated and/or erroneous:

1. **Page 1, Paragraph 1:** This paragraph states that granting a Categorical Exemption to the Sunland Home Depot store will avoid any form of CEQA-type

analysis of physical changes in the environment. This statement is incorrect. Christopher A. Joseph and Associates and CBRE Consulting have provided substantial environmental analysis to the City of Los Angeles, and the CBRE Consulting analysis is in fact entirely consistent in form and process with a CEQA analysis.

2. **Page 1, Paragraph 3:** This paragraph implies that a very large proportion or potentially all of the sales at the proposed Home Depot store will be transfers of sales from existing retailers in the Trade Area. This vastly overstates the likely impact of Home Depot on existing retailers. The CBRE Consulting analysis determined that there is currently a very substantial loss of sales of the type that would take place at a Home Depot store to areas beyond the expected Trade Area of a Sunland Home Depot. The amount of that current loss of sales to retailers outside the Trade Area is approximately 300% of the anticipated sales at the Sunland Home Depot store. This means that even with the opening of a Home Depot in Sunland, there would still be excess market capacity and demand for hardware/home improvement stores in the trade area. Because the estimated current loss of sales to other areas is a multiple of the anticipated sales at the proposed Home Depot store, there will not be widespread closures of existing stores followed by a downward spiral of the real estate market leading to urban decay.
3. **Page 1, Paragraph 3:** This paragraph suggests that an enormous amount of existing retailing could be at risk of being driven out of business and incorrectly equates the potential loss of sales at existing retailers or the closing of uncompetitive stores with urban decay. The 370,000 square feet of small hardware store "potential displacement" is of no relevance to the Trade Area. Anywhere close to that amount of displacement would have to be based on the sales at the proposed Home Depot store primarily being captured from existing retailers in the Trade Area. As indicated in the CBRE Consulting analysis, there is a huge unmet demand for hardware and home improvement merchandise in the Trade Area. The amount of that unmet demand is several times the total amount of anticipated sales at the Home Depot. It is far more reasonable to expect that, because of the huge unmet demand, the sales at the proposed Home Depot will consist primarily of the retention in the Trade Area of a portion of the sales now being lost to retailers outside the Trade Area. Nevertheless, for any sales displaced from existing retailers to result in urban decay, it would also be necessary for those displaced sales to lead to new vacancies and for the retail real estate market to be unable to absorb that space over the long-term. This is not the case along the Foothill Boulevard Corridor in Sunland. Please see response entitled "Loss of Sales or Store Closures and Urban Decay," above.
4. **Page 1, Paragraph 3:** This paragraph asserts that the CBRE Consulting analysis "essentially admits" that the opening of the Home Depot store will lead to urban decay. That is not correct. The CBRE Consulting analysis does state that some of the sales at the proposed Home Depot can be expected to be

- captured from existing retailers. However, such a capture of some sales does not constitute a basis for asserting that urban decay will follow. It is the conclusion of the CBRE Consulting analysis that, considering all relevant factors (nature of the existing retailers in the Trade Area, the large amount of unmet demand in the Trade Area, and the strength of the real estate market), urban decay will not result from the opening of the Home Depot store.
5. **Page 2, Paragraph 1:** In this paragraph there is an assertion that store closings resulting from the opening of the proposed Home Depot store will be "significant." No basis or empirical analysis leading to this assertion is provided. Because of the current large unmet demand for hardware and home improvement merchandise in the trade area there is unlikely to be a large transfer of existing sales followed by store closures.
 6. **Page 2, Paragraph 2:** In this paragraph the assertion is made that the opening of the Home Depot store would lead to a 25% to 30% reduction in sales at the Do It Center which is 2.6 miles away. No basis for this assertion is provided. The recent cover story in *Hardware Retailing* magazine referenced earlier presents as a model several Do It Best stores in Indiana (presumably members of the same purchasing cooperative as the Do it Center) which successfully compete with large format home improvement stores in the same trade area. It is common for retailers offering hardware and home improvement merchandise different from Home Depot's offerings to operate in the same trade area as a Home Depot store.
 7. **Page 2, Table 1:** It is incorrect to characterize all the stores in this table as "direct competitors" with Home Depot. Ten of those stores were listed and evaluated in the CBRE Consulting analysis as potential competitors. The remaining five have subsequently been visited. They all have varying degrees of overlap on different product lines with Home Depot. With appropriate business strategies, retailers of that type can and do successfully compete in a trade area that contains a Home Depot store, particularly a trade area that has a very large unmet demand for hardware and home improvement merchandise such as the Sunland and Tujunga area. Notwithstanding, the addition of the remaining five stores does not change the conclusion that the Home Depot Project would not result in urban decay. No information is provided on the source or the nature of the listing of the "98 other local businesses in the area in the home improvement trade that may be severely impacted and at risk of closure" mentioned in a footnote. Unless each such business is very carefully screened and evaluated, home improvement businesses that would actually benefit from a greater opportunity to purchase materials and services closer to their base of operation could be lumped into a category of businesses that would allegedly suffer an adverse impact.
 8. **Page 3, Paragraph 1:** The suggestion is made here that the CBRE Consulting analysis did not consider the potential for urban decay outside of the Los Angeles City limits. Presumably this suggestion is made on the basis of the

information in the analysis that it is estimated that 80% of the Home Depot sales would be captured from retailers outside of the City of Los Angeles. In fact, the CBRE Consulting analysis was not constrained geographically in any way by the Los Angeles City limits. The portions of the Trade Area in Glendale, La Canada Flintridge, Burbank and unincorporated areas of Los Angeles County were included in the analysis which concluded that no urban decay would result from the opening of the Home Depot in Sunland. The estimate that 80% of the sales would be captured from retailers outside of the City of Los Angeles was informational only and used in an estimate of potential net fiscal revenues which is not a CEQA matter.

9. **Page 3, Table 2:** This table asserts that four particular stores in Burbank and two in Glendale are at risk of closure if the Home Depot store opens. That assertion is used as a basis for contending that an urban decay analysis focused on those two cities should also be conducted. That is not necessary. The area over which the potential for urban decay was investigated in the CBRE Consulting analysis includes portions of the cities of Burbank, Glendale and La Canada Flintridge that might conceivably experience any material impact from the proposed Home Depot store. The suggestion that those four particular Burbank stores might be at risk of closure as a result of the opening of the proposed Home Depot store is baseless. Those four stores are from seven to eleven miles from the Sunland Home Depot site. Each of those stores is closer in both distance and travel time to three existing Home Depot stores and a Lowe's store. Any impact that they may experience as a result of having to compete with a big-box store in the same trade area has already occurred. JR Builders in Glendale is a specialty sash and door vendor that is not even open for business on weekends. JR Hardware in Glendale is a very small and very locally focused store which operates on short hours on Saturdays and is closed on Sundays. Both JR Builders and JR Hardware are approximately seven miles from the proposed Home Depot site. Consequently, neither is positioned to be a significant competitor for clientele that would patronize the proposed Home Depot store. Any potential impact on them would be insignificant and thus not contribute to urban decay.
10. **Page 3, Paragraph 2:** This paragraph paints an incorrect picture of the commercial real estate market in the Sunland portion of the Foothill Boulevard corridor. While that area has more older improvements than sections to the east, it is in transition through upgrades, investment and redevelopment not deterioration, disinvestment and rising vacancies. Specific examples of this new investment along Foothill Boulevard include new multi-family (rental) development in the 8500 block, a recently completed retail project in the 8200 block and a large retail/commercial project under construction in the 7200 block.
11. **Page 3, Paragraph 2:** This paragraph asserts that the "area is already well served with hardware and home improvement stores." The CBRE Consulting analysis determined that the Trade Area for the proposed Home Depot store is

currently losing sales in the range of \$158 million in these categories to retailers outside the Trade Area because of the demand not being met by retailers in the Trade Area. This unmet demand was calculated based on household demand and sales figures for relevant merchandise categories in the Trade Area obtained from an independent provider of economic and demographic data. The opening of the Home Depot store would stem, at most, approximately one-third of those lost sales. Thus, even after the opening of the Sunland Home Depot, there would still be very substantial additional unmet market demand available for hardware or home improvement stores in the Trade Area.

- 12. Page 4 Photographs:** The photographs of the store fronts on this page depict improvements that are uncharacteristic of those along the relevant portion of the Foothill Boulevard corridor and do not represent the trend in the market.
- 13. Page 5, Paragraphs 1 and 2:** These summary paragraphs repeat the earlier erroneous characterization of the Foothill Boulevard corridor as a distressed area currently experiencing urban decay. It is in fact experiencing conversions, upgrades and redevelopment through substantial private investment. There is no basis for the repeated assertion that significant closures followed by urban decay will result. The CBRE report provides substantial evidence that urban decay will not result from the opening of the Sunland Home Depot store. The STA/King comments do not provide any supporting evidence to the contrary. Therefore, alternatives to reduce urban decay do not need to be considered. Because of the distances involved, any impact that the proposed Home Depot store might have beyond the Trade Area as defined and illustrated in the CBRE Consulting analysis will be extremely dispersed and cannot be reasonably argued as putting those areas of cities such as Burbank, Glendale and Pasadena at any material risk of urban decay.

APPENDIX B: DETAILED RESPONSES TO MURTHY TRAFFIC LETTER



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August 21, 2008

Mr. Bruce Lackow
Christopher A. Joseph & Associates
11849 W. Olympic Boulevard, Suite 101
Los Angeles, Ca 90064

RE: Transmittal of Traffic Impact Study (Home Depot Sunland)

Dear Mr. Lackow,

As requested, we have reviewed the traffic comments set forth in the , dated July 30, 2008 Memorandum from Murthy Transportation Consultants Inc. commenting on Overland Traffic Consultants' "Traffic Impact Analysis for a Proposed Home Depot," dated June 2008 ("Traffic Study"). As you are aware, the Traffic Study was also reviewed and approved by the City of Los Angeles Department of Transportation ("LADOT"). The Murthy comments relating to traffic are fully addressed below and do not present any evidence that would change the conclusions or methodology set forth in the Traffic Study.

Comment 1

Response to Comment Existing Land Use

The Sunland Kmart store that formerly operated on the Project Site closed operations in October 2004. The first entitlement application for the Home Depot store was submitted to the City of Los Angeles Planning Department in January 2005 with the first comprehensive traffic study submitted to LADOT in March 2005. LADOT approved the March 2005 study in December 2005 with the determination that no significant traffic impacts were created by the proposed Home Depot project. Home Depot has been diligently pursuing a reuse of this site since January 2005.

The LADOT traffic credit requirement for 6 months of occupancy within the past 2 years is satisfied with the first submittal of the environmental documents in January 2005 for the project. While project opponents have extended the time frame for an

A Traffic Engineering and Transportation Planning Consulting Services Company

occupancy date, those actions do not change the January 2005 filing date for the project and the baseline for the initial project filing. Notwithstanding, the 2-year policy is not an inflexible rule. Note that the LADOT policy states that that is used generally, but provides flexibility for other circumstances. Defining the baseline based solely on present traffic conditions at the Project site would be misleading given the existing building and a prior approved and certified EIR for the retail use and building. In anticipation of the Project, the prior use of the existing building at the Project site was terminated. A more accurate baseline determination, which better describes prior traffic conditions and is representative of the amount of traffic historically produced by the property, includes using full utilization of the Project site. This is consistent with the Project applicant's current rights to fully re-lease and occupy all of the space in the existing building. Pursuant to LADOT policy, use credits were applied using a standard ITE trip generation rate for the prior Kmart use. This is also consistent with CEQA Guidelines Section 15125.

Finally, the Traffic Study also included an analysis showing the impacts of the Project with no Kmart credit and concluded that there would be no significant impact at any location in that scenario as well.

Comments 2 & 3

Response to Comment Trip Generation

The commenter incorrectly states that the traffic rate used for the Kmart traffic credit estimates were not based on the ITE code for a Free-Standing Superstore (Land Use code 815). As indicated in the Traffic Study, Table 1 page 8, the ITE Land Use code 815 was utilized. See Traffic Study, p. 8. In fact, the low end of the trip generation rate for Land Use Code 815 was used in the Traffic Study for the Kmart trip credit to be even more conservative as shown in Table 1 page 8 of the Traffic Study.

Kmart traffic estimates are used to determine the net added traffic volume to the street network for the analysis of the proposed Home Depot traffic impacts. Pursuant to the LADOT's Policy on Pass-by Trips, used for traffic analysis in the City of Los Angeles, discount stores like Kmart are assigned a 30% pass-by adjustment. The Traffic Study is consistent with the LADOT pass-by rate adjustment for Kmart.

Since the Kmart traffic estimates are a credit against the Home Depot traffic estimates, the use of a larger pass-by adjustment (30% from LADOT vs. 17% from ITE) results in a more conservative impact analysis, as the credit for Kmart trips is further reduced, resulting in an increased number of net new trips. Using a 17% adjustment from ITE, as suggested by the Commenter, would result in more trip credit for the Kmart and a lower net Home Depot traffic volume. Please refer to the Traffic Study, p. 9-11. It should be reiterated that, as asserted in the Traffic Study, even if no Kmart trip credits are taken, the proposed Home Depot still results in no significant impact, Traffic Study, p. 11.

Response to Comment Driveway Volume

LADOT has been provided with the estimate project driveway volumes for its driveway review. Both Foothill Boulevard driveways serving the proposed Home Depot are estimated to operate at LOS C during both peak hours. The Woodward Avenue driveway serving the Home Depot is estimated to operate at LOS A during both peak hours. The driveway volumes do not change any conclusion in the Traffic Study.

A special pedestrian counts during school arrival (7:30 -9:00 am) and dismissal hours (2:00 – 3:30 pm) were conducted on two school days (May 30th and June 5th, 2008. On both days it was observed that 1 child with an adult crossed the existing driveways on Foothill Boulevard and Woodard Avenue that serve the site. No further



analysis is warranted for this volume of school age pedestrian traffic that uses the adjacent sidewalk facilities along the designated route to school.

Comment 4

Please see Response to Comment 1.

Comment 5

Please see Response to Comment 2.

Comment 6

Please see Response to Comment 3.

Comment 7

Please see Response to Comment 3.

Comment 8

Please see Response to Comment 1.

Comments 9-11

Response to Study Area Comment

A critical movement analysis (“CMA”) of the existing baseline and future traffic conditions was completed at those locations in the study area expected to have the highest potential for significant traffic impacts. See Traffic Study p. 15-20. Morning and afternoon peak hour conditions have been evaluated at six key intersections selected by LADOT for review. Consistent with standard LADOT policy, certain low volume intersections or intersections with minimal project traffic need not be included specifically in a traffic study. Other higher volume intersections are better indicators of a potentially significant traffic impacts than low volume intersections with more capacity which are much less likely to be significantly impact per LADOT sliding scale of significance.

Travel time runs were conducted from the site along the residential streets to the south along Woodward Avenue, Apperson Street to the intersection of Foothill Boulevard and Apperson Street (approximately 3,350') and compared to travel time runs along the major highway from the site along Foothill Boulevard to Apperson Street (approximately 3,050'). The length of each route is very similar each approximately 0.6 mile. The travel time however is longer along the residential street than the travel time along Foothill Boulevard because of the posted speed limits, the presence of three speed humps on Apperson Street and two all-way stop signed intersections. For this reason and the lack of connectivity because of the Haines Canyon channel located to the west of the site, there is no travel time advantage for patrons of the proposed Home Depot to cut through the neighborhood streets.

Comment 12

Response to No Right Turn Regulatory Driveway Signage

Regulatory signs posted for "No Right Turns" at the Project's Woodward Avenue driveway are enforceable per the State Vehicle Code. To claim that laws governing the rules of the road in the State of California Vehicle Code are unenforceable is incorrect.

Comment 13

Response to Freeway Ramp Impact Analysis

Traffic counts for Sunland Avenue and the Foothill Freeway (210) ramps were collected and capacity analyses were conducted as part of the scoping process prior to preparing the comprehensive traffic study. The results of this analysis indicated that Sunland Avenue and the Foothill Freeway ramps were found to be operating at LOS A and B for the Southbound off ramp and Northbound on/off ramp, respectively.

The study area was selected in consultation with LADOT based on the traffic generation of the Project, the Project distribution, the street network and the traffic impact thresholds used by the City of Los Angeles. It was determined that no additional analysis was necessary for the Foothill Freeway ramp intersections based on the currently operating conditions of the Foothill Freeway Ramps and the nominal amount of Project traffic passing through those intersections. The study area is specific to the Project being evaluated and additional intersection analysis is not necessary or warranted. This analysis has been provided to LADOT.

Comment 14

Response to Saturday Traffic Generation

The commenter states that the Home Depot project's two-way daily traffic volume on Saturday is 4,560 trips using the ITE land use code 862. However, the commenter fails to state that using the ITE rates for the Kmart store (ITE code 815); the Kmart store would generate 8,571 trips, over 4,000 additional trips in comparison to the Home Depot use. Furthermore, using the lowest reported Saturday rate in the ITE database for the Kmart use (notwithstanding additional data that results in far more trips) would result in 5,469 daily trips for the Kmart use, which still exceeds the number of trips that would be generated by the proposed Home Depot. See Traffic Study p. 10, Table 2.

Comment 15

Response to Traffic Impacts

A full traffic analysis was completed for the Sunland Home Depot using ITE data that accounts for the Home Depot home improvement store use. Readily-accepted traffic analyses focus on a.m. and p.m. peak hour traffic, which occurs from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Thus, while Home Depot's operating hours

may extend from before 7:00 a.m. and past 6:00 p.m., and while customers may come to Home Depot during its operating hours, there is no change in analysis required for the operating hours or the goods sold at the site.

Comment 16

Please see Responses to Comments 1-9.

Comment 17

Response to Trip Distribution for Project Trips

Overland Traffic Consultants worked with Los Angeles Department of Transportation ("LADOT") to develop and approve the trip distribution used in the Traffic Study, and LADOT approved the trip distribution used in the Traffic Study. Please see Responses to Comments 10 and 11.

Comment 18

Please see Responses to Comments 10 and 11.

Comment 19

Please see Responses to Comments 2 & 3.

Comment 20

Response to Trip Distribution for Related Projects

LADOT has been provided with the supporting data for the related projects traffic flow analysis and has approved the data analysis.

Comment 21

Response to Home Depot Pass-by Adjustment

ITE reports an average pass-by percentage of 48% for home improvement superstores. The Traffic Study uses a 20% pass-by adjustment for Home Depot as the maximum allowed by LADOT. The use of a smaller pass-by adjustment (20% from LADOT vs. 48% from ITE) results in a more conservative impact analysis. Please refer to the Traffic Study, p. 10.

Comment 22

Response to Level of Service Analysis

As noted by the commenter, p. 26 Table 7 notes that the intersection of Foothill Boulevard and Tujunga Canyon Boulevard currently operates at LOS E in the a.m. peak hour and LOS C in the p.m. peak hour, and, in the future without the Sunland Home Depot, the intersection will operate and LOS E in the a.m. peak hour and LOS D in the p.m. peak hour. While the commenter is correct that the condition at that intersection will have worsened, commenter is mistaken in that a Sunland Home Depot is required to implement changes to this intersection. Because Sunland Home Depot will not create the traffic reflected in the decreased LOS at the intersection, Sunland Home Depot cannot be required to "mitigate" the intersection, pursuant to California Law.

Comment 23

The commenter incorrectly states that the Project's incremental increase in trips at the intersection of Foothill Boulevard and Tujunga Canyon Boulevard exceeds the significance thresholds established by the City of Los Angeles. The incremental increase reported in Table 8, page 27 of the Traffic Study is +0.005 at LOS E and

+0.001 at LOS D for the a.m. and p.m. peak hour respectively. These impact values are below the +0.01 for LOS E and +0.002 for LOS D intersections, and do not meet the significance threshold. Please also see Response to Comment 22.

Comment 24

Response to Project Site Access for Trucks

The Home Depot site plan has been designed to accommodate delivery trucks of all sizes. The driveway and parking lot designs comply with the City standards for commercial projects that allows for large delivery vehicle access to and from the adjacent streets. In addition, the site access for trucks is the same as used by Kmart for almost 30 years without incident.

Comment 25

Please see response to Comment 9-11 and 24.

Comment 26

Please see response to Comment 9-11 and 24.

Comment 27

Response to Truck Impacts

The Traffic Study for the Sunland Home Depot was reviewed and approved by LADOT. The anticipated truck traffic has been researched for the Sunland store, and the number of heavy trucks has been considered in the traffic impact analysis. See Traffic Study, p. 9. The City of Los Angeles uses the Transportation Research Circular 212 for the CMA analysis procedure and methodology. Page 9 of Circular 212 states that "the recommended passenger car equivalency (PCE) for converting

trucks to passenger cars is 2.0 and that the working definition of truck is 6 or more tires on the pavement.” Furthermore, the heavy vehicles in the Home Depot Sunland traffic report converted the truck count by a factor of 3.0 to be extra conservative. See Traffic Study, p. 9. In addition, the conservative truck trips were added in addition to the trips generated for the use by the ITE rates that include truck trips to the Project. Therefore, this traffic analysis, in effect, double counts the number of truck trips to and from the Project site.

Comment 28

Response to Truck Generation

The anticipated truck traffic has been researched for the Sunland store, and the number of heavy trucks has been considered in the Traffic Study. See Traffic Study, p. 9. The City of Los Angeles uses the Transportation Research Circular 212 for the CMA analysis procedure and methodology. Page 9 of Circular 212 states that “the recommended passenger car equivalency (PCE) for converting trucks to passenger cars is 2.0 and that the working definition of truck is 6 or more tires on the pavement.” The heavy vehicles in the Home Depot Sunland traffic report converted the truck count by a factor of 3.0 to be extra conservative. See Traffic Study, p. 9. It should be noted that pickup trucks and vans with 2 axles which are considered heavy vehicles, not trucks, for the purpose of a traffic analysis. Please also see “Appendix D: Environmental Noise Assessment for a Proposed Home Depot, CEQA Preliminary Review, Sunland Home Depot Project” dated June 19, 2008.

Comment 29

The Home Depot truck count provided by the commenter has not been validated and it should be noted that the truck data obtained by the commenter erroneously includes pickup trucks and vans with 2 axles which are considered heavy vehicles,

not trucks, for the purpose of a traffic analysis. In addition, it should be noted that the size of the Sunland Home Depot is much smaller than the average Home Depot store constructed in the Los Angeles Area, indicating that the unsubstantiated and unverified data from a Home Depot in Newbury Park is misleading. It should be noted that the truck volume shown in the Table B page 10 do not match the truck volume plotted in Figures 1 and 2 page 10. Please also see Response to Comment 28.

Comment 30

Please see Response to Comment 29.

Comment 31

Please see "Appendix D: Environmental Noise Assessment for a Proposed Home Depot, CEQA Preliminary Review, Sunland Home Depot Project" dated June 19, 2008. Please also see Response to Comment 29.

Comment 32

Delivery vehicles will be directed, via on-site signage, to the appropriate exit point, as indicated in the Sunland Home Depot plans. See also Response to Comment 12.

Comment 33

Please see Response to Comment 32.

Comment 34

Please see Response to Comment 16.

Comment 35

A pedestrian survey of the project area was conducted and indicated minimal pedestrian activity in and around the project site. Thus, no further analysis of pedestrian activity is required. Please also see Response to Comments 2-3.

Comment 36

Please see Response to Comment 13.

Comment 37

Please see Responses to Comments 9, 13, 15 and 28.

Comment 38

Please see Response to Comment 22.

Comment 39

Please see Response to Comment 21

Comment 40

As detailed in the Traffic Study, the Sunland Home Depot will not result in any significant traffic impacts. The traffic signals in the study area already operate with the ATSAC upgraded system as reported in the Traffic Study. Please also see Response to Comment 22.

Comment 41

Please see Response to Comment 9-11.

Comment 42

Please see Response to Comment 14.

Comment 43

Please see Response to Comments 9-11.

Comment 44

The Traffic Study was completed using industry standard practices and trip distributions. Standard traffic engineering practice does not require a trip distribution calculation for each related project. Please also see Response to Comment 20.

Comment 45

Please see Response to Comment 21.

Comment 46

Please see Responses to Comments 24, 27 and 28.

Comment 47

Please see Responses to Comments 27, 28, and 29.

Comment 48

Foothill Boulevard is designated a major highway Class II facility and truck route in the Community Plan Area. Foothill Boulevard was originally constructed as a state highway prior to its relinquishment by Caltrans to the City in 1996. At that time, the roadway was refurbished with paving, street lighting, and traffic signal improvements consistent with the design requirements for arterial roadways designated as a truck

route. Pursuant to the City's General Plan Transportation Element, a major highway Class II roadway will accommodate 30,000 to 50,000 vehicles per day. Foothill Boulevard carries approximately 40,000 vehicles per day. Thus, Foothill Boulevard has excess capacity and is underutilized. There is no data present to suggest that emergency access would be inhibited by the opening of the proposed Home Depot. See Traffic Study p. 27, Table 8 regarding trip generation expected for the proposed Home Depot and that there would be no significant impacts at all study locations. Please also see Response to Comment 35.

Comment 49

Please see Response to Comment 13.

Comment 50

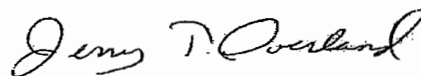
As detailed in the Traffic Study, the Sunland Home Depot will not result in any significant traffic impacts. Please also see Response to Comment 22.

Comment 51

The Traffic Study was prepared by Overland Traffic Consultants in cooperation with LADOT and was approved by LADOT prior to issuance. As detailed in the Traffic Study, the Sunland Home Depot will not result in any significant traffic impacts.

Please call if you have questions.

Sincerely,



Jerry T. Overland