



DEPARTMENT OF CITY PLANNING

APPEAL REPORT

City Planning Commission

Date: January 24, 2019
Time: After 8:30 a.m.*
Place: Van Nuys City Hall
Council Chamber, 2nd Floor
14410 Sylvan Street
Van Nuys, CA 91401

Public Hearing: October 24, 2018
Appeal Status: Appealable to City Council
Expiration Date: February 14, 2019

Case No.: VTT-74197-1A
CEQA No.: ENV-2016-1951-EIR
SCH. No. 2016101076
Related Case: CPC-2016-1950-TDR-SPR
Council No.: 14 – Huizar
Plan Area: Central City
Specific Plan: None
Certified NC: Downtown Los Angeles
Land Use: Regional Center Commercial
Zone: C2-4D

Applicant: Kenji Yamamoto,
MFA 8th & Figueroa LLC

Applicant Representative: Donna Shen Tripp,
Craig Lawson & Co, LLC

Appellants: 1) Southwest Regional Council of
Carpenters
2) Coalition for Responsible
Equitable Economic
Development (CREED LA)

Appellants' Representatives: 1) Nicholas Whipps, Wittwer
Parkin LLP
2) Laura del Castillo, Adams
Broadwell Joseph & Cardozo

PROJECT LOCATION: 744 South Figueroa Street, 732-756 South Figueroa Street and 829 West 8th Street

PROPOSED PROJECT: Vesting Tentative Tract Map for the merger and resubdivision of an approximate 50,335 square-foot site (1.16 gross acres or 1.07 net acres) to create one (1) master ground lot comprising the entire site for condominium purposes, creating a mixed-use development consisting of 438 residential condominiums and five (5) commercial condominiums, and a Haul Route for the export of 95,000 cubic yards of soil, in conjunction with demolition of an existing surface parking lot for the construction of a new 41-story, 530-foot tall, mixed-use development consisting of 438 residential units and approximately 7,493 square feet of ground floor commercial retail and restaurant uses.

REQUESTED ACTION: Appeal of the entire decision of the Advisory Agency on the following actions:

1. Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this project, which includes the Draft EIR, No. ENV-2016-1951-EIR (SCH No. 2016101076), dated April 26, 2018 and the Final

EIR, dated October 12, 2018 (Fig & 8th Project EIR), as well as the whole of the administrative record, and

CERTIFICATION of the following:

- a. The Fig & 8th Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Fig & 8th Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- c. The Fig & 8th Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTION of the following:

- a. The related and prepared Fig & 8th Project Environmental Findings;
 - b. The Statement of Overriding Considerations; and
 - c. The Mitigation Monitoring Program prepared for the Fig & 8th Project EIR.
2. Pursuant to Section 17.03 and 17.15 of the Los Angeles Municipal Code (LAMC), an approval of Vesting Tentative Tract Map No. 74197 for the merger and resubdivision of a 50,355 square-foot site (1.16 gross acres or 1.07 net acres) to create **one ground lot** comprising the entire site and a **Haul Route** for the export of 95,000 cubic yards of soil, as shown on revised map stamp-dated November 7, 2018, in the Central City Community Plan area.

RECOMMENDED ACTIONS:

1. **Deny** the appeal.
2. **Find** that the City Planning Commission has reviewed and considered the information contained in the Environmental Impact Report No. ENV-2016-1951-EIR (SCH No. 2016101076), prepared for this project, which includes the Draft EIR, dated April 26, 2018, and the Final EIR, dated October 12, 2018 (Fig & 8th Project EIR), as well as the whole of the administrative record.

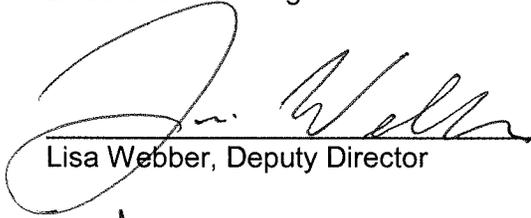
CERTIFY the following:

- a. The Fig & 8th Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- b. The Fig & 8th Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- c. The Fig & 8th Project EIR reflects the independent judgment and analysis of the lead agency.

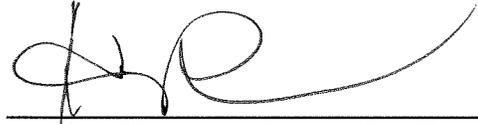
ADOPT the following:

- a. The related and prepared Fig & 8th Project Environmental Findings, dated November 16, 2018;
 - b. The Statement of Overriding Considerations contained in Environmental Findings; and
 - c. The Mitigation Monitoring Program prepared for the Fig & 8th Project EIR (Exhibit D).
3. **Sustain** the decision of the Advisory Agency in approving Vesting Tentative Tract Map No. 74197.
 4. **Adopt** the Advisory Agency's Conditions of Approval and Findings.

VINCENT P. BERTONI, AICP
Director of Planning



Lisa Webber, Deputy Director



Heather Bleemers, Senior City Planner



Mindy Nguyen, City Planner

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 272, Los Angeles, CA 90012 (Phone No. 213-978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent to the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to this programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request not later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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- A – Appeal Applications
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Coalition for Responsible Equitable Economic Development (CREED LA)
- B – Letter of Determination for Vesting Tentative Tract No. 74197
- C – Vesting Tentative Tract Map No. 74197
- D – Mitigation Monitoring Program (MMP)

Environmental Impact Report (EIR) link:

https://planning.lacity.org/eir/Fig_and_8th/DEIR/index.html

APPEAL REPORT

BACKGROUND

Location and Setting

The Project Site is comprised of eight (8) relatively flat and contiguous lots totaling approximately 46,546 square feet in size, in Downtown Los Angeles within the Central City Community Plan area. The Project Site is bound by 8th Street to the south; Figueroa Street to the west; a surface parking lot to the north; and an alley to the east. It is located at the northeast corner of 8th Street and Figueroa Street, with approximately 158 feet of frontage along the easterly side of 8th Street and approximately 295 feet of frontage along the southeasterly side of Figueroa Street. The Project Site is designated as Regional Center Commercial with a corresponding zone of C2-4D (Commercial, Height District 4) with "D" Development Limitation which restricts the FAR to 6:1 without a transfer of floor area (per Ordinance 164,307), with a maximum of 13:1 FAR possible through a Transfer of Floor Area Rights (TFAR). The Project Site is currently developed with a surface parking lot, which is entirely paved and currently provides 219 standard spaces and two handicap spaces for a total of 221 parking spaces.

Within the Project vicinity, primary regional access is provided by State Route 110 (SR-110 or Harbor Freeway), which runs north-south approximately 900 feet west of the Project Site. The Project Site is located in a highly urbanized area developed with a mix of uses including commercial, office, hotel, and residential buildings.

Properties to the north along 7th Street and Figueroa Street are currently improved with a surface parking lot and a three-story commercial building along Figueroa Street and a 12-story office/commercial building occupying the entire northern end of the block along 7th Street which includes ground floor retail and restaurant uses, and a bank.

Properties to the south along 8th Street currently improved with a 12-story office/commercial building (at Figueroa Street), including ground floor restaurant uses and a five-story commercial building (at Flower Street), including ground floor retail and restaurant uses.

Properties to the east are currently improved with a surface parking lot accessible from an alley located along the eastern boundary of the Project Site and Flower Street. Along the same block farther to the east, 7th Street is improved with The Bloc, which consists of 722,000 square-feet of office uses, 400,000 square feet of retail and restaurant uses, and the 23-story, 496 room Sheraton Grand Los Angeles Hotel.

Properties to the west along Figueroa Street and 8th Street are currently improved with the 53-story 777 Tower at the corner of Figueroa Street and 8th Street consisting of office use, and the FIGat7th shopping mall, which consists of restaurants, commercial, and retail uses. Along the same block farther to the west, 8th Street is improved with a nine-story parking structure, which is adjacent to SR-110. Beyond these land uses are other high-rise commercial buildings, including the completed 73-story Wilshire Grand Center, located approximately one block to the northwest of the Project Site.

High-rise residential development is located one block south of the Project Site on Figueroa Street between 9th Street and Olympic Street. Other high density residential developments are located in the vicinity of the Project Site on Flower Street south of 8th Street and on 9th Street east of Figueroa Street.

Figueroa Street adjoins the subject site to the northwest and is a designated Avenue I per the Mobility Plan 2035, and improved to a half roadway width of 40 feet, and a 10-foot sidewalk for a total 50-foot half right-of-way width including a 10-foot sidewalk. The street is currently improved with paved roadway, concrete curb, gutter, sidewalk, and mature Ficus trees lining the sidewalk, which will be removed as part of the Project.

7th Street adjoins the uses to the north of the subject site and is a designated Modified Avenue II per the Mobility Plan 2035, and improved to a half roadway width of 27 feet, and a 13-foot sidewalk, for a total 40-foot half right-of-way width. The street is currently improved with paved roadway, concrete curb, gutter, and sidewalk.

8th Street adjoins the subject site to the south and is a designated Modified Avenue II per the Mobility Plan 2035, and improved to a half roadway width of 33 feet and a 10-foot sidewalk for a total 43-foot half right-of-way width. The street is currently improved with paved roadway, concrete curb, gutter, and sidewalk, and one Jacaranda tree located in the sidewalk, which will be removed as part of the Project.

Case No. VTT-74197 and Appeal

On November 16, 2018, the Deputy Advisory Agency approved Vesting Tentative Tract Map No. 74197 for the merger and resubdivision of a 1.07 net acre site to create one (1) ground lot comprising the entire site, to create one ground lot comprising the entire site construction of a new 41-story, 530-foot tall, mixed-use development consisting of 438 residential units and approximately 7,493 square feet of ground floor commercial retail and restaurant uses. The Department of City Planning subsequently received two appeals of the entire decision by the Deputy Advisory Agency.

Related Case No. CPC-2015-1922-GPA-VZC-HD-CUB-DB-SPR

The proposed Vesting Tentative Tract is related to Case No. CPC-2016-1950-TDR-SPR, for the demolition of an existing parking lot, and construction a new 41-story, 530-foot tall, mixed-use, high-rise building containing 438 residential units, comprised of 80 studios, 264 one-bedroom units, and 94 two-bedroom units, and 7,493 square feet of commercial retail and restaurant uses. As proposed, the Project would provide 505 automobile parking spaces within four subterranean and three-above grade parking levels; and 211 bicycle parking spaces. In total, the project would contain approximately 424,490 square feet of floor area on a site that is 50,335 square feet (1.16 gross acres or 1.07 net acres) in size, for a Floor Area Ratio of 8.43:1. Entitlement requests include a Transfer of Floor Area Rights (TFAR) from the Los Angeles Convention Center (Donor Site) located at 1201 South Figueroa Street, for up to 122,480 square feet to the Project Site (Receiver Site), thereby permitting a maximum 8.43:1 FAR, in lieu of the otherwise permitted maximum 6:1 FAR; and Site Plan Review for a project which results in 50 or more residential units. This case will be heard by the City Planning Commission concurrently to the subject appeal.

APPEAL POINTS/STAFF RESPONSES

The following is a summary of the two appeals and staff's response. For your reference, a link to the Draft and Final Supplemental EIR is provided in Table of Contents on page 4 of this report.

Appellant 1: Southwest Regional Council of Carpenters

Appeal Statement 1-1

The EIR fails to adequately disclose and evaluate baseline conditions and direct, indirect and

cumulative impacts, including in the categories of aesthetics, air quality, biological resources, cultural and historic resources, greenhouse gases, land use, public services, traffic, and utilities. The City has failed to consider a reasonable range of alternatives and to adopt all feasible mitigation measures, and its proposed findings are not supported by substantial evidence. Because the City has not recirculated an EIR that satisfies the procedural and substantive requirements of CEQA, the City is in violation of CEQA.

Staff Response 1-1

The statement does not provide any specific information or evidence to substantiate how the EIR fails to adequately disclose and evaluate baseline conditions and direct, indirect and cumulative impacts. The Draft EIR has been completed in accordance with CEQA requirements and provides a thorough analysis of the environmental impacts of the Project. There were no new impacts or substantial increase in previously identified impacts which resulted from the comments provided in the Final EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the Draft EIR is not warranted.

Appeal Statement 1-2

Inaccurate and Unstable Project Description

An accurate and stable Project Description is “the *sine qua non* of an informative and legally sufficient EIR” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185,193).

The City erroneously presents mitigation measures as aspects of the proposed Project. These include mitigation for impacts to aesthetics, greenhouse gas, noise, public services and traffic, which the City claims are “project design features” (DEIR, pp I-38-42). While the City states these are components of the Project, the City presents these as though they were mitigation measures throughout the EIR. These features are presented in the same location as mitigation measures and otherwise meet the definition of “mitigation” (14 Cal. Code Regs § 15370). The City failed to correctly identify these as mitigation measures and further failed to properly disclose pre-mitigation Project impacts in these categories of environmental impacts. Incorrectly identifying these project design features as something other than mitigation fails to provide decision makers and the public with an accurate, stable, and finite Project Description (14 Cal. Code Regs § 15126 (lead agency must consider and discuss environmental impacts)).

Staff Response 1-2

The Project Description included in the EIR is clear and accurate. Furthermore, the existing setting is clearly defined and impacts are thoroughly evaluated within each of the impact analysis sections contained in Chapter IV of the Draft EIR. The Project Design Features included throughout the EIR are features that would be implemented as part of the Project and therefore have been included as part of the Mitigation Monitoring Plan (Exhibit D). As such, the Project Design Features are not considered mitigation measures and appropriately included as part of the impact analysis for the Project.

Appeal Statement 1-3

Inadequate Discussion of Air Quality Impacts

The City states it is in non-attainment for 1-hour ozone, 8-hour ozone, 24-hour PM₁₀, annual PM₁₀, 24-hour PM_{2.5}, Annual PM_{2.5}, and lead (DEIR, p. IV.B-3). Regardless, in its DEIR, the City claims the Project would not result in cumulatively significant impacts regarding any of these criteria pollutants because a project cannot have significant cumulative air quality impacts

unless the City determines the Project surpasses significance thresholds promulgated for direct and indirect impacts (DEIR, p. IV.B-45-46). Further, while the City's DEIR initially claimed impacts from NO_x (a precursor to ozone) would be cumulatively significant, it revised this conclusion in its FEIR (DEIR, p.IV.B-43, FEIR, p. II-22).

While the City claims SCAQMD adopted the above-referenced cumulative impacts threshold, SCAQMD has never done so. Regardless, the City cannot rely on a threshold that runs counter to the definition of "cumulative impacts." CEQA Guidelines define "cumulative impacts" as "two or more individual effects, [which] when considered together, are considerable or which compound or increase other environmental impacts." (14 Cal. Code Regs. § 15355.) Critically, "cumulative impacts can result from *individually minor but collectively significant projects* taking place over a period of time." (14 Cal. Code Regs. § 15355 (emphasis added)) Thus, the City fails to properly analyze the significant cumulative impacts of the Project.

Staff Response 1-3

The definition of a cumulative impact is included on pages III-3 through III-6 in Section III, Environmental Setting, of the Draft EIR. The Draft EIR appropriately uses specific analyses for each cumulative analysis impact category. The Southern California Air Quality Management District (SCAQMD) guidance regarding air quality cumulative impact methodology is explained below and does not require an analysis comparing the Project's emissions in combination with other Project emissions against the significance thresholds.¹

The SCAQMD shares responsibility with California Air Resources Board (CARB) for ensuring that all federal and state ambient air quality standards are achieved and maintained throughout all of Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties. SCAQMD has developed methodologies and thresholds of significance that are widely used by lead agencies throughout the air basin. As set forth in the Los Angeles CEQA Thresholds Guide, the City adopted the SCAQMD thresholds to assess the significance of a project's project-specific and cumulative air quality impacts. SCAQMD's White Paper on Potential Control Strategies to Address Cumulative Impacts From Air Pollution prepared in August 2003 specifically states:

The AQMD, as Lead Agency, complies with all cumulative impact analysis requirements when preparing CEQA documents. As a Commenting Agency, the AQMD recommends that other public agencies perform cumulative impact analyses relative to air quality in the same manner as does AQMD. As Lead Agency, the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR [...] Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.²

The cumulative analysis of air quality impacts within the Draft EIR appropriately follows SCAQMD's specified methodology that has been recommended for evaluation of cumulative air quality impacts by the City. As the Project would not exceed any of the SCAQMD's regional or localized significance thresholds with implementation of mitigation measures, the emissions of

1 Email Correspondence with Jillian Wong, SCAQMD, dated August 8, 2016.

2 White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution. Appendix D, South Coast Air Quality Management District, August 2003.

non-attainment pollutants and precursors generated by Project, construction and operation would not be cumulatively considerable.

Appeal Statement 1-4

Further, the City erroneously failed to recirculate the EIR after the addition of significant new information (14 Cal. Code Regs. § 15088.5(a)). As mentioned in the DEIR, the City determined Project NO_x emissions would be individually and cumulatively significant and unavoidable (DEIR, p. IV.B-43). However, in the FEIR, the City added a new mitigation measure, AIR-MM-5, which reduced the number of daily haul truck trips “from 200 hauls per day to 135 hauls per day. The duration of the excavation phase would be extended from 3.5 months to 5.5 months in order to remove the required amount of soil with fewer hauls per day.” (FEIR, p. II-22.) According to the City, adoption of this mitigation measure would reduce this impact from 140 pounds per day to 99 pounds per day—immediately below the NO_x emissions significance threshold of 100 pounds per day (FEIR, p. II-22).

The addition of this new mitigation measure represents significant new information requiring recirculation because this mitigation measure caused the City to significantly revise a conclusion in the DEIR, from “significant and unavoidable” to “less than significant”. Further, the City failed to evaluate the impacts of this mitigation measure, which will serve to exacerbate other Project impacts by increasing their duration. For instance, in the DEIR, the City found Project-related noise resulting from construction hauling is cumulatively significant and unavoidable (DEIR p. IV.E-50, 55, 62). Thus, the implementation of this mitigation measure, which will increase the duration of truck hauling by 57 percent (from 3.5 months to 5.5 months) will serve to exacerbate these significant and unavoidable Project noise impacts. Finally, recirculation is especially fitting where, as here, the City relies on this mitigation measure to just barely reduce Project impacts to less than significant—the highest possible Project emissions that can be found less than significant—to reject as unnecessary all feasible mitigation measures proposed by SCAQMD. The City’s failure to recirculate the EIR despite this addition of significant new information violates CEQA.

Staff Response 1-4

Implementation of Mitigation Measure AIR-MM-5 would reduce the significant regional construction NO_x impact to a less-than-significant level. However, as demonstrated in the Final EIR, no new significant information (as defined by CEQA Guidelines Section 15088.5) that would require recirculation of the Draft EIR has been identified. Conditions that require recirculation would include changes to the Project that would result in new significant impacts, increase in the severity of impacts, or not adopting feasible mitigation measures or alternatives. Specifically, upon review and analysis of all of the comments received regarding air quality impacts, there are no new significant or substantially increased environmental effects from the Project or from a mitigation measure that were identified subsequent to circulation of the Draft EIR. Furthermore, implementation of AIR-MM-5 would serve to reduce impacts and not increase the severity of an impact. Neither the comments submitted on the Draft EIR nor the responses contained herein constitute new significant information warranting the recirculation of the Draft EIR, as set forth in CEQA Guidelines Section 15088.5. Therefore, the Draft EIR has been prepared in accordance with CEQA and provides a comprehensive analysis of the environmental impacts of the Project.

Regarding potential noise impacts from implementation of Mitigation Measure AIR-MM-5, the Draft EIR analyzed a maximum of 200 construction trucks coming to and from the Project Site (equal to 400 total trips) per day. The hourly truck trips were calculated based on an eight-hour period (typical workday) and a uniform distribution of trips, which would result in a maximum of 50 truck trips per hour. In addition, there would be a total of 50 worker trips to and from the

Project Site on a daily basis during the grading phase. Table IV.E 12 on page IV.E-31 of the Draft EIR provided the estimated noise levels along the anticipated haul route(s) in which the noise levels generated by construction trucks would be consistent with the existing daytime ambient noise levels along the anticipated haul route(s) and therefore would be below applicable 5 dBA significance criteria. Mitigation Measure AIR-MM-5 would further reduce these less-than-significant noise impacts since the number of peak daily hauls would be reduced from 200 to 135 hauls (approximately 34 truck trips per hour).

This Appellant's statement correctly identifies that the Draft EIR conservatively concluded that Project-related noise resulting from construction hauling would be cumulatively significant and unavoidable. Specifically, the Draft EIR concluded that the Project would contribute up to 50 hourly haul trips to the haul route and that, in the event hauling from the related projects would occur concurrently on this haul route in excess of 168 hourly haul trips, a cumulative impact would occur. As such, the Project would represent approximately 30 percent (i.e., 50/168) of a potential cumulative noise impact and would be reduced to 20 percent (i.e., 34/168) of the potential impact with implementation of Mitigation Measure AIR-MM-5. Based on this information, the increase in the duration of haul would not increase the severity of the impact and no additional analysis is warranted based on this comment.

Appeal Statement 1-5

Improper Greenhouse Gas Impacts Analysis

The City claims that it appropriately relied on a qualitative analysis of consistency with plans not adopted by the City and that were not designed to address greenhouse gas impacts or to be applied at the project-level.

The City is incorrect to assume its reliance on a purely qualitative impacts threshold was informative or adequate in this situation (Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97, pp. 23–24 (stating that, for large projects, “a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis”); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370 (agency must make a good faith effort at disclosing greenhouse gas impacts)). The City's environmental review addresses greenhouse gas impacts arising from a massive project, including dozens of stories, hundreds of dwelling units, and thousands of square feet of commercial space. Under these circumstances, reliance on a purely qualitative threshold of significance cannot be seen as a good-faith attempt at disclosing Project impacts, as required by CEQA (14 Cal. Code Regs. § 15064.4(a)). Furthermore, the City's qualitative review of several plans and policies is confusing, uninformative, and does not serve to adequately inform the reader of the Project's impacts on the environment, and this approach does not clearly explain what mitigation, if any, could be used to address any Project impacts (14 Cal. Code Regs. § 15064.4).

Staff Response 1-5

Section 15064.4 of the CEQA Guidelines recommends that lead agencies quantify Greenhouse Gas (GHG) emissions of projects and consider several other factors that may be used in the determination of significance of GHG emissions from a project: the extent to which the project may increase or reduce GHG emissions; whether a project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs.

CEQA Guidelines Section 15064.4 does not establish a threshold of significance; therefore, lead agencies have the discretion to establish significance thresholds for their respective jurisdictions, and in establishing those thresholds, a lead agency may appropriately look to thresholds developed by other public agencies, or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), as long as any threshold chosen is supported by substantial evidence (CEQA Guidelines Section 15064.7(c)). The CEQA Guidelines also clarify that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impact analysis (CEQA Guidelines Section 15130(f)). As a note, the CEQA Guidelines were amended in response to Senate Bill (SB) 97, in particular, to specify that compliance with a GHG emissions reduction plan renders a cumulative impact insignificant.

CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of less than significant for GHG emissions if a project complies with adopted programs, plans, policies and/or other regulatory strategies to reduce GHG emissions. In the absence of any adopted numeric threshold, the significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines Section 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. As a land use development project, the most directly applicable adopted regulatory plan to reduce GHG emissions is the 2016–2040 RTP/SCS, which is designed to achieve regional GHG reductions from the land use and transportation sectors as required by SB 375 and the State's long-term climate goals. This analysis also considers consistency with regulations or requirements adopted by the Assembly Bill (AB) 32 Climate Change Scoping Plan, the City of Los Angeles' LA Green Plan, and the Sustainable City pLAN.

The Draft EIR provides a thorough analysis of the Project's GHG impacts within Section IV.C, Greenhouse Gas Emissions. Although the Final EIR (Revised Draft EIR Appendix C, AQ and GHG Emissions, of Subsection III.B, Corrections and Additions to Draft EIR Sections and Appendices) provided minor revisions to the GHG emissions from construction as a result of implementation of Mitigation Measure AIR-MM-5 (i.e., reduction in daily haul truck trips during export), the analysis still includes quantification of construction and operational GHG emissions, quantification of applicable reduction measures (e.g., prohibit use of natural gas-fueled fireplaces in the proposed residential units), and consistency with applicable local plans and policies. Based on this analysis, the Draft EIR correctly concluded that the Project would result in less-than-significant GHG impacts.

Appeal Statement 1-6

The City states Project greenhouse gas emissions will be 3,178 metric tons of carbon dioxide equivalent (MTCO₂e) per year, which is above the 3,000 MTCO₂e/year threshold advanced by SCAQMD and used as a significance threshold by dozens of agencies within the Southern California Air Basin. While the City rejects this as an appropriate significance threshold, it does not replace this threshold with anything more informative. Instead, the City admits it currently does not have a quantitative significance threshold or specific reduction targets, and it has no approved policy regarding greenhouse gas impacts (e.g., DEIR, p. IV.C-42). Instead, the City relies on plans and policies adopted by state and regional agencies that were never adopted by the City and that are not designed to be used at the Project-level. The City's evaluation of consistency with plans it has not, itself, adopted runs counter the standards set forth in the CEQA Guidelines and, thus, violates CEQA (14 Cal. Code Regs. § 15064(h)(3)). Per CEQA Guidelines Section 15064(h)(3), the City cannot rely on other plans not adopted by it to conclude that the project will avoid or substantially lessen the cumulative problem of greenhouse gases when there is no plan to analyze the Project against. The City must adopt a greenhouse gas reduction plan in order to make the finding that the Project will not have

significant impacts to greenhouse gas emissions (*Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, 217). Furthermore, the City's "plan consistency" evaluation with several different plans is confusing, uninformative, and does not serve the disclosure and informational purposes of CEQA.

Staff Response 1-6

On December 5, 2008, the SCAQMD Governing Board adopted the staff proposal for an interim 10,000 MTCO₂e/yr GHG significance threshold for projects where the SCAQMD is lead agency (e.g., stationary sources, rules, and plans). This comment references the SCAQMD's proposed, but not adopted, 3,000 MTCO₂e/yr screening threshold for residential, commercial, and mixed-use developments, where a project would conduct a more detailed analysis using a per capita efficiency target if the project exceeded the 3,000-MTCO₂e/yr screening threshold. It should be noted that this threshold was proposed nearly 10 years ago, and no further action by SCAQMD has occurred during this time to seek approval of it as a GHG significance threshold. The Draft EIR did not use a numeric threshold, as neither the City of Los Angeles nor SCAQMD has adopted a numeric threshold applicable to the Project. Instead, a significance determination was made based on the consistency with applicable regulatory plans and policies to reduce GHG emissions.

Statewide GHG reduction goals target multiple sources of emissions such as transportation, energy usage, water usage and solid waste, all of which have different reduction targets. The use of a single numeric threshold would not be able to demonstrate how the Project would comply with reduction measures for each of the sources of GHG emissions. Therefore, the use of a qualitative threshold would be more informative and serves to demonstrate Project consistency with GHG reduction targets.

Appeal Statement 1-7

Further, the City masks an undisclosed volume of greenhouse gas impacts by claiming mitigation measures are, in fact, parts of the Project. In addition, since the City has not made these mitigation measures binding on the Project as part of the Mitigation and Monitoring Program, it cannot rely on these measures to assume Project impacts will be less than significant or otherwise reduced to the levels disclosed in the EIR (Pub. Resources Code § 21002.1 (b); 14 Cal. Code Regs. § 15096(g)(2)). It is a violation of CEQA for the City to fail to accurately disclose pre-mitigation Project-related greenhouse gas impacts.

Staff Response 1-7

Potential GHG impacts were concluded to be less than significant without mitigation in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR. As such, no quantification of mitigation measures was included in the Draft EIR. Project Design Features, however, were included in the analysis prior to mitigation, as the reduction measures were included as Project Design Features (page IV.C-43 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR). It is assumed that the Appellant's concern is regarding implementation of California Air Pollution Control Officers Association (CAPCOA) measures. However, these measures were not included as mitigation measures since they are characteristics of the Project. As an example, CAPCOA Measure LUT-1 (Increase Density) is a measure of the number of jobs and residences per acre, and is not something that would require a mitigation measure. Another example is CAPCOA Measure LUT-5 (Increase Transit Accessibility), in which the Project would be located approximately 350 feet from the 7th Street/Metro Center Station. Once again, no mitigation measure is required to evaluate the reduction in VMT/GHG emissions related to the location of the Project.

Appeal Statement 1-8**Noise**

The City erroneously discounted cumulative Project impacts. The City only considered cumulative impacts from six of the 181 cumulative Projects located within the direct vicinity of the Project, thereby failing to consider the cumulative impacts arising from the vast majority of nearby past, present, and reasonably foreseeable projects (FEIR, p. II-89). Of the six projects the City supposedly evaluated for cumulative impacts, the City further erroneously ignored cumulative operational impacts from these Projects, thus narrowing its disclosure of cumulative impacts to only two other projects (FEIR, p. II-91). The City's decision to consider only a fraction of cumulative impacts fails the informational purposes of CEQA, fails to adequately consider the significance of Project impacts, and fails to provide mitigation to address significant Project-related impacts.

As with greenhouse gases, the City failed to accurately disclose pre-mitigation Project-related noise impacts by erroneously claiming certain mitigation measures are "project design features" (DEIR, p. IV.E-26). This served to mask Project impacts and fails the informational purposes of CEQA.

Staff Response 1-8

Noise from construction of development projects is typically localized and has the potential to affect noise-sensitive uses within 500 feet from the construction site. As such, cumulative noise impacts associated with on-site construction activities were conservatively evaluated by reviewing projects that are located within 1,000 feet of the Project. With regard to operational noise impacts, however, the analysis of mobile noise accounted for all future growth including growth associated with all of the related projects. As such, the cumulative noise analysis is comprehensive and accurate.

In addition, and as previously discussed above, the Project Design Features included throughout the EIR, including within Section IV.E, Noise, are features that would be implemented as part of the Project. Therefore, they were appropriately included as part of the impact analysis for the Project.

Appeal Statement 1-9**Traffic**

The City failed to accurately disclose pre-mitigation Project-related traffic impacts by evaluating certain traffic mitigation measures as "project design features" (DEIR p. IV.G.-34–35). These "project design features" were clearly designed to mitigate Project-related traffic impacts, which impacts should have been evaluated and disclosed in the EIR. This served to mask Project impacts and fails the informational purposes of CEQA.

Staff Response 1-9

As previously discussed above, the Project Design Features included throughout the EIR, including within Section IV.G, Traffic, Access, and Parking, are features that would be implemented as part of the Project. In particular, completion of a construction traffic management plan and coordination with LADOT is a typical requirement of development projects throughout the City. As such, the project design features were appropriately included as part of the impact analysis for the Project.

Appellant 2: Coalition for Responsible Equitable Economic Development (CREED LA)

It should be noted that the comments submitted on behalf of Coalition for Responsible Equitable Economic Development (“CREED LA”) are similar to, if not the same as, those which were submitted to the Department of City Planning in response to the Draft Supplemental EIR, dated June 11, 2018; and in response to the Final EIR, dated October 24, 2018 (“the October 2018 CREED LA Letter”) (contained within CREED LA’s Appeal Application as part of Exhibit A). The Appellant’s comments have all previously been addressed in detail under Section III. Responses to Comments in the Final Supplemental EIR and within the CEQA Findings contained in the VTT-74197 Letter of Determination. However, for your reference, responses are summarized below.

Appeal Statement 2-1**The EIR’s conclusion regarding Project’s impacts from NO_x is not supported by substantial evidence.**

We previously commented that that the City lacked substantial evidence to support a finding of overriding considerations for significant and unavoidable impacts from construction-related NO_x emissions, because there were feasible mitigation measures available to mitigate the impacts. In its response, the City modified the Final EIR to include a new mitigation measure that limits the number of daily hauling trips during the grading and excavation period to 135 trips per day. The City argued that updated air quality analysis showed that implementation of the new Mitigation Measure (AIR-MM-5) would result in a maximum of 99 pounds per day of NO_x, just under South Coast Air Quality Management District’s (“SCAQMD”) daily regional construction threshold of 100 pounds per day.

We then demonstrated with substantial evidence, using updated analysis from SWAPE, that the City’s conclusion that implementation of AIR-MM-5 would result in a maximum of 99 pounds per day of NO_x was not supported by substantial evidence. SWAPE also demonstrated that the Final EIR’s CalEEMod modeling showed that the grading and excavation phase will only require five pieces of construction equipment that have a horsepower equal to or greater than 50 hp. Thus, per Mitigation Measure AIR-MM-1, only those five pieces of grading equipment are required to be recorded in the construction inventory list. Furthermore, AIR-MM- 1 states that only the equipment on the construction inventory list are required to meet Tier 3 standards. Therefore, only five pieces of equipment are expected to be equipped with Tier 3 engines during Project construction.

The Agency released the LOD, which claims that Tier 3 mitigation was incorrectly applied to only one piece of equipment, slightly adjusting the analysis. Thus, the LOD finds that reliance on the Final EIR’s air modeling to determine the Project’s air quality impacts is proper and that after the insignificant change in its analysis, “regional NO_x emissions remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x during the grading/excavation phase with a correction on the modeling.” Therefore, the LOD concludes that “Project-level impacts with regard to construction air quality would be less than significant with the implementation of mitigation.”

SWAPE reviewed the LOD and finds that the City still fails to adequately address the incorrect application of AIR-MM-1. SWAPE explains that the LOD’s analysis is “insufficient and fails to correct the Project Applicant’s application of Tier 3 mitigated engines to nearly all pieces of construction equipment.” The LOD’s removal of Tier 3 mitigation for only one piece of construction equipment “fails to address the issue that this mitigation was incorrectly applied to over 30 pieces of equipment.” Therefore, the Final EIR’s emissions estimates are still incorrect, as the estimates are based on a construction fleet equipped with almost entirely Tier 3 engines,

which is not required under Mitigation Measure AIR-MM-1. As a result, SWAPE explains that “the Project’s construction emissions provided within the Final EIR and LOD continue to be incorrect and underestimated and should not be relied upon to determine Project significance.”

Staff Response 2-1

The Appellant restates arguments made in the October 2018 CREED LA Letter. Comment No. 5 of the October 2018 CREED LA Letter raised concerns with the application of Mitigation Measure AIR-MM-1 which requires that off-road construction equipment that equals or exceeds 50 horsepower and will be used during the grading/excavation phase of construction shall meet or exceed Tier 3 CARB/U.S. EPA standards. As discussed in Response to Comment No. 5 of the October 2018 CREED LA Letter, the SCAQMD recommended CalEEMod model has limitations on application of mitigation measures to specific pieces of equipment by construction phase. When the model input has multiple phases of construction (e.g., demolition, grading, and building construction) and the same type of equipment (e.g., forklift) is used in each phase, the user cannot specify mitigation measures to the specific piece of equipment. A frequently used modeling technique that addresses this issue includes selecting all equipment for mitigation and then reporting the mitigated results for the construction phase of interest. This modeling tool was used in the CalEEMod model run included in the Final EIR (Revised Draft EIR Appendix C, AQ and GHG Emissions, of Subsection III.B, Corrections and Additions to Draft EIR Sections and Appendices). A separate CalEEMod modeling run was prepared in response to the comment, which exclusively addressed the construction phase subject to Mitigation Measure AIR-MM-1 (i.e., excavation/grading). In addition, Revised Draft EIR Appendix C.2, Air Quality Worksheets (Updated September 2018—Added Reduced Daily Export Scenario for Mitigation Measure AIR-MM-5), of the Final EIR was updated to provide separate modeling output files for mitigated construction phase (i.e., excavation/grading) and the unmitigated construction phases (e.g., demolition) and an updated summary of emissions. The updated Table IV.B-8, Estimate of Mitigated Regional Project Construction Emissions, included in Response to Comment No. 5 of the October 2018 CREED LA Letter clearly shows mitigated 2019 (Grading Activities) construction emissions with all other phases and years of construction as unmitigated (no Tier 3 equipment) emissions. This data demonstrates that no changes to the air quality significance conclusions would occur with this update. The supporting documentation was provided in Attachment A of the Response to October 2018 CREED LA Letter.

With the exception of the excavation/grading phase, all other phases of construction resulted in pollutant emissions below SCAQMD’s thresholds, and, therefore, Mitigation Measure AIR-MM-1 only applied to the excavation/grading phase. As discussed in Response to Comment No. 5 of the October 2018 CREED LA Letter, one piece of equipment during the excavation/grading phase was inadvertently included as meeting Tier 3 requirements within the CalEEMod modeling input. The plate compactor used during the grading/excavation phase is only eight horsepower and, therefore, not subject to the requirements of Mitigation Measure AIR-MM-1. As shown in Attachment A to the October 2018 CREED LA Letter, regional NO_x emissions during the grading/excavation phase with this correction would remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x. The supporting documentation was provided in Attachment A of the Response to October 2018 CREED LA Letter.

Appeal Statement 2-2

The Project will have significant impacts from NO_x emissions and additional mitigation must be incorporated.

We previously demonstrated that the Project's mitigated construction-related NO_x emissions exceed the 100 lbs/day thresholds set forth by the SCAQMD. The City then released the LOD, concluding that NO_x emissions would not exceed thresholds of significance.

SWAPE reviewed the LOD and found that their previous analysis still stands, which demonstrated that the Project's NO_x emissions, assuming application of Tier 3 engines to only the pieces of off-road diesel construction equipment that meet or exceed 50 hp used during grading and excavation, will exceed significance thresholds.¹¹ Therefore, SWAPE concludes that "the Project will have significant NO_x impacts."¹² SWAPE also concludes that the City cannot approve the Project until the Applicant prepares an updated air model that correctly models the Project's mitigated emissions—after the proposed mitigation is correctly applied to the Project's fleet of construction equipment—and adds further measures to mitigate any significant NO_x impacts."

Staff Response 2-2

The Appellant restates its conclusion from the October 2018 CREED LA Letter. As discussed above, Attachment A to the October 2018 CREED LA Letter clearly shows regional NO_x emissions with implementation of Mitigation Measure AIR-MM-1 during the grading/excavation phase would remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x. Updated Table IV.B-8, Estimate of Mitigated Regional Project Construction Emissions, included in Response to Comment No. 5 of the October 2018 CREED LA Letter clearly shows mitigated 2019 (Grading Activities) construction emissions with all other phases and years of construction as unmitigated (no Tier III equipment) emissions. The supporting documentation was provided in Attachment A of the Response to October 2018 CREED LA Letter.

Appeal Statement 2-3

The City failed to properly analyze the Project's impacts on public health.

We previously commented that the City failed to conduct a health risk assessment ("HRA") to evaluate the Project's impacts on public health from exposure to TACs. The City then revised the Final EIR and conducted an HRA, concluding that no significant health risk impacts would occur from construction of the Project. The Final EIR stated explicitly that the HRA did not account for "Age Sensitivity Factors" ("ASF") and argued that such factors "would not be applicable to this HRA as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts."

However, SWAPE explained in responsive comments that ASF are applicable to the Project and were, in fact, included in SCAQMD guidelines for Risk Assessment Procedures for Rules 1401, 1401.1 and 212, in order to properly reflect Office of Environmental Health Hazard Assessment's ("OEHHA") updated guidance on health risk assessments.

The Agency then released the LOD, simply stating that an "HRA was prepared which confirmed no significant health risk impacts would from TAC emission occur from construction of the project."

SWAPE reviewed the LOD and found that it completely fails to provide a response to the assertion that the construction HRA prepared for the Project should have been conducted using ASFs. SWAPE also found that, because of the HRA's omission of the ASFs, the City underestimated the construction cancer risks. SWAPE further explains that the LOD "continues to rely upon the Final EIR's incorrect HRA methodology to conclude that the Project's health risk

impacts would be less than significant.” SWAPE concludes that the LOD’s response is “entirely inadequate and incorrect” and provides details in their comment letter demonstrating that the omission of ASFs when conducting an HRA is incorrect, according to both OEHHA and SCAQMD guidance.

Staff Response 2-3

The Appellant restates its conclusion from the October 2018 CREED LA Letter. This comment was addressed in Response to Comment No. 7-26 of the Final EIR and again addressed in Response to Comment No. 7 of the October 2018 CREED LA Letter. As discussed therein, the comment correctly identifies that the Office of Environmental Health Hazard Assessment (OEHHA) adopted a new version of the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (new Guidance Manual) in March of 2015. The Guidance Manual was developed by OEHHA, in conjunction with CARB, for use in implementing the Air Toxics “Hot Spots” Program (Health and Safety Code Section 44360 et seq.). The Air Toxics “Hot Spots” Program requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Air Toxics “Hot Spots” Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.

The new Guidance Manual provides recommendations related to cancer risk evaluation of certain short-term projects. As discussed in Section 8.2.10 of the Guidance Manual, “The local air pollution control districts sometimes use the risk assessment guidelines for the Hot Spots program in permitting decisions for short-term projects such as construction or waste site remediation.” Short-term projects that would require a permitting decision by the SCAQMD typically would be limited to site remediation (e.g., stationary soil vapor extractors) and would not be applicable to the Project, which does not require a permitting decision by the SCAQMD. The new Guidance Manual does not provide specific recommendations for evaluation of short-term use of mobile sources (e.g., heavy-duty diesel construction equipment).

The comment correctly identifies that the OEHHA’s new Guidance Manual provides for the use of Age Sensitivity Factors (ASFs). However, use of these factors would not be applicable to this Project, as neither the City nor SCAQMD has developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts, as discussed below. Furthermore, a review of relevant guidance was conducted to determine applicability of the use of early life exposure adjustments to identified carcinogens. The U.S. Environmental Protection Agency provides guidance relating to the use of early life exposure adjustment factors (Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens, EPA/630/R-003F) whereby adjustment factors are only considered when carcinogens act “through the mutagenic mode of action.” The U.S. Environmental Protection Agency has identified 19 compounds that elicit a mutagenic mode of action for carcinogenesis. For diesel particulates, polycyclic aromatic hydrocarbons (PAHs) and their derivatives, which are known to exhibit a mutagenic mode of action, comprise less than 1 percent of the exhaust particulate mass. To date, the U.S. Environmental Agency reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, early life exposure adjustments are neither required nor appropriate, and were therefore not considered in the HRA provided in Appendix A.

On behalf of the City, Eyestone Environmental (Eyestone) coordinated with the SCAQMD to determine whether the SCAQMD had any available current guidance on use of the new Guidance Manual. According to Lijin Sun, SCAQMD CEQA Program Supervisor, the SCAQMD is currently evaluating the new Guidance Manual, but has not developed any recommendations

on its use for CEQA analyses for potential construction impacts.³ Moreover, the City, as lead agency, has not adopted the new Guidance Manual as part of its CEQA methodology. Therefore, use of the L.A. City CEQA Thresholds Guide for determining impacts related to potential construction TAC impacts is appropriate.

Regarding information provided in SCAQMD guidelines for Risk Assessment Procedures for Rules 1401, 1401.1 and 212 as constituting formal guidance requiring the use of the OEHHA's new Guidance Manual for evaluating construction health risk impacts, the SCAQMD has only provided guidance for use of OEHHA's new Guidance Manual for HRAs subject to SCAQMD's AB 2588 and Rules 1401, 1401.1 and 212. These rules apply to large stationary sources subject to the Air Toxics "Hot Spots" Program that routinely release air toxics into the air (e.g., industrial facilities) and not short-term construction activities.

The HRA provided in Appendix FEIR-4 of the Final EIR appropriately does not include ASFs included in OEHHA's new Guidance Manual. The HRA demonstrates that health risks from the Project would be a maximum of 1.7 in one million for residences southeast of the Project Site, which is below the applicable significance threshold of 10 in one million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors, where air quality tends to be better.

Appeal Statement 2-4

The Project will have significant impacts on public health.

We previously demonstrated in our October 24 comments, using updated analysis from SWAPE, that the HRA conducted by the City is flawed and that the excess cancer risks posed to the infant sensitive receptors during Project construction is approximately 13.3 in one million and that the excess cancer risk over the course of construction is approximately 14.9 in one million. Thus, the infant and total construction cancer risks exceed the SCAQMD threshold of 10 in one million.

The City then released the LOD, concluding that the Project's health risk impacts would be less than significant. SWAPE reviewed the LOD and found that their previous analysis still stands, namely that when ASFs are incorporated; the health risk associated with construction of the proposed Project would pose a significant health impact to nearby sensitive receptors." Therefore, SWAPE concludes that "the Project will have significant health risk impacts and should not be approved until the Applicant prepares a proper HRA that includes ASFs to adequately evaluate and mitigate the Project's health risk impacts."¹⁹

Staff Response 2-4

For the reasons discussed above, the HRA provided in Appendix FEIR-4 of the Final EIR appropriately did not include ASFs included in OEHHA's new Guidance Manual. The HRA demonstrates that health risks from the Project would be a maximum of 1.7 in one million for residences southeast of the Project Site, which is below the applicable significance threshold of 10 in one million. It is noted that this risk assumes an outdoor exposure for the entire length of construction and does not account for any reductions from the time spent indoors, where air quality tends to be better. This comment does not result in any changes to significance conclusions provided in the Final EIR.

3 *Lijin Sun, SCAQMD CEQA Program Supervisor. Personal communication via email, May 16, 2018.*

Appeal Statement 2-5**The City's CEQA Energy Use Analysis Still Fails to Comply with the Law, Is Unsupported by Substantial Evidence and Underestimates the Project's Impacts from Energy Use.**

We previously commented that the City's energy use impact analysis in the Final EIR failed to comply with the law in several ways as detailed in our attached comments. Specifically, the City:

- 1) Failed to compare the Project's energy use to energy use associated with the existing environmental setting—a parking lot;
- 2) Failed to compare the Project energy use to the existing baseline and using CEQA's thresholds for measuring wasteful, uneconomic, inefficient or unnecessary consumption of energy in Appendix F and to the more recent threshold set forth in Governor Brown's Executive Order B-55-18;
- 3) Failed to comply with CEQA's requirement to evaluate the environmental impacts of the project's projected transportation energy use requirements;
- 4) Put forth a fatally flawed argument that its proximity to transit necessarily means some of the transportation energy impact would be mitigated and that the Project has mitigation measures designed to reduce vehicle trips, but failed to adequately describe the measures;
- 5) Failed to evaluate whether renewable energy resources might be available or appropriate and should be incorporated into the Project, as required by CEQA; and
- 6) Failed to support its conclusions regarding transportation energy use with substantial evidence.

The City then released the LOD, concluding that operational-related impacts to energy conservation and infrastructure would be less than significant, and no mitigation measures would be required. Many of these issues were inadequately addressed or not addressed at all in the LOD.

For example, the LOD states that the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the LADWP and the Southern California Gas Company, respectively; that the Project would comply with 2016 Title 24 standards and applicable 2016 CALGreen requirements; and that the Project would achieve at least current LEED® Silver certification. Therefore, the LOD concludes that the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. Furthermore, the LOD concludes that, Project operations would not conflict with adopted energy conservation plans and that the long-term impacts associated with the consumption of fossil fuels would not be significant.

However, this response merely repeats the illegal analysis in the EIR and fails to address our comments regarding the accurate baseline setting against which to compare energy use and fails to address our remaining energy use comments, such as the use of EO B-55-18 as a significance threshold.

Regarding the City's underestimation of transportation energy use specifically, the LOD states that the EIR only "roughly underestimated total haul trips by 1,400 trips" and that the increase in fuel use "is equivalent to a three percent total increase in the amount of diesel used during construction." Thus, the LOD concludes that "[t]his minor increase does not materially change the conclusion reached in the Draft EIR."

However, SWAPE finds that the LOD's response is "inadequate" and maintains that the Project Applicant fails to accurately account for all fuel consumption during Project construction. SWAPE explains that the Final EIR fails to account for the remaining 19,828 hauling trips of the

total 32,000 hauling trips required for Project construction. SWAPE further explains that the LOD's addition of 1,400 hauling trips to the fuel consumption calculations still underestimates the total number of trips required by 18,428 trips. Therefore, SWAPE concludes that the significance determinations made within the LOD are still "based on incorrect calculations" that "greatly underestimate" the amount of fuel required and consumed from the demolition and grading phase of construction.

Appeal Response 2-5

Governor Brown's Executive Order B-55-18, signed on September 10, 2018, orders the California Air Resources Board (CARB) to establish measures to achieve carbon neutrality. As of November 2018, CARB has not identified any specific measures for Executive Order B-55-18 related to energy efficiency or usage. In addition, the Executive Order was signed well after the Notice of Preparation for the Project was made public in October 2016 and the Draft EIR comment period ended on June 11, 2018. Therefore, this Executive Order was not discussed or analyzed in the Draft or Final EIR. Executive Order B-55-118 requires the following specific steps to reduce greenhouse gas emissions:

- 1) Requiring significant reductions of destructive super pollutants including black carbon and methane;
- 2) Supporting clean transportation to reduce petroleum use 45 percent by 2030;
- 3) Setting a goal of 5 million zero emission vehicles by 2030;
- 4) Moving the state to 100 percent clean energy by 2045;
- 5) Requiring the state to double the rate of energy efficiency savings in buildings;
- 6) Extending and improving the state's cap-and-trade program;
- 7) Directing cap-and-trade funds to greenhouse gas reducing programs which benefit disadvantaged communities; and
- 8) Developing a Forest Carbon Plan to better manage California's forest land.

None of these measures under Executive Order B-55-118 directly apply to the Project. However, implementation of these measures would indirectly serve to further reduce energy use from the Project. Thus, the analysis presented in Section IV.K, Energy Conservation and Infrastructure, of the Draft EIR conservatively does not account for the reduction measures provided in Executive Order B-55-18. This comment does not result in any changes to significance conclusions provided in the Final EIR.

This comment was addressed in Response to Comment No. 15 of the October 2018 CREED LA Letter. SWAPE incorrectly assumes that the Project would require 32,000 hauling truck trips to remove the exported materials (soil and demolition debris) from the Project site. Use of 32,000 hauling truck trips as suggested by SWAPE is equivalent to 224,000 cubic yards of exported materials (32,000 haul trips ÷ 2 trips per haul load x 14 cubic yard capacity haul truck). As explained in Response to Comment No. 15 of the October 2018 CREED LA Letter, the updated Haul Route Application limits the export to 95,000 cubic yards. SWAPE does not explain why the Project would continue to excavate (i.e., dig deeper than necessary) and export an additional 129,000 cubic yards of materials.

As further explained in Response to Comment No. 15 of the October 2018 CREED LA Letter, CalEEMod requires import/export trips to be input as total trips over each construction phase. Thus, total trips are back calculated to determine peak daily trips for purposes of comparison to SCAQMD daily significance thresholds. The 32,000 haul truck trips presented in the Draft EIR was to account for peak-daily activity based on 200 peak daily loads during grading (200 peak daily haul loads per day x 2 trips per load x 81 days). As discussed in Response to Comment No. 4 of the October 2018 CREED LA Letter, peak daily haul truck activity was further reduced

by Mitigation Measure AIR-MM-5 which limits the number of daily hauls for import/export to 135 per day during the grading phase over a 118 day grading phase.

CONCLUSION

In conclusion, the Appellants have failed to demonstrate how the Deputy Advisory Agency erred in approving Vesting Tentative Tract Map No. 74197, as neither appeal has provided substantial evidence to dispute the findings of the EIR. The EIR is comprehensive and has been completed in full compliance with CEQA. As demonstrated by the responses to the appeal points, there are no new impacts or substantial increases in previously identified impacts that would result from the comments raised herein. As such, in accordance with CEQA Guidelines Section 15088.5, no substantial evidence or details to support the conclusory statements regarding the need for additional mitigation measures, or the supposed inadequacy of the findings have been provided to demonstrate that there are new impacts or substantial increases in previously identified impacts, or that recirculation of the Draft EIR is warranted. The Deputy Advisory Agency correctly made findings of approval consistent with the California Subdivision Map Act and the provisions of CEQA. Therefore, in consideration of all the facts, Planning staff recommends that the appeals be denied, the decision of the Deputy Advisory Agency be sustained and that the EIR be certified.

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

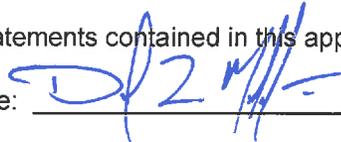
If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- Specifically the points at issue
- How you are aggrieved by the decision
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: 

Date: 11-26-18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

| This Section for City Planning Staff Use Only | | |
|---|---|--------------------------|
| Base Fee: <u>\$89.00</u> | Reviewed & Accepted by (DSC Planner): <u>Anna Van</u> | Date: <u>11/26/18</u> |
| Receipt No: <u>0101972214</u> | Deemed Complete by (Project Planner): | Date: |
| <input type="checkbox"/> Determination authority notified | <input type="checkbox"/> Original receipt and BTC receipt (if original applicant) | |

Attachment to Appeal to Planning Commission

Justification/Reason for Appeal

The EIR fails to adequately disclose and evaluate baseline conditions and direct, indirect and cumulative impacts, including in the categories of aesthetics, air quality, biological resources, cultural and historic resources, greenhouse gases, land use, public services, traffic, and utilities. The City has failed to consider a reasonable range of alternatives and to adopt all feasible mitigation measures, and its proposed findings are not supported by substantial evidence. Because the City has not recirculated an EIR that satisfies the procedural and substantive requirements of CEQA, the City is in violation of CEQA.

Inaccurate and Unstable Project Description

An accurate and stable Project Description is “the *sine qua non* of an informative and legally sufficient EIR.” (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.)

The City erroneously presents mitigation measures as aspects of the proposed Project. These include mitigation for impacts to aesthetics, greenhouse gas, noise, public services, and traffic, which the City claims are “project design features.” (DEIR, pp. I-38-42.) While the City states these are components of the Project, the City presents these as though they were mitigation measures throughout the EIR. These features are presented in the same location as mitigation measures and otherwise meet the definition of “mitigation.” (14 Cal. Code Regs. § 15370.) The City failed to correctly identify these as mitigation measures and further failed to properly disclose pre-mitigation Project impacts in these categories of environmental impacts. Incorrectly identifying these project design features as something other than mitigation fails to provide decisionmakers and the public with an accurate, stable, and finite Project Description. (14 Cal. Code Regs. § 15126 (lead agency must consider and discuss environmental impacts).)

Inadequate Discussion of Air Quality Impacts

The City states it is in non-attainment for 1-hour ozone, 8-hour ozone, 24-hour PM₁₀, annual PM₁₀, 24-hour PM_{2.5}, Annual PM_{2.5}, and lead. (DEIR, p. IV.B-3.) Regardless, in its DEIR, the City claims the Project would not result in cumulatively significant impacts regarding any of these criteria pollutants because a project cannot have significant cumulative air quality impacts unless the City determines the Project surpasses significance thresholds promulgated for direct and indirect impacts. (DEIR, p. IV.B-45-46.) Further, while the City’s DEIR initially

claimed impacts from NO_x (a precursor to ozone) would be cumulatively significant, it revised this conclusion in its FEIR. (DEIR, p. IV.B-43, FEIR, p. II-22.)

While the City claims SCAQMD adopted the above-referenced cumulative impacts threshold, SCAQMD has never done so. Regardless, the City cannot rely on a threshold that runs counter to the definition of “cumulative impacts.” CEQA Guidelines define “cumulative impacts” as “two or more individual effects, [which] when considered together, are considerable or which compound or increase other environmental impacts.” (14 Cal. Code Regs. § 15355.) Critically, “Cumulative impacts can result from *individually minor but collectively significant projects* taking place over a period of time.” (14 Cal. Code Regs. § 15355 (emphasis added).) Thus, the City fails to properly analyze the significant cumulative impacts of the Project.

Further, the City erroneously failed to recirculate the EIR after the addition of significant new information. (14 Cal. Code Regs. § 15088.5(a).) As mentioned, in the DEIR, the City determined Project NO_x emissions would be individually and cumulatively significant and unavoidable. (DEIR, p. IV.B-43.) However, in the FEIR, the City added a new mitigation measure, AIR-MM-5, which reduced the number of daily haul truck trips “from 200 hauls per day to 135 hauls per day. The duration of the excavation phase would be extended from 3.5 months to 5.5 months in order to remove the required amount of soil with fewer hauls per day.” (FEIR, p. II-22.) According to the City, adoption of this mitigation measure would reduce this impact from 140 pounds per day to 99 pounds per day—immediately below the NO_x emissions significance threshold of 100 pounds per day. (FEIR, p. II-22.)

The addition of this new mitigation measure represents significant new information requiring recirculation because this mitigation measure caused the City to significantly revise a conclusion in the DEIR, from “significant and unavoidable” to “less than significant.” Further, the City failed to evaluate the impacts of this mitigation measure, which will serve to exacerbate other Project impacts by increasing their duration. For instance, in the DEIR, the City found Project-related noise resulting from construction hauling is cumulatively significant and unavoidable. (DEIR, p. IV.E-50, 55, 62.) Thus, the implementation of this mitigation measure, which will increase the duration of truck hauling by 57 percent (from 3.5 months to 5.5 months) will serve to exacerbate these significant and unavoidable Project noise impacts. Finally, recirculation is especially fitting where, as here, the City relies on this mitigation measure to just barely reduce Project impacts to less than significant—the highest possible Project emissions that can be found less than significant—to reject as unnecessary all feasible mitigation measures proposed by SCAQMD. The City’s failure to recirculate the EIR despite this addition of significant new information violates CEQA.

Improper Greenhouse Gas Impacts Analysis

The City claims that it appropriately relied on a qualitative analysis of consistency with plans not adopted by the City and that were not designed to address greenhouse gas impacts or to be applied at the project-level.

The City is incorrect to assume its reliance on a purely qualitative impacts threshold was informative or adequate in this situation. (Cal. Natural Resources Agency, Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97, pp. 23-24 (stating that, for large projects, “a lead agency may find it difficult to demonstrate a good faith effort through a purely qualitative analysis”); *Berkeley Keep Jets Over the Bay Com. v. Board of Port Comm.* (2001) 91 Cal.App.4th 1344, 1370 (agency must make a good faith effort at disclosing greenhouse gas impacts).) The City’s environmental review addresses greenhouse gas impacts arising from a massive project, including dozens of stories, hundreds of dwelling units, and thousands of square feet of commercial space. Under these circumstances, reliance on a purely qualitative threshold of significance cannot be seen as a good-faith attempt at disclosing Project impacts, as required by CEQA. (14 Cal. Code Regs. § 15064.4(a).) Furthermore, the City’s qualitative review of several plans and policies is confusing, uninformative, and does not serve to adequately inform the reader of the Project’s impacts on the environment, and this approach does not clearly explain what mitigation, if any, could be used to address any Project impacts. (14 Cal. Code Regs. § 15064.4.)

The City states Project greenhouse gas emissions will be 3,178 metric tons of carbon dioxide equivalent (MTCO_{2e}) per year, which is above the 3,000 MTCO_{2e}/year threshold advanced by SCAQMD and used as a significance threshold by dozens of agencies within the Southern California Air Basin. While the City rejects this as an appropriate significance threshold, it does not replace this threshold with anything more informative. Instead, the City admits it currently does not have a quantitative significance threshold or specific reduction targets, and it has no approved policy regarding greenhouse gas impacts. (*e.g.*, DEIR, p. IV.C-42.) Instead, the City relies on plans and policies adopted by state and regional agencies that were never adopted by the City and that are not designed to be used at the Project-level. The City’s evaluation of consistency with plans it has not, itself, adopted runs counter the standards set forth in the CEQA Guidelines and, thus, violates CEQA. (14 Cal. Code Regs. § 15064(h)(3).) Per CEQA Guidelines section 15064(h)(3), the City cannot rely on other plans not adopted by it to conclude that the project will avoid or substantially lessen the cumulative problem of greenhouse gases when there is no plan to analyze the Project against. The City must adopt a greenhouse gas reduction plan in order to make the finding that the Project will not have significant impacts to greenhouse gas emissions. (*Center for Biological Diversity v.*

Department of Fish & Wildlife (2015) 62 Cal.4th 204, 217.) Furthermore, the City's "plan consistency" evaluation with several different plans is confusing, uninformative, and does not serve the disclosure and informational purposes of CEQA.

Further, the City masks an undisclosed volume of greenhouse gas impacts by claiming mitigation measures are, in fact, parts of the Project. In addition, since the City has not made these mitigation measures binding on the Project as part of the Mitigation and Monitoring Program, it cannot rely on these measures to assume Project impacts will be less than significant or otherwise reduced to the levels disclosed in the EIR. (Pub. Resources Code § 21002.1(b); 14 Cal. Code Regs. § 15096(g)(2).) It is a violation of CEQA for the City to fail to accurately disclose pre-mitigation Project-related greenhouse gas impacts.

Noise

The City erroneously discounted cumulative Project impacts. The City only considered cumulative impacts from six of the 181 cumulative Projects located within the direct vicinity of the Project, thereby failing to consider the cumulative impacts arising from the vast majority of nearby past, present, and reasonably foreseeable projects. (FIER, p. II-89.) Of the six projects the City supposedly evaluated for cumulative impacts, the City further erroneously ignored cumulative operational impacts from these Projects, thus narrowing its disclosure of cumulative impacts to only two other projects. (FEIR, p. II-91.) The City's decision to consider only a fraction of cumulative impacts fails the informational purposes of CEQA, fails to adequately consider the significance of Project impacts, and fails to provide mitigation to address significant Project-related impacts.

As with greenhouse gases, the City failed to accurately disclose pre-mitigation Project-related noise impacts by erroneously claiming certain mitigation measures are "project design features." (DEIR, p. IV.E-26.) This served to mask Project impacts and fails the informational purposes of CEQA.

Traffic

The City failed to accurately disclose pre-mitigation Project-related traffic impacts by evaluating certain traffic mitigation measures as "project design features." (DEIR p. IV.G.-34-35.) These "project design features" were clearly designed to mitigate Project-related traffic impacts, which impacts should have been evaluated and disclosed in the EIR. This served to mask Project impacts and fails the informational purposes of CEQA.

Aggrieved by Decision

Southwest Carpenters live and work in the City of Los Angeles and are concerned about the environmental impacts of this Project. Without an adequate environmental review document, Southwest Carpenters is aggrieved because the Project's environmental impacts have not been fully disclosed. Similarly, Southwest Carpenters has a keen interest in seeing adequate mitigation provided to properly address environmental impacts through preparation of an EIR.

Decisionmaker Error

The Hearing Officer erred in approving the EIR for the Project when the EIR fails the procedural requirements and informative purposes of CEQA, the City's findings are not supported by substantial evidence, and the EIR does not adopt all feasible mitigation measures. This failure to conduct adequate environmental review as required under CEQA, CEQA Guidelines, and case law constitutes an abuse of discretion.

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: Laura E. del Castillo / r.f. Date: 11/27/18

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

| This Section for City Planning Staff Use Only | | |
|--|---|---|
| Base Fee: <u>\$109.47</u> | Reviewed & Accepted by (DSC Planner): <u>[Signature]</u> | Date: <u>11/28/18</u> |
| Receipt No: <u>0201582366</u> | Deemed Complete by (Project Planner): | Date: |
| <input checked="" type="checkbox"/> Determination authority notified | | <input type="checkbox"/> Original receipt and BTC receipt (if original applicant) |



Office: Van Nuys
Applicant Copy
 Application Invoice No: 51504

City of Los Angeles
 Department of City Planning



LA Department of Building and Safety
 VN SELV 201147439 11/28/2018 10:48:35 AM

PLAN & LAND USE \$106.80
 DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$109.47

Receipt #: 0201582366

City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the same full and impartial consideration to your application, regardless of whether or not you obtain the services of anyone to represent you.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

| |
|---|
| Applicant: CREED LA - DEL CASTILLO, C/O LAURA (B:650-5891660) |
| Representative: |
| Project Address: 732 S FIGUEROA ST, 90017 |

NOTES:

| Item | Fee | % | Charged Fee |
|---|---------|------|----------------|
| Appeal by Aggrieved Parties Other than the Original Applicant * | \$89.00 | 100% | \$89.00 |
| Case Total | | | \$89.00 |

| Item | Charged Fee |
|--|-----------------|
| *Fees Subject to Surcharges | \$89.00 |
| Fees Not Subject to Surcharges | \$0.00 |
| Plan & Land Use Fees Total | \$89.00 |
| Expediting Fee | \$0.00 |
| Development Services Center Surcharge (3%) | \$2.67 |
| City Planning Systems Development Surcharge (6%) | \$5.34 |
| Operating Surcharge (7%) | \$6.23 |
| General Plan Maintenance Surcharge (7%) | \$6.23 |
| Grand Total | \$109.47 |
| Total Invoice | \$109.47 |
| Total Overpayment Amount | \$0.00 |
| Total Paid (this amount must equal the sum of all checks) | \$109.47 |

LA Department of Building and Safety
 VN SELV 201147439 11/28/2018 10:48:35 AM

PLAN & LAND USE \$106.80
 DEV SERV CENTER SURCH-PLANNING \$2.67

Sub Total: \$109.47

Receipt #: 0201582366

Council District: 9
 Plan Area: Central City
 Processed by HENRY, THOMAS on 11/28/2018

Signature:

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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KYLE C. JONES
MARC D. JOSEPH
RACHAEL E. KOSS
NIRIT LOTAN
MILES F. MAURINO
COLLIN S. MCCARTHY

LAURA DEL CASTILLO
Of Counsel

ORIGINAL

November 27, 2018

P.1 (TH) 

Via Hand Delivery

City Planning Department
City of Los Angeles
C/o Appeals Clerk
Marvin Braude Constituent Service Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401

RECEIVED
CITY OF LOS ANGELES
NOV 28 2018

CITY PLANNING
VALLEY PUBLIC COUNTER

Re: Justification for Appeal to the City of Los Angeles Planning Commission of the November 16, 2018 Advisory Agency's Determination in Case No. VTT- 74197; ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR.

Dear Honorable Planning Commissioners:

On behalf of Coalition for Responsible Equitable Economic Development ("CREED LA"),¹ we are writing to appeal the Advisory Agency ("Agency") approval of a Vesting Tentative Tract Map ("VTT") and the adoption of the Environmental Impact Report ("EIR") prepared for the 8th & Figueroa Project (VTT-7497; ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR) ("Project), proposed by MFA 8th & Figueroa LLC ("Applicant").

The Project is located at 44 South Figueroa Street, 732-756 South Figueroa Street, and 829 West 8th Street and proposes to develop a mixed-use project on a 50,335-square-foot site (1.16 gross acres or 1.07 net acres). The Project includes up to 438 residential units, up to 7,500 square feet of commercial retail and restaurant uses, and 522 vehicle parking spaces. The proposed uses would be located within a new 41-story mixed-use building with four subterranean levels. Overall, the new building would comprise up to 481,753 square feet of floor area.

¹ CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project.

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We submitted comments on the Project on June 11, 2018 and responses to the Final EIR on October 24, 2018, urging the City of Los Angeles (“City”) to deny all discretionary approvals requested by the Applicant for the Project.

Pursuant to the appeal procedures, we have attached the Appeal Application (form CP-7769) and the original Letter of Determination (“LOD”) and have provided seven (7) duplicate copies of the complete packet. We have also enclosed a check for the appeal fee.

The reason for this appeal is that the Agency abused its discretion and violated the California Environmental Quality Act (“CEQA”) when it approved the VTT and adopted the EIR. CEQA requires that an EIR adequately disclose, analyze and mitigate a project’s significant impacts, and that the EIR’s conclusions are supported by substantial evidence. As this appeal packet and our previous comments demonstrate, the Agency’s approval of the VTT and adoption of the EIR is an abuse of discretion and violates CEQA because the Project will have (1) significant, unmitigated air quality impacts from NOx emissions during construction, (2) significant, unmitigated impacts to public health from exposure to toxic air contaminants (“TACs”) from the Project’s construction, and (3) energy use impacts that were not adequately evaluated in the EIR.

Our June 11, 2018 comment letter on the Project² and our October 24, 2018 Final EIR comments³ are attached hereto, and the specific reasons for this appeal are set forth in detail in these letters and summarized below.

We prepared this appeal letter with the assistance of air quality expert Matt Hagemann, P.G., C.Hg. and Hadley Nolan of Soil / Water / Air Protection Enterprise (“SWAPE”). Their technical comments on the Letter of Determination (“LOD”) are attached hereto as Exhibit 1 and are fully incorporated herein.⁴

² See **Exhibit 2**: Letter from Tanya A. Gulesserian and Nirit Lotan to Jonathan Chang, City Planning Associate re: Comments on the Draft Environmental Impact Report –Fig & 8th Project (ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS; VTT- 74197), June 11, 2018.

³ See **Exhibit 3**: Letter from Nirit Lotan to Deputy Advisory Agency and Hearing Officer on behalf of City Planning Commission re: Comments on the Final Environmental Impact Report for the Fig & 8th Project (ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS; VTT-7497), October 24, 2018.

⁴ See **Exhibit 1**: Letter from SWAPE to Laura del Castillo re: Response to the Letter of Determination for the Fig & 8th Project, November 26, 2018 (hereinafter SWAPE comments).

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(1) The EIR's Conclusion Regarding Project's Impacts from NO_x is Not Supported by Substantial Evidence

We previously commented that that the City lacked substantial evidence to support a finding of overriding considerations for significant and unavoidable impacts from construction-related NO_x emissions, because there were feasible mitigation measures available to mitigate the impacts. In its response, the City modified the Final EIR to include a new mitigation measure that limits the number of daily hauling trips during the grading and excavation period to 135 trips per day. The City argued that updated air quality analysis showed that implementation of the new Mitigation Measure (AIR-MM-5) would result in a maximum of 99 pounds per day of NO_x, just under South Coast Air Quality Management District's ("SCAQMD") daily regional construction threshold of 100 pounds per day.

We then demonstrated with substantial evidence, using updated analysis from SWAPE, that the City's conclusion that implementation of AIR-MM-5 would result in a maximum of 99 pounds per day of NO_x was not supported by substantial evidence. SWAPE also demonstrated that the Final EIR's CalEEMod modeling showed that the grading and excavation phase will only require 5 pieces of construction equipment that have a horsepower equal to or greater than 50 hp. Thus, per Mitigation Measure AIR-MM-1, only those 5 pieces of grading equipment are required to be recorded in the construction inventory list. Furthermore, AIR-MM-1 states that only the equipment on the construction inventory list are required to meet Tier 3 standards. Therefore, only 5 pieces of equipment are expected to be equipped with Tier 3 engines during Project construction.⁵

The Agency released the LOD, which claims that Tier 3 mitigation was incorrectly applied to only one piece of equipment, slightly adjusting the analysis. Thus, the LOD finds that reliance on the Final EIR's air modeling to determine the Project's air quality impacts is proper and that after the insignificant change in its analysis, "regional NO_x emissions remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x during the grading/excavation phase with a correction on the modeling."⁶ Therefore, the LOD

⁵ SWAPE Comments, p. 2.

⁶ Letter of Determination, p. 71.

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concludes that “Project-level impacts with regard to construction air quality would be less than significant with the implementation of mitigation.”⁷

SWAPE reviewed the LOD and finds that the City still fails to adequately address the incorrect application of AIR-MM-1. SWAPE explains that the LOD’s analysis is “insufficient and fails to correct the Project Applicant’s application of Tier 3 mitigated engines to nearly all pieces of construction equipment.”⁸ The LOD’s removal of Tier 3 mitigation for only one piece of construction equipment “fails to address the issue that this mitigation was incorrectly applied to over 30 pieces of equipment.”⁹ Therefore, the Final EIR’s emissions estimates are still incorrect, as the estimates are based on a construction fleet equipped with almost entirely Tier 3 engines, which is not required under Mitigation Measure AIR-MM-1.

As a result, SWAPE explains that “the Project’s construction emissions provided within the Final EIR and LOD continue to be incorrect and underestimated and should not be relied upon to determine Project significance.”¹⁰

(2) The Project Will Have Significant Impacts from NOx Emissions and Additional Mitigation Must be Incorporated

We previously demonstrated that the Project’s mitigated construction-related NOx emissions *exceed* the 100 lbs/day thresholds set forth by the SCAQMD. The City then released the LOD, concluding that NOx emissions would not exceed thresholds of significance.

SWAPE reviewed the LOD and found that their previous analysis still stands, which demonstrated that the Project’s NOx emissions, assuming application of Tier 3 engines to only the pieces of off-road diesel construction equipment that meet or exceed 50 hp used during grading and excavation, will exceed significance thresholds.¹¹ Therefore, SWAPE concludes that “the Project will have significant NOx impacts.”¹² SWAPE also concludes that the City cannot approve the Project until the Applicant prepares an updated air model that correctly models the

⁷ *Id.*

⁸ *Id.*, at 3.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

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Project's mitigated emissions – after the proposed mitigation is correctly applied to the Project's fleet of construction equipment – and adds further measures to mitigate any significant NOx impacts.”¹³

(3) The City Failed to Properly Analyze the Project's Impacts on Public Health

We previously commented that the City failed to conduct a health risk assessment (“HRA”) to evaluate the Project's impacts on public health from exposure to TACs. The City then revised the Final EIR and conducted an HRA, concluding that no significant health risk impacts would occur from construction of the Project. The Final EIR stated explicitly that the HRA did not account for “Age Sensitivity Factors” (“ASF”) and argued that such factors “would not be applicable to this HRA as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts.”¹⁴

However, SWAPE explained in responsive comments that ASF are applicable to the Project and were, in fact, included in SCAQMD guidelines for Risk Assessment Procedures for Rules 1401, 1401.1 and 212, in order to properly reflect Office of Environmental Health Hazard Assessment's (“OEHHA”) updated guidance on health risk assessments.

The Agency then released the LOD, simply stating that an “HRA was prepared which confirmed no significant health risk impacts would from TAC emission occur from construction of the project.”¹⁵

SWAPE reviewed the LOD and found that it completely fails to provide a response to the assertion that the construction HRA prepared for the Project should have been conducted using ASFs. SWAPE also found that, because of the HRA's omission of the ASFs, the City underestimated the construction cancer risks.¹⁶ SWAPE further explains that the LOD “continues to rely upon the Final EIR's incorrect HRA methodology to conclude that the Project's health risk impacts would

¹³ *Id.*

¹⁴ FEIR, Response to Comments, p. II-43.

¹⁵ Letter of Determination, p. 27.

¹⁶ SWAPE Comments, p. 3.

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(H) M

be less than significant.” SWAPE concludes that the LOD’s response is “entirely inadequate and incorrect” and provides details in their comment letter demonstrating that the omission of ASFs when conducting an HRA is incorrect, according to both OEHHA and SCAQMD guidance.¹⁷

(4) The Project Will Have Significant Impacts on Public Health

We previously demonstrated in our October 24 comments, using updated analysis from SWAPE, that the HRA conducted by the City is flawed and that the excess cancer risks posed to the infant sensitive receptors during Project construction is approximately 13.3 in one million and that the excess cancer risk over the course of construction is approximately 14.9 in one million. Thus, the infant and total construction cancer risks exceed the SCAQMD threshold of 10 in one million.

The City then released the LOD, concluding that the Project’s health risk impacts would be less than significant. SWAPE reviewed the LOD and found that their previous analysis still stands, namely that when ASFs are incorporated, the health risk associated with construction of the proposed Project would pose a significant health impact to nearby sensitive receptors.”¹⁸

Therefore, SWAPE concludes that “the Project will have significant health risk impacts and should not be approved until the Applicant prepares a proper HRA that includes ASFs to adequately evaluate and mitigate the Project’s health risk impacts.”¹⁹

(5) The City’s CEQA Energy Use Analysis Still Fails to Comply with the Law, Is Unsupported by Substantial Evidence and Underestimates the Project’s Impacts from Energy Use

We previously commented that the City’s energy use impact analysis in the Final EIR failed to comply with the law in several ways as detailed in our attached comments. Specifically, the City:

¹⁷ *Id.*, at 4.

¹⁸ *Id.*, at 5.

¹⁹ *Id.*

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- 1) Failed to compare the Project's energy use to energy use associated with the existing environmental setting – a parking lot;
- 2) Failed to compare the Project energy use to the existing baseline and using CEQA's thresholds for measuring wasteful, uneconomic, inefficient or unnecessary consumption of energy in Appendix F and to the more recent threshold set forth in Governor Brown's Executive Order B-55-18;
- 3) Failed to comply with CEQA's requirement to evaluate the environmental impacts of the project's projected transportation energy use requirements;
- 4) Put forth a fatally flawed argument that its proximity to transit necessarily means some of the transportation energy impact would be mitigated and that the Project has mitigation measures designed to reduce vehicle trips, but failed to adequately describe the measures;
- 5) Failed to evaluate whether renewable energy resources might be available or appropriate and should be incorporated into the Project, as required by CEQA; and
- 6) Failed to support its conclusions regarding transportation energy use with substantial evidence.

The City then released the LOD, concluding that operational-related impacts to energy conservation and infrastructure would be less than significant, and no mitigation measures would be required. Many of these issues were inadequately addressed or not addressed at all in the LOD.

For example, the LOD states that the Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the LADWP and the Southern California Gas Company, respectively; that the Project would comply with 2016 Title 24 standards and applicable 2016 CALGreen requirements; and that the Project would achieve at least current LEED® Silver certification.²⁰ Therefore, the LOD concludes that the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. Furthermore, the

²⁰ Letter of Determination, p. 87.
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LOD concludes that, Project operations would not conflict with adopted energy conservation plans and that the long-term impacts associated with the consumption of fossil fuels would not be significant.

However, this response merely repeats the illegal analysis in the EIR and fails to address our comments regarding the accurate baseline setting against which to compare energy use and fails to address our remaining energy use comments, such as the use of EO B-55-18 as a significance threshold.

Regarding the City's underestimation of transportation energy use specifically, the LOD states that the EIR only "roughly underestimated total haul trips by 1,400 trips" and that the increase in fuel use "is equivalent to a three percent total increase in the amount of diesel used during construction."²¹ Thus, the LOD concludes that "[t]his minor increase does not materially change the conclusion reached in the Draft EIR."²²

However, SWAPE finds that the LOD's response is "inadequate" and maintains that the Project Applicant fails to accurately account for all fuel consumption during Project construction.²³ SWAPE explains that the Final EIR fails to account for the remaining 19,828 hauling trips of the total 32,000 hauling trips required for Project construction. SWAPE further explains that the LOD's addition of 1,400 hauling trips to the fuel consumption calculations still underestimates the total number of trips required by 18,428 trips.²⁴ Therefore, SWAPE concludes that the significance determinations made within the LOD are still "based on incorrect calculations" that "greatly underestimate" the amount of fuel required and consumed from the demolition and grading phase of construction.²⁵

SWAPE concludes overall that "the Project still has significant impacts that have not been adequately evaluated or mitigated under CEQA."²⁶ Because substantial evidence shows that the Project will have significant unmitigated impacts on public health, air quality, and energy use, the Agency's approval of the

²¹ Letter of Determination, p. 64.

²² *Id.*

²³ SWAPE Comments, p. 5.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*, at 6.

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VTT and adoption of the EIR violates CEQA and must be overturned. We urge the City of Los Angeles Planning Commission to grant our appeal and overturn the VTT approval and EIR certification for the Project. Thank you for your attention to this important matter.

Sincerely,



Laura del Castillo
Nirit Lotan

LEDC:acp
Attachments

3951-008acp

ORIGINAL

EXHIBIT 1



2656 29th Street, Suite 201
Santa Monica, CA 90405

Matt Hagemann, P.G, C.Hg.
(949) 887-9013
mhagemann@swape.com

November 26, 2018

Laura del Castillo
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Subject: Response to the Letter of Determination for the Fig & 8th Project

Dear Ms. del Castillo,

We have reviewed the November 2018 Letter of Determination (LOD), which addressed comments we made in an October 22, 2018 comment letter on the October 2018 Final Environmental Impact Report (FEIR) prepared for the Fig & 8th Project ("Project") located in the City of Los Angeles ("City"). Our October 22, 2018 response to comments letter specifically discussed the FEIR's use of unsubstantiated CalEEMod input parameters to estimate the Project's emissions, inadequate evaluation of the Project's health risk impacts, and underestimation of fuel consumption during Project construction. We also previously prepared a June 8, 2018 comment letter on an April 2018 Draft Environmental Impact Report (DEIR) prepared for the Project. Our June 8, 2018 comment letter discussed the DEIR's failure to adequately evaluate the Project's air quality impacts.

After our review, we find the LOD to still be insufficient in addressing the Project's air quality and energy impacts and maintain that the Project's potential impacts have not been properly evaluated, as noted in our October 22 and June 8 comment letters. A revised EIR must be prepared that adequately evaluates and mitigates the Project's potentially significant impacts. Until an updated analysis is prepared, the Project should not be approved.

Air Quality

Incorrectly Applied Mitigation Measure to Construction Emissions

In our October 22 letter, we found that the Project Applicant incorrectly applied Mitigation Measure AIR-MM-1 to the Project's construction emissions. Specifically, review of the FEIR's revised air modeling using California Emissions Estimator Model Version CalEEMod.2016.3.2 ("CalEEMod")¹ demonstrated that the Project Applicant modeled emissions assuming that nearly all of the 39 pieces of off-road

¹ CalEEMod website, available at: <http://www.caleemod.com/>

construction equipment would be equipped with Tier 3 mitigated engines (FEIR, Revised DEIR, Appendix C, pp. 87-88). As stated in our October 22 letter, however, review of Mitigation Measure ARI-MM-1 demonstrated that the application of Tier 3 mitigated engines to nearly all 39 pieces of off-road construction equipment was incorrect, and as a result, underestimated the Project's emissions. Mitigation Measure AIR-MM-1 states (emphasis added),

*"During plan check, the Project representative shall make available to the lead agency a comprehensive inventory of all off-road construction equipment, **equal to or greater than 50 horsepower**, that shall be used during any portion of grading/excavation activities for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard... **Off-road diesel-powered equipment within the construction inventory list described during grading/excavation activities shall meet or exceed Tier 3 CARB/U.S. EPA standards**"* (FEIR, p. IV-6 - IV-7).

As the excerpt above demonstrates, Mitigation Measure AIR-MM-1 only applies to the off-road construction equipment that will be used during the grading/excavation phase of construction that meets or exceeds 50 horsepower (hp). As stated in our October 22 letter, the FEIR's CalEEMod modeling demonstrates that the grading/excavation phase will only require 5 pieces of construction equipment that have a horsepower equal to or greater than 50 hp (FEIR, Revised DEIR Appendix C, pp. 94-95). Thus, per AIR-MM-1, only those 5 pieces of grading equipment are required to be recorded in the construction inventory list. Furthermore, Mitigation Measure AIR-MM-1 states that only the equipment on the construction inventory list are required to meet Tier 3 standards. Therefore, only 5 pieces of equipment are expected to be equipped with Tier 3 engines during Project construction.

Review of the LOD, however, reveals that the Project Applicant continues to rely upon the FEIR's air modeling to determine the Project's air quality impacts and fails to adequately address the incorrect application of Mitigation Measure AIR-MM-1. Regarding the misapplication of Tier 3 mitigation to construction equipment, the LOD states,

"As described on pages III-35 and III-36 of the Final EIR and shown in Table IV.B-8 on page III-37 of the Final EIR, peak daily regional NOx emissions would be reduced to 99 pounds per day, which is less than the SCAQMD's 100 pounds per day regional significance threshold. Mitigation Measure AIR-MM-1 requires that off-road construction equipment which is equal or exceeds 50 horsepower and will be used during the grading/excavation phase of construction shall meet or exceed Tier 3 CARB/U.S. EPA standards. One piece of equipment was inadvertently included as meeting Tier 3 requirements in the modeling results depicted in Table IV.B-8 on page III-37 of the Final EIR. The plate compactor used during the grading/excavation phase is only eight horsepower and, therefore, not subject to the requirements of Mitigation Measure AIR-MM-1. As shown in Attachment A to the Response to October 2018 CREED Letter, regional NOx emissions remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NOx during the grading/excavation phase with a correction on the modeling that excludes the plate compactor from equipment that meets or exceed Tier 3. As such,

Project-level impacts with regard to construction air quality would be less than significant with the implementation of mitigation” (LOD, p. 71).

As the above excerpt demonstrates, the Project Applicant claims that Tier 3 mitigation was incorrectly applied to only *one* piece of equipment, then asserts that the Project’s construction-related NOx emissions will remain less than significant. This response is insufficient and fails to correct the Project Applicant’s application of Tier 3 mitigated engines to nearly all pieces of construction equipment. The Applicant’s attempt to remove Tier 3 mitigation for only one piece of construction equipment fails to address the issue that this mitigation was incorrectly applied to over 30 pieces of equipment. Therefore, the FEIR’s emissions estimates are still incorrect, as the estimates are based on a construction fleet equipped with almost entirely Tier 3 engines, which is *not* required under Mitigation Measure AIR-MM-1. As a result, the Project’s construction emissions provided within the FEIR and LOD continue to be incorrect and underestimated and should not be relied upon to determine Project significance.

It is worth noting that our October 22 letter evaluated the Project’s emissions assuming application of Tier 3 engines to only the pieces of off-road diesel construction equipment that meet or exceed 50 hp and that would be used during grading/excavation activities and found emissions to exceed the South Coast Air Quality Management District’s (SCAQMD) significance threshold for NOx construction emissions.² Thus, as stated in our October 22 letter, the Project will have significant NOx impacts and cannot not be approved until the Applicant prepares an updated air model that correctly models the Project’s mitigated emissions after the proposed mitigation is adequately applied to the Project’s fleet of construction equipment, and adds further measures to mitigate any significant NOx impacts.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

In response to our June 8 letter stating that the Project’s construction-related health risk impact was inadequately evaluated because the April 2018 DEIR failed to include a construction health risk assessment (HRA), the Project Applicant prepared a construction health risk assessment (HRA) included with the October 2018 FEIR. We reviewed the assessment and stated in our October 22, 2018 comment letter that our review demonstrated that the HRA failed to correctly calculate the cancer risk posed to nearby sensitive receptors because the assessment failed to use Age Sensitivity Factors (ASF), as recommended by the Office of Environmental Health Hazard Assessment (OEHHA) and SCAQMD guidance. We also demonstrated that the Project will have significant health risk impacts. Review of the LOD demonstrates that the Project Applicant fails to provide a response to our assertion that the construction HRA prepared for the Project should have been conducted using ASFs and because of the HRA’s omission of the ASFs, the calculated construction cancer risk was underestimated. In the LOD’s Toxic Air Contaminants section, the Project Applicant simply states the following,

“Additionally, for informational purposes in response to a Comment Letter, a HRA was prepared which confirmed no significant health risk impacts would from TAC emission occur from

² See SWAPE’s October 22, 2018 Response to Comments letter on the Fig and 8th Project.

construction of the project. See Appendix FEIR-4 and Responses to Comment Letter No. 7 in Section II, Responses to Comments, of the Final EIR” (LOD, p. 27).

As the above excerpt demonstrates, the Project Applicant fails to acknowledge the omission of ASFs in the FEIR’s construction HRA and instead continues to rely upon the FEIR’s incorrect HRA methodology to conclude that the Project’s health risk impacts would be less than significant. We find this to be an entirely inadequate and incorrect response.

As stated in our October 22 letter, the omission of ASFs when conducting an HRA is incorrect according to both OEHHA and SCAQMD guidance. The SCAQMD’s *Risk Assessment Procedures for Rules 1401, 1401.1 & 212* report, which describes procedures for preparing risk assessments, was revised in June 2015 in order to include the latest guidance from OEHHA.³ OEHHA’s *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* was formally adopted in March 2015 and requires that ASFs be applied to early life exposures in the absence of chemical specific data.⁴ These factors are summarized in the table below:⁵

Table 8.3 Age Sensitivity Factors by Age Group for Cancer Risk Assessment

| Age Group | Age Sensitivity Factor (unitless) |
|---------------------------|-----------------------------------|
| 3 rd Trimester | 10 |
| 0<2 years | 10 |
| 2<9 years | 3 |
| 2<16 years | 3 |
| 16<30 years | 1 |
| 16-70 years | 1 |

According to the SCAQMD, in order to be consistent with OEHHA’s 2015 guidance, updated risk methodologies were incorporated, “These include: higher breathing rates for children, increased risk to children from cancer causing substances, and calculation of risk in individual age bins (e.g., third trimester, 0-2 years, etc.) rather than a single lifetime calculation”.⁶ Therefore, as we previously commented, ASFs should have been included in the Project’s construction HRA in order to correctly account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution and accurately estimate the Project’s construction health risk impacts.⁷ Furthermore, in our October 22 letter, we prepared an updated HRA which incorporated the appropriate ASFs into the FEIR’s

³ “Risk Assessment Procedures for Rules 1401, 1401.1 and 212.” SCAQMD, June 5, 2015, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>

⁴ *Guidance Manual for Preparation of Health Risk Assessments*, Office of Environmental Health Hazard Assessment, February 2015, available at: <http://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

⁵ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

⁶ “Risk Assessment Procedures for Rules 1401, 1401.1 and 212.” SCAQMD, June 5, 2015, p. 3-4.

⁷ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

construction HRA calculations. The results of our assessment demonstrated that when ASFs are incorporated, the health risk associated with construction of the proposed Project would pose a significant health impact to nearby sensitive receptors and result in a total construction cancer risk of approximately 14.9 in one million, contrary to the significance determinations made within the LOD, FEIR, and DEIR.⁸ As a result, we maintain that the omission of ASFs significantly underestimates the Project's construction cancer risk. Therefore, the Project will have significant health risk impacts and should not be approved until the Applicant prepares a proper HRA that includes ASFs to adequately evaluate and mitigate the Project's health risk impacts.

Energy Conservation and Infrastructure

Underestimation of the Amount of Fuel Consumed During Project Construction

In our October 22 letter, we found that the Project Applicant underestimated the amount of diesel fuel needed throughout construction for on-road construction equipment. Specifically, we found that the Project Applicant's fuel estimation of 88,449 gallons of diesel was significantly underestimated because the estimation was based off of a total of 12,172 hauling truck trips when, according to the DEIR, the Project would require a total of 32,000 hauling truck trips in order to remove the 81,000 cubic yards of grading soil and material from the Project site (DEIR, Appendix C, pp. 64). In response to our comments, the LOD states, the following:

"Revised DEIR Appendix N of the Final EIR accounted for 12,172 hauling truck trips (600 during demolition and 11,572 during grading/excavation) or roughly underestimated total haul trips by 1,400 trips. The increase of diesel fuel use as a result of the additional 1,400 haul truck trips increases the total quantity of diesel used during construction from 156,153 gallons reported in Revised DEIR Appendix N of the Final EIR to 161,045 gallons. This increase is equivalent to a three percent total increase in the amount of diesel used during construction. This minor increase does not materially change the conclusion reached in the Draft EIR" (LOD, pp. 64).

We find this response to be inadequate and maintain that the Project Applicant fails to accurately account for all fuel consumption during Project construction. As stated in our October 22 comment letter, the FEIR fails to account for the remaining 19,828 hauling trips of the total 32,000 hauling trips required for Project construction (FEIR, Revised DEIR Appendix N, pp. 6; DEIR, Appendix C, pp. 64). The Applicant's addition of 1,400 hauling trips to the fuel consumption calculations still underestimates the total number of trips required by 18,428 trips. As a result, the Project Applicant continues to greatly underestimate the total fuel consumption resulting from Project construction. Thus, the significance determinations made within the LOD are still based on incorrect calculations that greatly underestimate the amount of diesel required and consumed from the demolition and grading phase of construction. The Project should not be approved until an updated analysis is conducted that accurately estimates the amount of diesel required and makes a significance determination based on those calculations.

⁸ See SWAPE's October 22, 2018 Response to Comments letter on the Fig and 8th project.

Therefore, the Project still has significant impacts that have not been adequately evaluated or mitigated under CEQA.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in black ink that reads "Hadley Nolan".

Hadley Nolan

Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
Industrial Stormwater Compliance
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M., 2004.** An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.

HADLEY KATHRYN NOLAN



Technical Consultation, Data Analysis and
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

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EDUCATION

UNIVERSITY OF CALIFORNIA, LOS ANGELES B.S. ENVIRONMENTAL SCIENCES & ENVIRONMENTAL SYSTEMS AND SOCIETY JUNE 2016

PROJECT EXPERIENCE

SOIL WATER AIR PROTECTION ENTERPRISE

SANTA MONICA, CA

AIR QUALITY SPECIALIST

SENIOR PROJECT ANALYST: CEQA ANALYSIS & MODELING

- Modeled construction and operational activities for proposed land use projects using CalEEMod to quantify criteria air pollutant and greenhouse gas (GHG) emissions.
- Organized presentations containing figures and tables that compare results of criteria air pollutant analyses to thresholds.
- Quantified ambient air concentrations at sensitive receptor locations using AERSCREEN, a U.S. EPA recommended screening level dispersion model.
- Conducted construction and operational health risk assessments for residential, worker, and school children sensitive receptors.
- Prepared reports that discuss adequacy of air quality and health risk analyses conducted for proposed land use developments subject to CEQA review by verifying compliance with local, state, and regional regulations.

SENIOR PROJECT ANALYST: GREENHOUSE GAS MODELING AND DETERMINATION OF SIGNIFICANCE

- Evaluated environmental impact reports for proposed projects to identify discrepancies with the methods used to quantify and assess GHG impacts.
- Quantified GHG emissions for proposed projects using CalEEMod to produce reports, tables, and figures that compare emissions to applicable CEQA thresholds and reduction targets.
- Determined compliance of proposed land use developments with AB 32 GHG reduction targets, with GHG significance thresholds recommended by Air Quality Management Districts in California, and with guidelines set forth by CEQA.

PROJECT ANALYST: ASSESSMENT OF AIR QUALITY IMPACTS FROM PROPOSED DIRECT TRANSFER FACILITY

- Assessed air quality impacts resulting from implementation of a proposed Collection Service Agreement for Exclusive Residential and Commercial Garbage, Recyclable Materials, and Organic Waste Collection Services for a community.
- Organized tables and maps to demonstrate potential air quality impacts resulting from proposed hauling trip routes.
- Conducted air quality analyses that compared quantified criteria air pollutant emissions released during construction of direct transfer facility to the Bay Area Air Quality Management District's (BAAQMD) significance thresholds.
- Prepared final analytical report to demonstrate local and regional air quality impacts, as well as GHG impacts.

PROJECT ANALYST: EXPOSURE ASSESSMENT OF LEAD PRODUCTS FOR PROPOSITION 65 COMPLIANCE DETERMINATION

- Calculated human exposure and lifetime health risk for over 300 lead products undergoing Proposition 65 compliance review.
- Compiled and analyzed laboratory testing data and produced tables, charts, and graphs to exhibit emission levels.
- Compared finalized testing data to Proposition 65 Maximum Allowable Dose Levels (MADLs) to determine level of compliance.
- Prepared final analytical lead exposure Certificate of Merit (COM) reports and organized supporting data for use in environmental enforcement statute Proposition 65 cases.

ACCOMPLISHMENTS

- Academic Honoree, Dean's List, University of California, Los Angeles

MAR 2013, MAR 2014, JAN 2015, JAN 2016

ORIGINAL

EXHIBIT 2

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June 11, 2018

VIA EMAIL AND U.S. MAIL

Jonathan Chang, City Planning Associate
City of Los Angeles
Department of City Planning Major Projects
221 North Figueroa St, Suite 1450
Los Angeles, CA 90012
Email: jonathan.chang@lacity.org

Re: Comments on the Draft Environmental Impact Report –Fig & 8th Project
(ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS; VTT- 74197)

Dear Mr. Chang:

Please accept these comments on behalf of the Coalition for Responsible Equitable Economic Development (“CREED LA”) regarding the City of Los Angeles’ (“City”) Draft Environmental Impact Report (“DEIR”) prepared for the Fig & 8th Project (ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS; VTT-7497) (“Project”), proposed by MFA 8th & Figueroa LLC (“Applicant”).

The Project proposes to develop a mixed-use project on a 50,335-square-foot site (1.16 gross acres or 1.07 net acres) located at 744 South Figueroa Street within the Central City Community Plan area of the City of Los Angeles. The Project includes up to 438 residential units, up to 7,500 square feet of commercial retail and restaurant uses, and 522 vehicle parking spaces. The proposed uses would be located within a new 41-story mixed-use building with four subterranean levels. Overall, the new building would comprise up to 481,753 square feet of floor area.

According to the DEIR, Project implementation would require a number of discretionary entitlements and related approvals, including (1) Transfer of Floor Area Rights (TFAR), pursuant to LAMC applicable sections; (2) Vesting Tentative Tract Map, pursuant to LAMC Section 17.15; (3) Site Plan Review, pursuant to LAMC Section 16.05; (4) Haul route permit, as may be required; (5) Construction

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permits, including building, grading, excavation, foundation, temporary street closures, and associated permits; and (6) Other discretionary and ministerial permits and approvals that may be deemed necessary.

Based upon our review of the DEIR, appendices, and other relevant records, we conclude that the DEIR fails to meet the requirements of CEQA, because the City failed to properly disclose, analyze and mitigate significant impacts on air quality and public health created by the Project. First, the City lacks substantial evidence to support its conclusion that the Project would result in less than significant public health impacts. Moreover, substantial evidence shows that the Project will result in a significant, undisclosed and unmitigated lifetime cancer risk from exposure to contaminants generated by Project construction. Finally, the City lacks substantial evidence to support a finding of overriding considerations for significant and unavoidable impacts from construction-related NO_x emissions.

We prepared these comments with the assistance of air quality expert Matt Hagemann, P.G., C.Hg. and Hadley Nolan of Soil / Water / Air Protection Enterprise ("SWAPE). Their technical comments and *curricula vitae* are attached hereto as Exhibit A and are fully incorporated herein.

We urge the City to reject the DEIR and direct staff to prepare and recirculate a revised Draft EIR that properly analyzes, addresses and mitigates the Project's potentially significant impacts, as required by CEQA.

I. STATEMENT OF INTEREST

CREED LA is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public and worker health and safety hazards, and the environmental and public service impacts of the Project. The coalition includes the Sheet Metal Workers Local 105, International Brotherhood of Electrical Workers Local 11, Southern California Pipe Trades District Council 16, and District Council of Iron Workers of the State of California, along with their members, their families, and other individuals who live and work in the City of Los Angeles.

Individual members of CREED LA and its member organizations include John Ferruccio, Jorge L. Aceves, John P. Bustos, Gerry Kennon, and Chris S. Macias. These individuals live, work, recreate, and raise their families in the City of Los Angeles and surrounding communities. Accordingly, they would be directly

affected by the Project's environmental and health and safety impacts. Individual members may also work on the Project itself. They will be first in line to be exposed to any health and safety hazards that exist onsite.

In addition, CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Indeed, continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

I. THE DEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, AND MITIGATE SIGNIFICANT IMPACTS ON AIR QUALITY

A. Legal Background

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances).¹ The EIR is the very heart of CEQA.² "The foremost principle in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language."³

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.⁴ "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR "protects not only the environment but also informed self-government."⁵ The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."⁶

¹ See, e.g., PRC § 21100.

² *Dunn-Edwards v. BAAQMD* (1992) 9 Cal.App.4th 644, 652.

³ *Comtys. for a Better Env' v. Cal. Res. Agency* (2002) 103 Cal. App.4th 98, 109 ("*CBE v. CRA*").

⁴ 14 CCR § 15002(a)(1).

⁵ *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.

⁶ *Berkeley Keep Jets Over the Bay v. Bd. of Port Comm'rs.* (2001) 91 Cal.App.4th 1344, 1354 ("*Berkeley Jets*"); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

Second, CEQA requires public agencies to avoid or reduce environmental damage when “feasible” by requiring “environmentally superior” alternatives and all feasible mitigation measures.⁷ The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to “identify ways that environmental damage can be avoided or significantly reduced.”⁸ If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”⁹

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘uncritically rely on every study or analysis presented by a project proponent in support of its position. *A clearly inadequate or unsupported study is entitled to no judicial deference.*”¹⁰ As the courts have explained, “a prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.”¹¹

1. The City Lacks Substantial Evidence to Support Its Conclusion that the Project Would Result in Less Than Significant Public Health Impacts

The DEIR fails to include a health risk analysis (“HRA”) to disclose the adverse health impacts that will be caused by exposure to toxic air contaminants (“TACs”) from the Project’s construction. As a result, the DEIR fails to disclose the Project’s potentially significant cancer risk posed to nearby residents and children from TACs, and fails to mitigate it. Because the DEIR fails to support its conclusion that the Project will not have significant health impacts from diesel particulate matter (“DPM”) emissions with the necessary analysis, this finding is not supported by substantial evidence.

⁷ 14 CCR§ 15002(a)(2) and (3); *see also Berkeley Jets*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley*, 52 Cal.3d at 564.

⁸ 14 CCR §15002(a)(2).

⁹ PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

¹⁰ *Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added), *quoting, Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 409, fn. 12.

¹¹ *Berkeley Jets*, 91 Cal.App.4th at 1355; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722; *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1117; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.

The DEIR attempts to justify the omission of a construction health risk assessment by stating,

“The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations during grading and excavation activities... Because the construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration, construction of the Project would not result in substantial, long-term (i.e., 70-year) source of TAC emissions... It is therefore, not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant.”¹²

As SWAPE explains, this justification for failing to conduct a HRA is incorrect for two reasons.

First, simply because the phase of construction, which would have the most heavy-duty diesel vehicle usage, would be relatively short in duration does not mean a construction HRA is not required. As SWAPE notes,¹³ the South Coast Air Quality Management District (SCAQMD) recommends in its guidance document that health risk impacts for short-term projects also be assessed:

“Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project’s emissions would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)”¹⁴

¹² Fig & 8 Project DEIR, City of Los Angeles, April 2018, p. IV.B-48.

¹³ Exhibit A: SWAPE comments, p. 7.

¹⁴ <http://www.aqmd.gov/docs/default-source/planning/risk-ssessment/riskassprocjune15.pdf?sfvrsn=2>,

SCQMD also provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.¹⁵ Therefore, to support its conclusion with substantial evidence, the DEIR should have conducted an assessment that compares the Project's construction health risks to this threshold in order to determine the Project's health risk impact.

Second, SWAPE explains that failing to conduct a proper HRA conflicts with the most recent guidance published by the Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations and guidance on how to conduct health risk assessments in California. OEHHA recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors, and that exposure from projects lasting more than 6 months should be evaluated for the duration of the project. Therefore, per OEHHA guidelines, health risk impacts from Project construction and operation should have been evaluated by the DEIR. These recommendations reflect the most recent HRA policy, and as such, an assessment of health risks to nearby sensitive receptors from construction and operation should be included in a revised CEQA evaluation for the Project.¹⁶

In sum, the City lacks substantial evidence to support its conclusion that the Project would result in less than significant public health impacts.

2. The Project Will Result in a Significant, Undisclosed and Unmitigated Lifetime Cancer Risk from Exposure to Contaminants Generated by Project Construction

In order to demonstrate the potential risk posed by the Project's construction to nearby sensitive receptors, SWAPE performed a screening level health risk assessment of the Project's DPM emissions using the AERSCREEN model.¹⁷ AERSCREEN is recommended by OEHHA and the California Air Pollution Control Officers Associated (CAPCOA) guidance as the appropriate air dispersion model for Level 2 health risk screening assessments ("HRSAs").¹⁸ SWAPE evaluated the Project's construction impacts to sensitive receptors using the annual PM₁₀ exhaust estimates from the DEIR's CalEEMod models and the SWAPE's CalEEMod model for full Project operation.

¹⁵ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

¹⁶ Exhibit A: SWAPE comments, p. 8.

¹⁷ Exhibit A: SWAPE comments, p. 8-9.

¹⁸ Exhibit A: SWAPE comments, p. 9.

The DEIR states that the closest sensitive receptors to the Project site are located approximately 85 meters away.¹⁹ Consistent with recommendations set forth by OEHHA, SWAPE evaluated the cancer risk starting from the 3rd Trimester. The CalEEMod model's annual emissions indicate that construction activities will generate approximately 322 pounds (lbs) of DPM over the 722-day construction period. SWAPE's model and exposure assumptions are detailed in their letter.²⁰ The results of SWAPE's calculations are shown below:

| Parameter | Description | Units | 3rd Trimester | Infant |
|---------------------------------------|--------------------------|-------------------|----------------|----------------|
| Cair | Concentration | µg/m ³ | 0.4538 | 0.4538 |
| DBR | Daily breathing rate | L/kg-day | 361 | 1090 |
| EF | Exposure Frequency | days/year | 350 | 350 |
| ED | Exposure Duration | years | 0.25 | 1.73 |
| AT | Averaging Time | days | 25550 | 25550 |
| | Inhaled Dose | (mg/kg-day) | 5.6E-07 | 1.2E-05 |
| CPF | Cancer Potency Factor | 1/(mg/kg-day) | 1.1 | 1.1 |
| ASF | Age Sensitivity Factor | - | 10 | 10 |
| FAH | Fraction of Time at Home | - | 1 | 1 |
| Cancer Risk by Age Group | | | 6.2E-06 | 1.3E-04 |
| Total Construction Cancer Risk | | | | 1.4E-04 |

SWAPE found that the excess cancer risk posed to infants and to 3rd trimester gestations at a sensitive receptor located approximately 75 meters away during Project construction are approximately 130 and 6.2 in one million, respectively. Furthermore, the overall excess cancer risk over the course of construction is approximately 140 in one million. This means that infant and overall construction cancer risks *exceed* the SCAQMD's threshold of 10 in one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.²¹

As noted by SWAPE, a screening-level HRA is known to be more conservative, and is aimed at health protection, but its purpose is to determine if a more refined HRA needs to be conducted. Here, a more refined HRA should be prepared by the City to properly analyze the Project's significant impacts.

¹⁹ Fig & 8 Project DEIR, City of Los Angeles, April 2018, Table IV.B-7, pp. 49

²⁰ Exhibit A: SWAPE comments, p. 9-11.

²¹ Exhibit A: SWAPE comments, p. 10.

Therefore, the DEIR fails to analyze the Project's significant, unmitigated impact on public health from exposure to contaminants generated by the Project. Substantial evidence supports the conclusion that the Project will have significant impacts on public health from construction emissions of TACs. An updated DEIR must be prepared to adequately evaluate the Project's health risk impact and to include additional mitigation measures to reduce these impacts to a less-than-significant level.

3. The DEIR Lacks Substantial Evidence to Support a Finding of Overriding Considerations for Significant and Unavoidable Impacts from Construction-Related NO_x Emissions

NO_x is a criteria air pollutant, which is emitted from various sources, including construction vehicles and construction equipment. With regard to NO_x, the DEIR states:

“NO₂ is a byproduct of fuel combustion and major sources include power plants, large industrial facilities, and motor vehicles. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), which reacts quickly to form NO₂, creating the mixture of NO and NO₂ commonly called NO_x. NO₂ absorbs blue light and results in a brownish-red cast to the atmosphere and reduced visibility. NO₂ also contributes to the formation of PM₁₀. Nitrogen oxides irritate the nose and throat, and increase one's susceptibility to respiratory infections, especially in people with asthma. The principal concern of NO_x is as a precursor to the formation of ozone.”²²

Despite the serious health impacts created by NO_x emissions, the DEIR fails to adopt all feasible mitigation measures to reduce the Project's significant NO_x emissions impacts to less-than-significant levels before declaring the impacts “significant and unavoidable.” This violates CEQA's requirement that the City mitigate all significant environmental impacts to the greatest extent feasible.

Before it can approve the Project, the City must certify the Project's Final EIR and make mandatory CEQA findings. Those findings must include (1) that the Final EIR complies with CEQA, (2) that the City has mitigated all significant environmental impacts to the greatest extent feasible, and (3) that any remaining significant environmental impacts are acceptable due to overriding considerations.²³

²² Fig & 8 Project DEIR, City of Los Angeles, April 2018, Page IV.B-5.

²³ 14 CCR § 15090 & 15091.

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Where, as here, the Project will have a significant effect on the environment, the City may not approve the Project unless it finds that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns.”²⁴

The DEIR concludes that emissions generated during construction activity would result in significant NO_x emissions that would exceed established thresholds.²⁵ To reduce the Project’s construction-related NO_x emissions, the DEIR proposes several mitigation measures, but concludes that even with implementation of mitigation, the Project’s impacts would be significant and unavoidable with respect to NO_x emissions generated during construction.²⁶

However, SWAPE reviewed the Project’s proposed mitigation measures, and concluded that *the DEIR fails to require all feasible mitigation available to reduce the Project’s significant impacts from NO_x emissions:*

“Review of the Project’s proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. Therefore, the DEIR’s conclusion that impacts are significant and unavoidable is not supported by substantial evidence.”²⁷

SWAPE states that, in their expert opinion, additional, feasible mitigation is available to further reduce the Project’s NO_x emissions, including, *inter alia*, the following:²⁸

- **Require Implementation of Diesel Control Measures** –The Northeast Diesel Collaborative (NEDC) is a regionally coordinated initiative to reduce diesel emissions, improve public health, and promote clean diesel technology. The NEDC recommends that contracts for all construction projects require certain diesel control measures, including using construction equipment and vehicles equipped with emission control technologies and engines that meet EPA standards, as well as using ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend.²⁹

²⁴ PRC § 21081; 14 CCR § 15092(b)(2)(A) & (B).

²⁵ Fig & 8 Project DEIR, City of Los Angeles, April 2018, p. IV.B-44.

²⁶ Fig & 8 Project DEIR, City of Los Angeles, April 2018, p. IV.B-54 - IV.B-55, p. IV.B-45.

²⁷ Exhibit A: SWAPE comments, p. 2.

²⁸ Exhibit A: SWAPE comments, p. 2-7.

²⁹ Exhibit A: SWAPE comments, p. 2-3.

- **Repower or replace older construction equipment engines** – The NEDC recognizes that availability of equipment that meets the EPA’s newer standards is limited.³⁰ Due to this limitation, the NEDC proposes actions that can be taken to reduce emissions from existing equipment in the *Best Practices for Clean Diesel Construction* report.³¹
- **Install retrofit devices on existing construction equipment** – Particulate matter emissions from alternatively-fueled construction equipment can be further reduced by installing retrofit devices on existing and/or new equipment. The most common retrofit technologies are retrofit devices for engine exhaust after-treatment. These devices are installed in the exhaust system to reduce emissions and should not impact engine or vehicle operation.³²
- **Use electric and hybrid construction equipment** – When construction equipment is powered by grid electricity rather than fossil fuel, direct emissions from fuel combustion are replaced with indirect emissions associated with the electricity used to power the equipment. Furthermore, when construction equipment is powered by hybrid-electric drives, emissions from fuel combustion are also greatly reduced.³³
- **Implement a construction vehicle inventory tracking system** – CAPCOA’s *Quantifying Greenhouse Gas Mitigation Measures*³⁴ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliance with construction mitigation measures. The system should include strategies such as requiring engine run time meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment.³⁵

As SWAPE explains, these measures “offer a cost-effective, feasible way to incorporate lower-emitting equipment into the Project’s construction fleet, which subsequently reduces NOx emissions released during Project construction.”³⁶

³⁰<http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

³¹ Exhibit A: SWAPE comments, p 3.

³² Exhibit A: SWAPE comments, p 4.

³³ Exhibit A: SWAPE comments, p 4.

³⁴<http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³⁵ Exhibit A: SWAPE comments, p 5-7.

³⁶ Exhibit A: SWAPE comments, p 7.

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Page 11

The DEIR must be revised to consider these mitigation measures and incorporate all feasible measures identified by SWAPE as *binding* mitigation for the Project. Only if the Project's impacts from NO_x emissions remain significant after requiring all such feasible mitigation can the City consider declaring the Project's NO_x emissions impacts to be significant and unavoidable.

II. CONCLUSION

The DEIR is inadequate as an environmental document because it fails to properly disclose, analyze and mitigate the Project's significant impacts on air quality and public health. Therefore, the City cannot approve the Project until it prepares a revised DEIR that resolves these issues and complies with CEQA's requirements.

Thank you for your consideration of these comments.

Sincerely,

Tanya A. Gulesserian
Nirit Lotan



NL:ljl

Attachments

EXHIBIT A to Comments



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June 8, 2018

Nirit Lotan
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Subject: Comments on the Fig & 8th Project

Dear Ms. Lotan,

We have reviewed the April 2018 Draft Environmental Impact Report (DEIR) and associated appendices for the Fig & 8th Project ("Project") located in the City of Los Angeles. The Project site is currently developed with a 221-space surface parking lot, which would be demolished prior to Project construction. The Project proposes to develop a mixed-use project on a 50,335-square-foot site (1.16 gross acres of 1.07 net acres) within the Central City Community Plan area in the City of Los Angeles. The Project would provide up to 438 residential units and up to 7,500 square feet of commercial retail and restaurant uses. It is anticipated that the residential unit count would be comprised of 98 studios, 240 1-bedroom units, and 100 2-bedroom units. Additionally, the Project would provide 522 vehicle parking spaces within seven levels, including four subterranean levels with the three above grade parking levels and commercial uses forming a podium. In addition, the Project would provide 509 bicycle parking spaces. The new building would comprise up to 481,753 square feet of floor area.

Our review concludes that DEIR fails to adequately evaluate the Project's Air Quality impacts. As a result, emissions and health impacts associated with the construction of the proposed Project are underestimated and inadequately addressed. Our analysis, as described herein, demonstrates that there are potentially significant impacts that were not disclosed, and new mitigation measures that were not considered in the DEIR that could reduce the Project's impacts to a less than significant level. An updated DEIR should be prepared to adequately assess and mitigate the potential air quality and health risk impacts that the Project may have on the surrounding environment.

Air Quality

Failure to Implement All Feasible Available Mitigation Measures

The DEIR's air quality analysis concludes that the Project will result in a significant air impact. Specifically, the DEIR concludes that emissions generated during construction activity would result in

significant NOx emissions that would exceed established thresholds (DEIR, p. IV.B-44). To reduce the Project's construction-related NOx emissions, the DEIR proposes several mitigation measures (p. IV.B-54 - IV.B-55). Even with implementation of mitigation, the DEIR concludes that the Project's impacts would be significant and unavoidable with respect to NOx emissions generated during construction (DEIR, p. IV.B-45). While it's true that the Project would result in significant NOx emissions, the DEIR's conclusion that these impacts are "significant and unavoidable" is entirely incorrect. According to the California Environmental Quality Act (CEQA),

"CEQA requires Lead Agencies to mitigate or avoid significant environmental impacts associated with discretionary projects. Environmental documents for projects that have any significant environmental impacts must identify all feasible mitigation measures or alternatives to reduce the impacts below a level of significance. If after the identification of all feasible mitigation measures, a project is still deemed to have significant environmental impacts, the Lead Agency can approve a project, but must adopt a Statement of Overriding Consideration to explain why further mitigation measures are not feasible and why approval of a project with significant unavoidable impacts is warranted."¹

As you can see, an impact can only be labeled as significant and unavoidable after all available, feasible mitigation is considered. Review of the Project's proposed mitigation measures, however, demonstrates that not all feasible mitigation is being implemented. Therefore, the DEIR's conclusion that impacts are significant and unavoidable is not supported by substantial evidence. As a result, additional mitigation measures should be identified and incorporated in order to reduce the Project's air quality impacts to the maximum extent possible. Until all feasible mitigation is reviewed and incorporated into the Project's design, impacts from construction-related NOx emissions cannot be considered as significant and unavoidable.

Additional Mitigation Measures Available to Reduce Construction Emissions

Additional mitigation measures to reduce construction-related criteria air pollutant emissions can be found in CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*, which attempt to reduce GHG levels, as well as reduce criteria air pollutants such as NOx.² Mitigation for criteria pollutant emissions should include consideration of the following measures in an effort to reduce construction emissions.

Require Implementation of Diesel Control Measures

The Northeast Diesel Collaborative (NEDC) is a regionally coordinated initiative to reduce diesel emissions, improve public health, and promote clean diesel technology. The NEDC recommends that contracts for all construction projects require the following diesel control measures:³

- All diesel onroad vehicles on site for more than 10 total days must have either (1) engines that meet EPA 2007 onroad emissions standards or (2) emission control technology verified by EPA⁴

¹ http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf, p. 115 of 125

² <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

³ Diesel Emission Controls in Construction Projects, available at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

or the California Air Resources Board (CARB)⁵ to reduce PM emissions by a minimum of 85 percent.

- All diesel generators on site for more than 10 total days must be equipped with emission control technology verified by EPA or CARB to reduce PM emissions by a minimum of 85 percent.
- All diesel nonroad construction equipment on site for more than 10 total days must have either (1) engines meeting EPA Tier 4 nonroad emission standards or (2) emission control technology verified by EPA or CARB for use with nonroad engines to reduce PM emissions by a minimum of 85 percent for engines 50 horse power (hp) and greater and by a minimum of 20 percent for engines less than 50 hp.
- All diesel vehicles, construction equipment, and generators on site shall be fueled with ultra-low sulfur diesel fuel (ULSD) or a biodiesel blend⁶ approved by the original engine manufacturer with sulfur content of 15 parts per million (ppm) or less.

Repower or Replace Older Construction Equipment Engines

The NEDC recognizes that availability of equipment that meets the EPA's newer standards is limited.⁷ Due to this limitation, the NEDC proposes actions that can be taken to reduce emissions from existing equipment in the *Best Practices for Clean Diesel Construction* report.⁸ These actions include but are not limited to:

- Repowering equipment (i.e. replacing older engines with newer, cleaner engines and leaving the body of the equipment intact).

Engine repower may be a cost-effective emissions reduction strategy when a vehicle or machine has a long useful life and the cost of the engine does not approach the cost of the entire vehicle or machine. Examples of good potential replacement candidates include marine vessels, locomotives, and large construction machines.⁹ Older diesel vehicles or machines can be repowered with newer diesel engines or in some cases with engines that operate on alternative fuels (see section "Use Alternative Fuels for Construction Equipment" for details). The original engine is taken out of service and a new engine with reduced emission characteristics is installed. Significant emission reductions can be achieved, depending on the newer engine and the vehicle or machine's ability to accept a more modern engine and emission control system. It should be noted, however, that newer engines or higher tier engines are not necessarily cleaner engines, so it is important that the Project Applicant check the actual emission

⁴ For EPA's list of verified technology: <https://www.epa.gov/verified-diesel-tech/verified-technologies-list-clean-diesel>

⁵ For CARB's list of verified technology: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>

⁶ Biodiesel blends are only to be used in conjunction with the technologies which have been verified for use with biodiesel blends and are subject to the following requirements:

<http://www.arb.ca.gov/diesel/verdev/reg/biodieselcompliance.pdf>

⁷ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

⁸ <http://northeastdiesel.org/pdf/BestPractices4CleanDieselConstructionAug2012.pdf>

⁹ Repair, Rebuild, and Repower, EPA, available at: <https://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel#repair>

standard level of the current (existing) and new engines to ensure the repower product is reducing emissions for diesel particulate matter (DPM).¹⁰

- Replacement of older equipment with equipment meeting the latest emission standards.

Engine replacement can include substituting a cleaner highway engine for a nonroad engine. Diesel equipment may also be replaced with other technologies or fuels. Examples include hybrid switcher locomotives, electric cranes, LNG, CNG, LPG or propane yard tractors, forklifts or loaders.

Replacements using natural gas may require changes to fueling infrastructure.¹¹ Replacements often require some re-engineering work due to differences in size and configuration. Typically, there are benefits in fuel efficiency, reliability, warranty, and maintenance costs.¹²

Install Retrofit Devices on Existing Construction Equipment

PM emissions from alternatively-fueled construction equipment can be further reduced by installing retrofit devices on existing and/or new equipment. The most common retrofit technologies are retrofit devices for engine exhaust after-treatment. These devices are installed in the exhaust system to reduce emissions and should not impact engine or vehicle operation.¹³ It should be noted that actual emissions reductions and costs will depend on specific manufacturers, technologies and applications.

Use Electric and Hybrid Construction Equipment

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*¹⁴ report also proposes the use of electric and/or hybrid construction equipment as a way to mitigate DPM emissions. When construction equipment is powered by grid electricity rather than fossil fuel, direct emissions from fuel combustion are replaced with indirect emissions associated with the electricity used to power the equipment. Furthermore, when construction equipment is powered by hybrid-electric drives, emissions from fuel combustion are also greatly reduced. Electric construction equipment is available commercially from companies such as Peterson Pacific Corporation,¹⁵ which specialize in the mechanical processing

¹⁰ Diesel Emissions Reduction Program (DERA): Technologies, Fleets and Projects Information, *available at* <https://nepis.epa.gov/Exe/ZyNET.exe/P100CVIS.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2011+Thru+2015&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C11thru15%5CTxt%5C00000003%5CP100CVIS.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75q8/r75q8/x150y150q16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeeKPage=x&ZyPURL>

¹¹ Alternative Fuel Conversion, EPA, *available at*: <https://www.epa.gov/vehicle-and-engine-certification/information-consumers-about-alternative-fuel-conversions>

¹² Cleaner Fuels, EPA, *available at*: <https://www.epa.gov/verified-diesel-tech/learn-about-verified-technologies-clean-diesel#cleaner>

¹³ Retrofit Technologies, EPA, *available at*: <https://www.epa.gov/state-and-local-transportation/vehicle-emissions-inspection-and-maintenance-im-regulations>

¹⁴ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

¹⁵ Peterson Electric Grinders Brochure, *available at*: http://www.petersoncorp.com/wp-content/uploads/peterson_electric_grinders1.pdf

equipment like grinders and shredders. Construction equipment powered by hybrid-electric drives is also commercially available from companies such as Caterpillar¹⁶. For example, Caterpillar reports that during an 8-hour shift, its D7E hybrid dozer burns 19.5 percent fewer gallons of fuel than a conventional dozer while achieving a 10.3 percent increase in productivity. The D7E model burns 6.2 gallons per hour compared to a conventional dozer which burns 7.7 gallons per hour.¹⁷ Fuel usage and savings are dependent on the make and model of the construction equipment used. The Project Applicant should calculate project-specific savings and provide manufacturer specifications indicating fuel burned per hour.

Implement a Construction Vehicle Inventory Tracking System

CAPCOA's *Quantifying Greenhouse Gas Mitigation Measures*¹⁸ report recommends that the Project Applicant provide a detailed plan that discusses a construction vehicle inventory tracking system to ensure compliances with construction mitigation measures. The system should include strategies such as requiring engine run time meters on equipment, documenting the serial number, horsepower, manufacture age, fuel, etc. of all onsite equipment and daily logging of the operating hours of the equipment. Specifically, for each onroad construction vehicle, nonroad construction equipment, or generator, the contractor should submit to the developer's representative a report prior to bringing said equipment on site that includes:¹⁹

- Equipment type, equipment manufacturer, equipment serial number, engine manufacturer, engine model year, engine certification (Tier rating), horsepower, and engine serial number.
- The type of emission control technology installed, serial number, make, model, manufacturer, and EPA/CARB verification number/level.
- The Certification Statement²⁰ signed and printed on the contractor's letterhead.

Furthermore, the contractor should submit to the developer's representative a monthly report that, for each onroad construction vehicle, nonroad construction equipment, or generator onsite, includes:²¹

- Hour-meter readings on arrival on-site, the first and last day of every month, and on off-site date.
- Any problems with the equipment or emission controls.
- Certified copies of fuel deliveries for the time period that identify:
 - Source of supply
 - Quantity of fuel

¹⁶ Electric Power Products, available at: http://www.cat.com/en_US/products/new/power-systems/electric-power-generation.html

¹⁷ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

¹⁸ <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>

¹⁹ Diesel Emission Controls in Construction Projects, available

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

²⁰ Diesel Emission Controls in Construction Projects, available

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf> The NEDC Model Certification Statement can be found in Appendix A.

²¹ Diesel Emission Controls in Construction Projects, available

at: <http://www2.epa.gov/sites/production/files/2015-09/documents/nedc-model-contract-sepcification.pdf>

- Quality of fuel, including sulfur content (percent by weight).

In addition to these measures, we also recommend that the Applicant implement the following mitigation measures, called "Enhanced Exhaust Control Practices,"²² that are recommended by the Sacramento Metropolitan Air Quality Management District (SMAQMD):

1. The project representative shall submit to the lead agency a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during any portion of the construction project.
 - The inventory shall include the horsepower rating, engine model year, and projected hours of use for each piece of equipment.
 - The project representative shall provide the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.
 - This information shall be submitted at least 4 business days prior to the use of subject heavy-duty off-road equipment.
 - The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.
2. The project representative shall provide a plan for approval by the lead agency demonstrating that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20% NOX reduction and 45% particulate reduction compared to the most recent California Air Resources Board (ARB) fleet average.
 - This plan shall be submitted in conjunction with the equipment inventory.
 - Acceptable options for reducing emissions may include use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or other options as they become available.
 - The District's Construction Mitigation Calculator can be used to identify an equipment fleet that achieves this reduction.
3. The project representative shall ensure that emissions from all off-road diesel-powered equipment used on the project site do not exceed 40% opacity for more than three minutes in any one hour.
 - Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. Non-compliant equipment will be documented and a summary provided to the lead agency monthly.
 - A visual survey of all in-operation equipment shall be made at least weekly.
 - A monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey.

²²<http://www.airquality.org/LandUseTransportation/Documents/Ch3EnhancedExhaustControlFINAL10-2013.pdf>

4. The District and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation shall supersede other District, state or federal rules or regulations.

When combined, the measures that we recommend in these comments offer a cost-effective, feasible way to incorporate lower-emitting equipment into the Project's construction fleet, which subsequently reduces NOx emissions released during Project construction. An updated DEIR must be prepared to include additional mitigation measures, as well as include an updated air quality assessment to ensure that the necessary mitigation measures are implemented to reduce construction emissions. Furthermore, the Project Applicant needs to demonstrate commitment to the implementation of these measures prior to Project approval to ensure that the Project's construction-related emissions are reduced to the maximum extent possible.

Diesel Particulate Health Risk Emissions Inadequately Evaluated

The DEIR determines that the proposed Project would have a less than significant health risk impact without conducting a quantitative construction health risk assessment (HRA) (IV.B-48). The DEIR attempts to justify this omission by stating,

"The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations during grading and excavation activities... Because the construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration, construction of the Project would not result in substantial, long-term (i.e., 70-year) source of TAC emissions... It is therefore, not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. As such, Project-related TAC impacts during construction would be less than significant" (p. IV.B-48).

This justification for failing to conduct a quantified construction HRA, however, is incorrect for several reasons.

First, simply because the grading/excavation phase of construction "which would result the most heavy-duty diesel vehicle usage" would be short in duration does not justify the omission of a construction HRA. According to the South Coast Air Quality Management District (SCAQMD), it is recommended that health risk impacts for short-term projects also be assessed. The SCAQMD guidance document states,

"Since these short-term calculations are only meant for projects with limits on the operating duration, these short-term cancer risk assessments can be thought of as being the equivalent to a 30-year cancer risk estimate and the appropriate thresholds would still apply (i.e. for a 5-year project, the maximum emissions during the 5-year period would be assessed on the more sensitive population, from the third trimester to age 5, after which the project's emissions

would drop to 0 for the remaining 25 years to get the 30-year equivalent cancer risk estimate)".²³

Thus, an HRA is required to determine whether or not a Project would expose sensitive receptors to substantial air pollutants. The DEIR should have conducted some sort of quantitative analysis and should have compared the results of this analysis to applicable thresholds. The SCAQMD provides a specific numerical threshold of 10 in one million for determining a project's health risk impact.²⁴ Therefore, the DEIR should have conducted an assessment that compares the Project's construction health risks to this threshold in order to determine the Project's health risk impact. By failing to prepare an HRA, the DEIR fails to provide a comprehensive analysis of impacts to sensitive receptors that may occur as a result of exposure to substantial air pollutants.

Second, the omission of a quantified HRA is inconsistent with the most recent guidance published by Office of Environmental Health Hazard Assessment (OEHHA), the organization responsible for providing recommendations and guidance on how to conduct HRA's in California. In February of 2015, OEHHA released its most recent *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments*, which was formally adopted in March of 2015.²⁵ This guidance document describes the types of projects that warrant the preparation of an HRA. Construction activities for the proposed Project will produce emissions of DPM through the exhaust stacks of construction equipment over an approximate 722-day period (Appendix C, pp. 34). The OEHHA document recommends that all short-term projects lasting at least two months be evaluated for cancer risks to nearby sensitive receptors.²⁶ Therefore, per OEHHA guidelines, health risk impacts from Project construction should have been evaluated by the DEIR. These recommendations reflect the most recent health risk assessment policy, and, as such, an assessment of health risks to nearby sensitive receptors from construction and operation should be included in a revised CEQA evaluation for the Project.

In an effort to demonstrate the potential risk posed by Project construction to nearby sensitive receptors, we prepared a simple screening-level HRA. The results of our assessment, as described below, provide substantial evidence that the Project's construction-related DPM emissions may result in a potentially significant health risk impact that was not previously identified.

In order to conduct our screening level risk assessment we relied upon AERSCREEN, which is a screening level air quality dispersion model.²⁷ The model replaced SCREEN3, and AERSCREEN is included in the

²³ <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>, p. IX-2

²⁴ <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2>

²⁵ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>

²⁶ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>, p. 8-18

²⁷ "AERSCREEN Released as the EPA Recommended Screening Model," USEPA, April 11, 2011, available at: http://www.epa.gov/ttn/scram/guidance/clarification/20110411_AERSCREEN_Release_Memo.pdf

OEHHA²⁸ and the California Air Pollution Control Officers Associated (CAPCOA)²⁹ guidance as the appropriate air dispersion model for Level 2 health risk screening assessments (“HRSAs”). A Level 2 HRSA utilizes a limited amount of site-specific information to generate maximum reasonable downwind concentrations of air contaminants to which nearby sensitive receptors may be exposed. If an unacceptable air quality hazard is determined to be possible using AERSCREEN, a more refined modeling approach is required prior to approval of the Project.

We prepared a preliminary health risk screening assessment of the Project's construction-related impact to sensitive receptors using the annual PM₁₀ exhaust estimates from the Project's annual CalEEMod output files. The DEIR states that the closest sensitive receptors to the Project site are located approximately 85 meters away (Table IV.B-7, pp. 49). Consistent with recommendations set forth by OEHHA, we evaluated the cancer risk starting from the 3rd Trimester. The CalEEMod model's annual emissions indicate that construction activities will generate approximately 322 pounds (lbs) of DPM over the 722-day construction period. The AERSCREEN model relies on a continuous average emission rate to simulate maximum downward concentrations from point, area, and volume emission sources. To account for the variability in equipment usage and truck trips over Project construction, we calculated an average DPM emission rate by using the following equation.

$$\text{Emission Rate} \left(\frac{\text{grams}}{\text{second}} \right) = \frac{322 \text{ lbs}}{722 \text{ days}} \times \frac{453.6 \text{ grams}}{\text{lb}} \times \frac{1 \text{ day}}{24 \text{ hours}} \times \frac{1 \text{ hour}}{3,600 \text{ seconds}} = \mathbf{0.00241 \text{ g/s}}$$

Using this equation, we estimated a construction emission rate of 0.00241 grams per second (g/s). Construction activity was simulated as a 1.16-acre rectangular area source in AERSCREEN, with dimensions of 81 meters by 38 meters. A release height of three meters was selected to represent the height of exhaust stacks on operation equipment and other heavy duty vehicles, and an initial vertical dimension of one and a half meters was used to simulate instantaneous plum dispersion upon release. A rural meteorological setting was selected to model-default inputs for wind speed and direction distribution.

The AERSCREEN model generates maximum reasonable estimates of single-hour DPM concentrations from the Project site. EPA guidance suggests that in screening procedures, the annualized average concentration of an air pollutant be estimated by multiplying the single-hour concentration by 10%.³⁰ For example, for the Maximally Exposed Individual Receptor (MEIR) the single-hour concentration estimated by AERSCREEN for Project construction is approximately 4.538 µg/m³ DPM at approximately 75 meters downwind. Multiplying this single-hour concentration by 10%, we get an annualized average concentration of 0.4538 µg/m³ for Project construction at the MEIR.

²⁸ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf

²⁹ “Health Risk Assessments for Proposed Land Use Projects,” CAPCOA, July 2009, available at: http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf

³⁰ http://www.epa.gov/ttn/scram/guidance/guide/EPA-454R-92-019_OCR.pdf

We calculated the excess cancer risk to the residential receptors located closest to the Project site using applicable HRA methodologies prescribed by OEHHA and the SCAQMD. Consistent with the construction schedule proposed by the DEIR, the annualized average concentration for construction was used for the 3rd Trimester (0.25 years), and the first 1.73 years of the infantile stage of life (0-2 years). Consistent with OEHHA guidance, we used Age Sensitivity Factors (ASFs) to account for the heightened susceptibility of young children to the carcinogenic toxicity of air pollution.³¹ According to the updated guidance, quantified cancer risk should be multiplied by a factor of ten during the first two years of life (infant) and should be multiplied by a factor of three during the child stage of life (2 to 16 years). Furthermore, in accordance with guidance set forth by OEHHA, we used 95th percentile breathing rates for infants.³² Finally, according to SCAQMD guidance, we used a Fraction of Time At Home (FAH) Value of 1 for the 3rd trimester, infant, and child receptors and we used a FAH Value of 0.73 for the adult receptors.³³ We used a cancer potency factor of 1.1 (mg/kg-day)⁻¹ and an averaging time of 25,550 days. The results of our calculations are shown below.

| Parameter | Description | Units | 3rd Trimester | Infant |
|---------------------------------------|--------------------------|-------------------|----------------|----------------|
| Cair | Concentration | µg/m ³ | 0.4538 | 0.4538 |
| DBR | Daily breathing rate | L/kg-day | 361 | 1090 |
| EF | Exposure Frequency | days/year | 350 | 350 |
| ED | Exposure Duration | years | 0.25 | 1.73 |
| AT | Averaging Time | days | 25550 | 25550 |
| | Inhaled Dose | (mg/kg-day) | 5.6E-07 | 1.2E-05 |
| CPF | Cancer Potency Factor | 1/(mg/kg-day) | 1.1 | 1.1 |
| ASF | Age Sensitivity Factor | - | 10 | 10 |
| FAH | Fraction of Time at Home | - | 1 | 1 |
| Cancer Risk by Age Group | | | 6.2E-06 | 1.3E-04 |
| Total Construction Cancer Risk | | | | 1.4E-04 |

The excess cancer risk posed to infants and to 3rd trimester gestations at a sensitive receptor located approximately 75 meters away during Project construction are approximately 130 and 6.2 in one million, respectively. Furthermore, the overall excess cancer risk over the course of construction is approximately 140 in one million. Consistent with OEHHA and SCAQMD guidance, exposure was assumed to begin in the 3rd trimester of pregnancy to provide the most conservative estimates of air quality hazards. The infant and overall construction cancer risks exceed the SCAQMD's threshold of 10 in

³¹ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>

³² "Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics 'Hot Spots' Information and Assessment Act," June 5, 2015, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/ab2588-risk-assessment-guidelines.pdf?sfvrsn=6>, p. 19

"Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>

³³ "Risk Assessment Procedures for Rules 1401, 1401.1, and 212." SCAQMD, August 2017, available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1401/riskassessmentprocedures_2017_080717.pdf, p. 7

one million, thus resulting in a potentially significant impact not previously addressed or identified by the DEIR.

It should be noted that our analysis represents a screening-level HRA, which is known to be more conservative, and tends to err on the side of health protection.³⁴ The purpose of a screening-level HRA is to determine if a more refined HRA needs to be conducted. If the results of a screening-level HRA are above applicable thresholds, then the Project should conduct a more refined HRA that is more representative of site specific concentrations. Our screening-level HRA demonstrates that construction of the Project could result in a potentially significant health risk impact. As a result, a refined HRA must be prepared to examine the air quality impacts generated by Project construction using site-specific meteorology and specific equipment usage schedules. An updated DEIR must be prepared to adequately evaluate the Project's health risk impact, and should include additional mitigation measures to reduce these impacts to a less-than-significant level. Without preparation of an HRA and mitigation addressing the findings of such an assessment, no substantial evidence supports the DEIR's conclusion that Project-related TAC impacts during construction would be less than significant.³⁵

Sincerely,



Matt Hagemann, P.G., C.Hg.



Hadley Nolan

³⁴ http://oehha.ca.gov/air/hot_spots/2015/2015GuidanceManual.pdf p. 1-5

³⁵ See mitigation measures listed in section titled "Additional Mitigation Measures Available to Reduce Construction Emissions" on p. 2 of this letter. These measures would effectively reduce NOx and DPM emissions.

ORIGINAL

EXHIBIT 3

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October 24, 2018

Via Hand Delivery and Email

Deputy Advisory Agency and Hearing Officer on behalf of City Planning
Commission
City of Los Angeles
cpc@lacity.org

Re: **Comments on the Final Environmental Impact Report for the Fig
& 8th Project (ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS-
VTT-7497)**

Dear Deputy Advisory Agency members and Hearing Officer:

We write on behalf of the Coalition for Responsible Equitable Economic Development ("CREED LA") regarding the City of Los Angeles' ("City") Final Environmental Impact Report ("FEIR") prepared for the Fig & 8th Project (ENV-2016-1951-EIR; CPC-2016-1950-TDR-SPR-MS-; VTT-7497) ("Project"), proposed by MFA 8th & Figueroa LLC ("Applicant").

On June 11, 2018, we submitted comments on the Project's Draft EIR ("Previous Comments"). The FEIR contains responses to our comments. However, the City's Responses and the FEIR fail to resolve all the issues we raised, as detailed below, and our comments still stand.¹ In short, the FEIR's conclusions are not supported by substantial evidence, and the FEIR must be recirculated to enable the public an opportunity to meaningfully comment on the new information it contains. In addition, the FEIR's energy use impacts analysis fails to comply with the law and is unsupported by substantial evidence.

We prepared these comments with the assistance of air quality expert Matt Hagemann, P.G., C.Hg. and Hadley Nolan of Soil / Water / Air Protection Enterprise ("SWAPE). Their technical comments are attached hereto as Exhibit A, are fully incorporated herein and require separate responses. We reserve the right to

¹ We incorporate our June 11, 2018 comments, along with their attachments and exhibit, herein by reference.
3951-006acp

October 23, 2018

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supplement these comments at a later date, and at any later proceedings related to this Project.²

Based upon our review of the FEIR, appendices, and other relevant records, we conclude that the FEIR fails to meet the requirements of CEQA, because the City failed to properly disclose, analyze and mitigate the Project's significant impacts on air quality, public health and energy use. We urge the City to reject the FEIR and direct staff to prepare and recirculate a revised EIR that properly analyzes, addresses and mitigates the Project's potentially significant impacts, as required by CEQA.

(1) The FEIR's Conclusion Regarding Project's Impacts from NO_x is Not Supported by Substantial Evidence

In our Previous Comments, we showed that the City lacked substantial evidence to support a finding of overriding considerations for significant and unavoidable impacts from construction-related NO_x emissions, because there are feasible mitigation measures available to mitigate the impacts from construction-related NO_x emissions.

In its response, the City modified the FEIR to include a new mitigation measure that limits the number of daily hauling trips during the grading and excavation period to 135 trips per day. The City argues that the updated air quality analysis shows that implementation of the new Mitigation Measure (AIR-MM-5) would result in a maximum of 99 pounds per day of NO_x, just under SCAQMD's daily regional construction threshold of 100 pounds per day.

SWAPE reviewed the updated air quality analysis and found that the City's conclusion that implementation of AIR-MM-5 would result in a maximum of 99 pounds per day of NO_x, just under SCAQMD's daily regional construction threshold of 100 pounds per day, relies on two major erroneous assumptions and thus is not supported by substantial evidence.

² Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield ("Bakersfield")* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.
3951-006acp

First, SWAPE found that the updated analysis failed to account for all the materials that would be removed and hauled during the grading phase of construction. The CalEEMod modeling of the DEIR assumed a total of 32,000 grading hauling trips would be required to export all of the grading material. The FEIR did not change this assumption. However, it assumed a 118-day grading phase, with a limit of 135 trips per day. Because $135 \text{ trips} \times 118 \text{ days} =$ a total of 31,860 hauling truck trips, there is a total of 140 hauling truck trips that are unaccounted for in the “Trips and VMT” table within the FEIR’s revised CalEEMod modeling.³

Even more importantly, SWAPE found that the City incorrectly applied mitigation measures in the revised CalEEMod, thus overstating the mitigation and significantly reducing the project’s expected impacts without factual support.

As SWAPE explains, the revised Mitigation Measure AIR-MM-1 requires that off-road construction equipment which is equal or exceeds 50 horsepower and will be used during the grading/excavation phase of construction shall meet or exceed Tier 3 CARB/U.S. EPA standards.⁴ SWAPE found that the grading/excavation phase will only require 5 pieces of construction equipment that have a horsepower equal to or greater than 50 hp, and therefore, *only 5 pieces of equipment are expected to be equipped with Tier 3 engines during Project construction.*

However, SWAPE’s review of the revised CalEEMod model found that *all 39 pieces of construction equipment were assumed to be mitigated.* SWAPE found that all but one piece of equipment was assumed to be equipped with Tier 3 engines and one piece of equipment was mitigated with a Tier 2 engine. As SWAPE explains “[m]odeling emissions assuming a fleet equipped with almost entirely Tier 3 equipment is completely incorrect and significantly underestimates emissions.”⁵ As a result, the City’s conclusion that the Project does not have significant impacts from NOx emissions is not supported by the evidence.

³ Exhibit A: SWAPE’s comments, p. 3-4.

⁴ FEIR, p. III-5, III-6.

⁵ Exhibit A: SWAPE’s comments, p. 4.

(2) The Project Will Have Significant Impacts from NOx Emissions and Additional Mitigation Must be Incorporated

SWAPE prepared a CalEEMod model that includes more site-specific information and corrected input parameters, including the correct number of hauling trips and the correct number of mitigated construction equipment. SWAPE found that when the correct input parameters and assumptions are used, the Project's mitigated construction-related NOx emissions *exceed* the 100 lbs/day thresholds set forth by the SCAQMD (see table below).⁶

| Mitigated Maximum Daily Construction Emissions (lbs/day) | |
|---|------------|
| Model | NOx |
| FEIR | 99 |
| SWAPE | 102 |
| SCAMQD Regional Threshold (lbs/day) | 100 |
| Threshold Exceedance? | Yes |

The FEIR must therefore be revised to include more feasible and available mitigation measures, as detailed in our Previous Comments, to mitigate the Project's significant impacts on air quality.

(3) The City Failed to Properly Analyze the Project's Impacts on Public Health

In response to our Previous Comments, the City revised the FEIR and conducted a health risk assessment (HRA) to assess the Project's construction impacts on public health. The City concluded that no significant health risk impacts would occur from construction of the Project.⁷ The FEIR states explicitly that the HRA does not account for "Age Sensitivity Factors" ("ASF") and argues that such factors "would not be applicable to this HRA as neither the Lead Agency nor

⁶ Exhibit A: SWAPE's comments, p. 4-5.

⁷ Response to Comments, p. II-38.

SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential construction impacts”.⁸

However, as SWAPE explains, the ASF are applicable to the Project and were, in fact, included in SCAQMD guidelines for Risk Assessment Procedures for Rules 1401, 1401.1 and 212, in order to properly reflect OEHHA’s updated guidance on health risk assessment.⁹ Therefore, the City’s conclusion in the FEIR is not supported by substantial evidence.

(4) The Project Will Have Significant Impacts on Public Health

In an effort to properly account for the Project’s construction-related cancer risk, SWAPE incorporated the appropriate Age Sensitivity Factors into the FEIR’s construction HRA calculations. The results of SWAPE’s updated analysis show that the excess cancer risks posed to the infant sensitive receptors at The Gas Lofts and 8th and Hope Apartments during Project construction is approximately 13.3 in one million and that the excess cancer risk over the course of construction is approximately 14.9 in one million. The infant and total construction cancer risks exceed the SCAQMD threshold of 10 in one million.¹⁰

(5) The FEIR’s Energy Use Analysis Fails to Comply with the Law, Is Unsupported by Substantial Evidence and Underestimates the Project’s Impacts from Energy Use

The City’s energy use impact analysis in the FEIR fails to comply with the law in several ways.

First, the City failed to compare the Project’s energy use to energy use associated with the existing environmental setting – a parking lot. Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined.¹¹ Therefore, it is a central concept of CEQA, widely accepted by the courts, that the significance of a project’s

⁸ Response to Comments, p. II-43.

⁹ <http://www.aqmd.gov/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>

¹⁰ Exhibit A: SWAPE’s comments, p. 5-8.

¹¹ *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal. App. 4th 931, 952. 3951-006acp

impacts cannot be measured unless the DEIR first establishes the actual physical conditions on the property. In other words, baseline determination is the first rather than the last step in the environmental review process.¹²

In this case, the City repeatedly concludes in the FEIR that a certain energy use is only a small percentage of the overall project energy use or the overall or projected energy use in the region, rather than greater, equal to or less than energy use from the existing setting; for example:

- Construction energy use is approximately 0.8 percent of net annual operational demand. (p. IV.K-18)
- Fuel usage during Project construction would represent approximately 0.003 percent of the 2016 annual on-road gasoline related energy consumption and 0.02 percent of the 2016 annual diesel fuel-related energy consumption in L.A. County. (Id.)
- Electricity consumption of 2,933 MWh per year would represent approximately 0.01 percent of LADWP's projected sales in 2022. (p. IV.K-20; p. IV.K-24.)
- Natural gas use would account for approximately 0.001 percent of the 2022 forecasted consumption in SoCalGas' planning area. (Id.)

Clearly, the City's description of the Project's energy use as compared to the Los Angeles or Southern California region's projected energy use improperly minimizes the Project's energy use impacts and fails to comply with CEQA. CEQA requires the City to acknowledge, disclose and mitigate the increased energy use compared to the energy use in the existing environmental setting, which is a parking lot.

Second, the City failed to compare the Project energy use to CEQA's thresholds for measuring wasteful, uneconomic, inefficient or unnecessary consumption of energy in Appendix F and to the more recent threshold set forth in

¹² *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 125; see *Communities for a Better Environment v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321 ("the impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis").

Governor Brown's Executive Order B-55-18. Under CEQA, wasteful, uneconomic, inefficient or unnecessary consumption of energy means exceeding a threshold of significance in the energy use impact areas identified in Appendix F. This includes asking whether the project's energy requirements by amount and fuel type during construction, operation, maintenance and/or removal and from materials is significant, whether the project comply with existing energy standards, whether the project will have a significant effect on energy resources and whether the project will have significant transportation energy use requirements, among other questions. For each of these questions, CEQA Guidelines Appendix F asks whether the project decreases overall per capita energy consumption, decreases reliance on fossil fuels, and increases reliance on renewable energy sources. Appendix F explains that these are the means to ensure wise and efficient use of energy. If a project does not decrease overall per capita energy consumption, decrease reliance on fossil fuels, and increase reliance on renewable energy sources, then the Project does not ensure wise and efficient use of energy and, therefore, results in a wasteful, inefficient and unnecessary consumption of energy. Furthermore, the FEIR contains no analysis of whether the Project's energy use is carbon neutral under Governor Brown's Executive Order B-55-18. The question is, for example, whether the project's energy requirements by amount and fuel type during construction, operation, maintenance and/or removal and transportation is carbon neutral. This analysis of carbon neutrality is consistent with Appendix F's explanation of the means to ensure wise and efficient use of energy. The FEIR contains no such analyses.

Third, the FEIR fails to comply with CEQA's requirement to evaluate the environmental impacts of "[t]he project's projected transportation energy use requirements..."¹³ Instead, the FEIR completely omits any discussion about the Project's proposed 517 parking spaces and the energy use associated with the vehicles that will be induced to the Project site. (DEIR, p. IV.K-28.)

Fourth, the City argues its proximity to transit necessarily means some of the transportation energy impact was mitigated and that it has mitigation measures designed to reduce vehicle trips. However, the City cannot say how much less transportation energy is needed for the project as approved because the issue is not quantified and disclosed in the FEIR. (DEIR, pp. IV.K-28 and -29.) "CEQA EIR

¹³ CEQA, Appendix F, § II, C.6.
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requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount.”¹⁴

Fifth, the City failed to evaluate whether renewable energy resources might be available or appropriate and should be incorporated into the Project, as required by CEQA.¹⁵ Instead, the City merely stated the Project would comply with a requirement for “solar-ready buildings and, as such, would not preclude the potential use of alternative energy sources.” (DEIR, p. IV.K-20.) The City’s analysis is a far cry from evaluating whether renewable energy resources should be incorporated into the Project and does not ensure that the Project’s energy use would be wise and efficient.

Sixth, the City’s conclusions regarding transportation energy use are not supported by substantial evidence. The FEIR estimated that the Project requires 32,000 hauling truck trips in order to remove 81,000 cubic yards of grading soil and material from the Project site. However, SWAPE found that the “Calculation of Gasoline and Diesel Usage During Phase 1 Construction (Onroad Vehicles)” table in Revised DEIR Appendix N demonstrates that the City only accounted for approximately 12,172 hauling truck trips – less than half the number of hauling truck trips required to construct the Project. As a result, the amount of diesel required during all phases of construction is *underestimated by approximately 19,828 hauling trips*. Therefore, the FEIR underestimates construction energy use and the City’s conclusion regarding the Project’s energy use impacts is not supported by substantial evidence and should be revised.

In sum, the FEIR is inadequate as an environmental document because it fails to comply with the law and fails to properly disclose, analyze and mitigate the Project’s significant impacts on air quality, public health and energy use. Therefore, the City cannot approve the Project until it prepares a revised EIR that resolves these issues and complies with CEQA’s requirements.

¹⁴ *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 210

¹⁵ *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211.
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Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Nirit Lotan', with a stylized, wavy line above the name.

Nirit Lotan

CC: jonathan.chang@lacity.org

EXHIBIT A to Comments



Technical Consultation, Data Analysis and
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October 22, 2018

Nirit Lotan
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South San Francisco, CA 94080

Subject: Response to Comments on the Fig & 8th Project

Dear Ms. Lotan,

We have reviewed the October 2018 Final Environmental Impact Report (FEIR), which addressed comments we made in a June 8, 2018 comment letter on the April 2018 Draft Environmental Impact Report (DEIR) prepared for the Fig & 8th Project ("Project") located in the City of Los Angeles ("City"). The June 8, 2018 comment letter specifically discussed the DEIR's failure to propose all available, feasible mitigation measures to reduce emissions and failure to conduct a construction health risk assessment (HRA). After our review, we find the Responses to Comments document contained within the FEIR ("Responses") and the FEIR itself to be insufficient in addressing the Project's air quality impacts. A revised FEIR must be prepared that adequately evaluates and mitigates these potentially significant impacts. Until an updated analysis is prepared, the Project should not be approved.

Air Quality

Incorrectly Applied Mitigation Measures to Construction Emissions

In our June 8 letter, we found that the DEIR's significant and unavoidable finding regarding construction-related NO_x emissions to be incorrect. Due to the mitigation measures proposed previously in the DEIR and newly proposed Mitigation Measure AIR-MM-5, identified within the FEIR, the Project Applicant claims that construction-related NO_x emissions will have a less than significant impact (Responses, p. II-61). However, review of the FEIR's revised air modeling using California Emissions Estimator Model Version CalEEMod.2016.3.2 ("CalEEMod")¹ demonstrates that some of the proposed mitigation measures were incorrectly applied to the model. As a result, the FEIR still underestimates the Project's construction-related emissions, as discussed in the sections below.

¹ CalEEMod website, available at: <http://www.caleemod.com/>

Failure to Account for All Hauling Truck Trips Through Application of Mitigation Measure AIR-MM-5

As previously stated, in our June 8 letter, we found that the DEIR's significant and unavoidable air quality significance determination to be incorrect since our review demonstrated that the Project Applicant failed to implement all available and feasible mitigation into the Project's design. In Response to our comments, the Project Applicant added a new mitigation measure that elongates the grading phase of construction and limits the number of grading hauling trips per day (Responses, p. II-61). The Project Applicant claims that this measure would reduce the Project's construction-related NOx emissions to less than significant levels (Responses, p. II-61). The Project Applicant states the following,

"As discussed above in Response to SCAQMD Comment No. 3-4, alternative applicable strategies were considered to reduce the significant regional daily construction NOx impact. In doing so, the following mitigation measure has been added and is included in this Final EIR.

Mitigation Measures AIR-MM-5: During grading and excavation activities, the Project shall limit the number of daily hauls for import/export to 135 per day. The applicant (grading or haul contractor) shall maintain logs documenting the daily number of haul trucks travelling to and from the site during soil import/export activities that shall be provided to the Construction Monitor. The logs shall contain license plate numbers or vehicle identification numbers (VIN) to identify trucks visiting the site. The logs shall be validated every two weeks by the Construction Monitor and maintained on-site and made available to the SCAQMD or the City for inspection upon request."

"This mitigation required the air quality construction analysis to be updated. Please refer to Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of this Final EIR. The updated analysis shows that implementation of the new Mitigation Measure AIR-MM-5 would result in a maximum of 99 pounds per day of NOx and less than SCAQMD's daily regional construction threshold of 100 pounds per day" (Responses, p. II-61).

While we appreciate the Project Applicant's proposal to implement more mitigation to reduce emissions and the preparation of a revised air pollution model, upon review of the updated CalEEMod output files, which incorporates Mitigation Measures AIR-MM-5, we find this response to be inadequate. Specifically, our review demonstrates that the updated CalEEMod modeling underestimates the total number of grading hauling truck trips that will be required during the grading phase of construction.

As previously stated, Mitigation Measure AIR-MM-5 states, "the Project shall limit the number of daily hauls for import/export to 135 pounds per day" (Responses, pp. 62). In order to export all 81,000 cubic yards of soil using a maximum of 135 hauling trips per day, the updated CalEEMod model extended the grading phase of construction to 118 days and assumed there would be a total of 31,860 grading hauling truck trips (see excerpts below) (FEIR, Revised DEIR Appendix C, pp. 94-6).

FEIR CalEEMod Model Outputs

| Phase Number | Phase Name | Phase Type | Start Date | End Date | Num Days Week | Num Days | Phase Description |
|--------------|-----------------------|-----------------------|------------|------------|---------------|----------|-------------------|
| 1 | Demolition | Demolition | 1/14/2019 | 1/24/2019 | 5 | 10 | |
| 2 | Grading | Grading | 1/28/2019 | 7/10/2019 | 5 | 118 | |
| 3 | Foundation | Site Preparation | 7/12/2019 | 12/28/2019 | 5 | 120 | |
| 4 | Building Construction | Building Construction | 12/27/2019 | 11/24/2021 | 5 | 498 | |
| 5 | Architectural Coating | Architectural Coating | 7/1/2021 | 11/25/2021 | 5 | 107 | |
| 6 | Paving | Paving | 11/29/2021 | 1/20/2022 | 5 | 41 | |

Trips and VMT

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Demolition | 5 | 42.00 | 0.00 | 600.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 6 | 50.00 | 0.00 | 31,860.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Foundation | 10 | 125.00 | 100.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 13 | 500.00 | 100.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 0 | 0.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 5 | 50.00 | 40.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

Therefore, following Mitigation Measure AIR-MM-5, over a 118-day grading phase, a total of 31,860 hauling truck trips is accurate (31,860 total trips / 118 days = 135 one way trips per day). However, review of the previous CalEEMod modeling attached to the DEIR demonstrates that the Project Applicant assumed that a total of 32,000 grading hauling trips would be required to export all of the grading material (see excerpt below) (DEIR, Appendix C, pp. 64).

DEIR CalEEMod Model Outputs

Trips and VMT

| Phase Name | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Demolition | 5 | 42.00 | 0.00 | 600.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Foundation | 10 | 125.00 | 100.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Grading | 6 | 50.00 | 0.00 | 32,000.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Building Construction | 13 | 500.00 | 100.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Paving | 5 | 50.00 | 40.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Architectural Coating | 0 | 0.00 | 0.00 | 0.00 | 14.70 | 6.90 | 20.00 | LD_Mix | HDT_Mix | HHDT |

Review of the FEIR demonstrates that the total amount of material export required to be removed during the grading phase of construction was not changed. Furthermore, nowhere in the FEIR or associated attachments does it state that the Project Applicant proposes to use larger truck beds to export the material from the Project site. Therefore, there is a total of 140 hauling truck trips that are unaccounted for in the "Trips and VMT" table within the FEIR's revised CalEEMod modeling when compared to the "Trips and VMT" table in the DEIR's CalEEMod model outputs. Furthermore, the Project

Applicant's revised CalEEMod model determines that the construction-related NOx emissions are approximately 99 pounds per day (lbs/day) with implementation of this mitigation measure, which is barely below the South Coast Air Quality Management District's (SCAQMD) 100 lbs/day threshold for construction NOx emissions. Thus, a significant air quality impact is likely to occur should the additional 140 hauling truck trips be accounted for. Prior to Project Approval, the Project Applicant should provide an updated air quality assessment that contains an updated CalEEMod model demonstrating that all hauling truck trips are properly accounted for, and that the Project's emissions are adequately mitigated.

Incorrectly Applied Mitigation Measure AIR-MM-1

Furthermore, review of the revised CalEEMod modeling demonstrates that the Project Applicant modeled emissions assuming that most of the 39 pieces of off-road construction equipment would be equipped with Tier 3 engines. However, review of the FEIR's proposed mitigation measures demonstrates that this is incorrect, and as a result, underestimates the Project's emissions.

Mitigation Measure AIR-MM-1 states,

"During plan check, the Project representative shall make available to the lead agency a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any portion of grading/excavation activities for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard... Off-road diesel-powered equipment within the construction inventory list described during grading/excavation activities shall meet or exceed Tier 3 CARB/U.S. EPA standards" (FEIR, p. IV-6 - IV-7).

As you can see in the excerpt above, AIR-MM-1 only applies to the off-road construction equipment that will be used during the grading/excavation phase of construction. According to the FEIR's revised CalEEMod modeling, the grading/excavation phase will only require 5 pieces of construction equipment that have a horsepower equal to or greater than 50 hp (FEIR, Revised DEIR Appendix C, pp. 94-95). Thus, per AIR-MM-1, only those 5 pieces of grading equipment are required to be recorded in the construction inventory list. Furthermore, AIR-MM-1 states that only the equipment on the construction inventory list are required to meet Tier 3 standards. Therefore, only 5 pieces of equipment are expected to be equipped with Tier 3 engines during Project construction.

However, review of the revised CalEEMod model demonstrates that all 39 pieces of construction equipment were assumed to be mitigated. All but one piece of equipment was equipped with Tier 3 engines and one piece of equipment was mitigated with a Tier 2 engine (FEIR, Revised DEIR, Appendix C, pp. 87-88). Modeling emissions assuming a fleet equipped with almost entirely Tier 3 equipment is completely incorrect and significantly underestimates emissions. As a result, Project should not be approved until an updated air model that correctly model proposed mitigation is provided in an updated FEIR.

Updated Analysis Indicates Significant Pollutant Emissions

In an effort to accurately determine the Project's construction emissions, we prepared a CalEEMod model that includes more site-specific information and corrected input parameters. In the updated model, we modeled emissions assuming 32,000 grading hauling trips would be required over a 119-day grading phase. Furthermore, we modeled emissions assuming that only the off-road construction equipment needed during the grading/excavation phase would be equipped with Tier 3 engines.

When the correct number of grading hauling truck trips is inputted into the model and when the correct number of mitigated construction equipment is accounted for, we find that the Project's *mitigated* construction-related NOx emissions increase when compared to the FEIR's model. We find that the Project's mitigated construction-related NOx emissions exceed the 100 lbs/day thresholds set forth by the SCAQMD (see table below).

| Mitigated Maximum Daily Construction Emissions (lbs/day) | |
|--|------------|
| Model | NOx |
| FEIR | 99 |
| SWAPE | 102 |
| SCAQMD Regional Threshold (lbs/day) | 100 |
| <i>Threshold Exceedance?</i> | <i>Yes</i> |

Our updated model demonstrates that when the Project's construction emissions are estimated correctly, the Project would result in a significant air quality impact. As a result, an updated FEIR should be prepared that includes an updated model to adequately estimate the Project's construction-related emissions, and additional mitigation measures should be identified and incorporated to reduce these emissions to a less-than-significant level.

Diesel Particulate Matter Health Risk Emissions Inadequately Evaluated

In our June 8 letter, we found that the DEIR claimed that the construction-related health risk would be less than significant without evaluating the Project's construction-related health risk. The DEIR asserted that because Project construction would occur over a relatively short duration, impacts would be less than significant (DEIR, p. IV.B-48). In response to our letter, the Project Applicant provided responses and prepared a construction HRA. In the Responses, the Project Applicant states the following,

"Although a construction HRA is not required by the SCAQMD or the L.A. City CEQA Thresholds Guide and no guidance for health risk assessments for construction has been adopted by the SCAQMD or the City of Los Angeles, a construction HRA has been prepared in response to this comment to demonstrate that no significant health risk impacts would occur from construction of the Project" (Response to Comments, p. II-38).

The Project Applicant goes on to say,

"The HRA provided in Appendix FEIR-4 of this Final EIR appropriately does not include [Age Sensitivity Factors] included in OEHHA's new Guidance Manual. The HRA demonstrates that

health risks from the Project would be a maximum of 1.7 in one million for residences southeast of the Project Site, which is below the applicable significance threshold of 10 in one million” (Response to Comments, p. II-44).

While we appreciate that a supplemental analysis of the Project’s health-related impacts was prepared, review of the construction HRA prepared by Eystone Environmental, found in Appendix FEIR-4, demonstrates that the HRA does not adequately estimate the health risk posed to the nearest sensitive receptor. Specifically, as seen above, the Project Applicant admits to omitting the use of Age Sensitivity Factors (ASFs) within the cancer risk calculations and attempts to justify this omission by stating, “the use of these factors would not be applicable to this HRA as neither the Lead Agency nor SCAQMD have developed recommendations on whether these factors should be used for CEQA analyses of potential DPM construction impacts” (FEIR, Appendix FEIR-4, p. 3). This assertion, however, that the SCAQMD has not adopted guidance on the use of ASFs under CEQA is entirely incorrect.

The SCAQMD’s *Risk Assessment Procedures for Rules 1401, 1401.1 & 212* report, which describes procedures for preparing risk assessments, was revised in June 2015 in order to include the latest guidance from the Office of Environmental Health Hazard Assessment (OEHHA).² OEHHA’s *Risk Assessment Guidelines: Guidance Manual for Preparation of Health Risk Assessments* was formally adopted in March 2015 and requires that ASFs be applied to early life exposures in the absence of chemical specific data.³ These factors are summarized in the table below:⁴

Table 8.3 Age Sensitivity Factors by Age Group for Cancer Risk Assessment

| Age Group | Age Sensitivity Factor (unitless) |
|---------------------------|-----------------------------------|
| 3 rd Trimester | 10 |
| 0<2 years | 10 |
| 2<9 years | 3 |
| 2<16 years | 3 |
| 16<30 years | 1 |
| 16-70 years | 1 |

According to the SCAQMD, in order to be consistent with OEHHA’s 2015 guidance, updated risk methodologies were incorporated, “These include: higher breathing rates for children, increased risk to children from cancer causing substances, and calculation of risk in individual age bins (e.g., third trimester, 0-2 years, etc.) rather than a single lifetime calculation”.⁵ Therefore, ASFs should have been included in the Project’s HRA in order to account for the heightened susceptibility of young children to

² “Risk Assessment Procedures for Rules 1401, 1401.1 and 212.” SCAQMD, June 5, 2015, available at: <http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>

³ *Guidance Manual for Preparation of Health Risk Assessments*, Office of Environmental Health Hazard Assessment, February 2015, available at: <http://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

⁴ “Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments.” OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>

⁵ “Risk Assessment Procedures for Rules 1401, 1401.1 and 212.” SCAQMD, June 5, 2015, p. 3-4.

the carcinogenic toxicity of air pollution and accurately estimate the Project's construction health risk impacts.⁶ The omission of ASFs significantly underestimates the construction cancer risk, and as such, prior to Project approval, an updated HRA should be prepared to include ASFs.

Updated Health Risk Assessment Indicates Significant Health Impact

In an effort to more accurately estimate the Project's construction-related cancer risk, we incorporated the appropriate ASFs into the FEIR's construction HRA calculations. The results of our assessment demonstrate that when ASFs are incorporated the potential health risk associated with construction of the proposed Project would pose a significant health impact to nearby sensitive receptors, contrary to what is stated in the FEIR and DEIR.

In order to conduct our updated analysis, we multiplied the cancer risks calculated in the FEIR for each age bin (3rd trimester, infant, and child) by the respective ASFs associated with each age bin. The FEIR calculated the total construction health risk to nearby sensitive receptors by multiplying the total cancer risk by a scalar concentration. To calculate the cancer risk for the closest residential sensitive receptor, The Gas Lofts/8th and Hope Apartments, the Project Applicant used a scalar concentration of 4.23 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) (see excerpt below) (FEIR, Appendix 4, pp. 26).

| Receptor | Scalar Concentration ($\mu\text{g}/\text{m}^3$) | Cancer Risk (per million) | Exceed Threshold? |
|--|---|---------------------------|-------------------|
| The Gas Lofts/ 8th and Hope Apartments | 4.23 | 1.7 | No |
| Roosevelt Apartments | 3.2 | 1.3 | No |
| Wilshire Grand | 4.03 | 1.6 | No |
| Metropolis | 1.21 | 0.5 | No |

Therefore, in order to calculate the total cancer risk, we multiplied each age bin by the appropriate ASF, as well as by the scalar concentration for the nearest sensitive receptor (see table below):

| Description | 3rd Trimester | Infant | Child |
|---|---------------|-----------------|----------|
| FEIR's Estimated Cancer Risk by Age Group | 1.31E-08 | 3.15E-07 | 8.08E-08 |
| ASF | 10 | 10 | 3 |
| Scalar Concentration ($\mu\text{g}/\text{m}^3$) | 4.23 | 4.23 | 4.23 |
| Construction Cancer Risk | 5.54E-07 | 1.33E-05 | 1.03E-06 |
| Total Cancer Risk Over Construction Duration | | 1.49E-05 | |

As you can see in the excerpt above, the excess cancer risks posed to the 3rd trimester, infant, and child sensitive receptors at The Gas Lofts and 8th and Hope Apartments during Project construction are approximately 0.554, 13.3, and 1.03 in one million, respectively. Furthermore, the excess cancer risk

⁶ "Risk Assessment Guidelines Guidance Manual for Preparation of Health Risk Assessments." OEHHA, February 2015, available at: <https://oehha.ca.gov/media/downloads/cnrn/2015guidancemanual.pdf>

over the course of construction is approximately 14.9 in one million. Consistent with OEHHA guidance, exposure was assumed to begin in the third trimester of pregnancy to provide the most conservative estimates of air quality hazards. The infant and total construction cancer risks exceed the SCAQMD threshold of 10 in one million.

As described in the sections above, the FEIR relies on a flawed CalEEMod model to make significance determinations and incorrectly calculates the construction HRA. Additional mitigation should be implemented in order to reduce the construction health risk to less than significant levels. Prior to Project Approval, an updated FEIR should be prepared that includes an updated HRA and mitigation to reduce the health risk posed to the nearest sensitive receptors.

Energy Conservation and Infrastructure

Underestimated Amount of Fuel Consumed During Project Construction

According to the FEIR, the Project Developer estimates that Project construction would require approximately 88,499 gallons of diesel for on-road construction equipment over the entire construction period (FEIR, Revised Table IV.K-1). Review of the revised energy calculations, provided in Revised DEIR Appendix N, demonstrates that this number is underestimated and, as a result, should not be relied upon to evaluate the Project.

As described in the sections above, the Project Developer requires 32,000 hauling truck trips in order to remove 81,000 cubic yards of grading soil and material from the Project site (DEIR, Appendix C, pp. 64). However, review of the "Calculation of Gasoline and Diesel Usage During Phase 1 Construction (Onroad Vehicles)" table in Revised DEIR Appendix N demonstrates that the Project Developer only estimated the diesel required to fuel approximately 12,172 hauling truck trips (see excerpt below) (FEIR, Revised DEIR Appendix N, pp. 6).

Calculation of Gasoline and Diesel Usage During Phase 1 Construction (Onroad Vehicles)

| Phase Name | Daily Worker Trips | Daily Vendor Trips | Days | Total Worker Trips | Total Vendor Trips | Total Haul Trips | Trip Length (miles) | | | Total Length (miles) | | | Avg. Daily Factor (worker and vendor) | Gallons of Fuel | |
|---------------------------|--------------------|--------------------|------|--------------------|--------------------|------------------|---------------------|--------|------|----------------------|--------|---------|---------------------------------------|-----------------|----------|
| | | | | | | | Worker | Vendor | Haul | Worker | Vendor | Haul | | Gasoline | Diesel |
| Demolition | 4.1 | 0 | 0 | 4.1 | 0 | 0.00 | 14.7 | 8.9 | 0 | 0.174 | 0 | 0.000 | 0.0 | 0.000 | 0.000 |
| Grading | 50 | 0 | 128 | 2500 | 0 | 11,572 | 14.7 | 8.9 | 0 | 16,740 | 0 | 2,514.0 | 0.0 | 2,590.5 | 40,929.0 |
| Foundation | 12.5 | 0 | 120 | 1,500 | 0 | 13,000 | 14.7 | 8.9 | 0 | 22,050 | 0 | 3,300.0 | 0.0 | 3,452.4 | 53,820.0 |
| Soil Grading Construction | 100 | 0 | 300 | 3,000 | 0 | 26,000 | 14.7 | 8.9 | 0 | 38,760 | 0 | 5,814.0 | 0.0 | 6,048.0 | 91,500.0 |
| Architectural Coating | 0 | 0 | 50 | 0 | 0 | 0 | 14.7 | 8.9 | 0 | 0 | 0 | 0.0 | 0.0 | 0.0 | 0.0 |
| Painting | 50 | 0 | 40 | 2,000 | 0 | 17,000 | 14.7 | 8.9 | 0 | 25,110 | 0 | 3,766.5 | 0.0 | 3,960.0 | 59,400.0 |
| Total: | | | | | | | | | | | | | 23.7 | 887.5 | 88,499.0 |

As you can see in the excerpt above, the number of hauling trips required is grossly underestimated. As a result, the amount of diesel required during all phases of construction is underestimated by approximately 19,828 hauling trips. Thus, the significance determinations made within the FEIR are based on incorrect calculations that greatly underestimate the amount of diesel required and consumed from the demolition and grading phase of construction. The Project should not be approved until an updated analysis is conducted that accurately estimates the amount of diesel required and makes a significance determination based on those calculations.

Sincerely,



Matt Hagemann, P.G., C.Hg.

A handwritten signature in cursive script that reads "Hadley Nolan". The signature is written in black ink and is positioned below the typed name.

Hadley Nolan

**DEPARTMENT OF
CITY PLANNING**

CITY PLANNING
COMMISSION
SAMANTHA MILLMAN
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ROCKY WILES
COMMISSION OFFICE MANAGER
(213) 978-1300

Decision Date: November 16, 2018

Appeal Period Ends: November 28, 2018¹

MFA 8th & Figueroa LLC (A) (O)
1251 Avenue of the Americas, Suite 800
New York, NY 10020

Donna Tripp (R)
Craig Lawson & Co., LLC
3221 Hutchison Avenue, Suite D
Los Angeles, CA 90034

DCA Civil Engineering Group (E)
17625 Crenshaw Boulevard, Suite 300
Torrance, CA 90504

RE: Vesting Tentative Tract Map No.: 74197
Related Cases: CPC-2016-1950-TDR-SPR
Address: 744 South Figueroa Street; 732-756
South Figueroa Street and 829 West 8th Street
Community Plan: Central
Zone: C2-4D
Council District: 14 – Huizar
CEQA No.: ENV-2016-1951-EIR (State
Clearinghouse No. 2016101076)

Pursuant to Sections 21082.1(c) and 21081.6 of the Public Resources Code, the Advisory Agency has reviewed and considered the information contained in the Environmental Impact Report prepared for this Project, which includes the Draft EIR, No. ENV-2016-1951-EIR (SCH No. 2016101076), dated April 26, 2018, and the Final EIR, dated October 12, 2018 (Fig & 8th Project EIR), as well as the whole of the administrative record, and

CERTIFIED the following:

- 1) The Fig & 8th Project EIR has been completed in compliance with the California Environmental Quality Act (CEQA);
- 2) The Fig & 8th Project EIR was presented to the Advisory Agency as a decision-making body of the lead agency; and
- 3) The Fig & 8th Project EIR reflects the independent judgment and analysis of the lead agency.

ADOPTED the following:

- 1) The related and prepared Fig & 8th Project Environmental Findings;
- 2) The Statement of Overriding Considerations; and
- 3) The Mitigation Monitoring Program prepared for the Fig & 8th Project EIR (Exhibit A).

¹ The appeal period has been extended from 10 to 12 days to account for the Thanksgiving holiday.

In accordance with provisions of Los Angeles Municipal Code (LAMC) Sections 17.03 and 17.15, the Advisory Agency approved Vesting Tentative Tract Map No. 74197, located at 744 South Figueroa Street, for the merger and resubdivision of an approximate 50,335 square-foot site (1.16 gross acres or 1.07 net acres) to create **one (1) master ground lot** comprising the entire site for condominium purposes, creating a mixed-use development consisting of **438 residential condominiums and five (5) commercial condominiums**, and a Haul Route for the export of 95,000 cubic yards of soil, as shown on revised map stamp-dated November 7, 2018, in the Central City Community Plan area. In addition, the Advisory Agency granted deviations from the Advisory Agency Parking Policy AA-2000-1 to allow for a minimum of one (1) parking space per residential dwelling unit, inclusive of guest parking. The Advisory Agency's approval is subject to the following conditions:

NOTE on clearing conditions: When two or more **agencies** must clear a condition, subdivider should follow the sequence indicated in the condition. For the benefit of the applicant, subdivider shall maintain record of all conditions cleared, including all material supporting clearances and be prepared to present copies of the clearances to each reviewing agency as may be required by its staff at the time of its review.

BUREAU OF ENGINEERING - SPECIFIC CONDITIONS

Any questions regarding these conditions should be directed to Georgic Avanesian or Julia Li of the Land Development Section, located at 201 North Figueroa Street, Suite 200, or by calling (213) 202-3484.

(Additional BOE Improvement Conditions are listed in "Standard Conditions" Section on page 19)

1. That a three-foot wide right-of-way be dedicated along 8th Street adjoining the tract including a 15-foot by 15-foot property line corner cut at the intersection with Figueroa Street.
2. That a five-foot wide right-of-way be dedicated along Figueroa Street adjoining the tract.
3. That a two-foot wide strip of land be dedicated along the alley adjoining the tract to complete a 12-foot wide half alley. This additional alley dedication is requested by the applicant.
4. That the subdivider make a request to the Central District Office of the Bureau of Engineering to determine the capacity of existing sewers in this area.

DEPARTMENT OF BUILDING AND SAFETY, GRADING DIVISION

Grading Division approvals are conducted at 221 North Figueroa Street, 12th Floor. The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits.

5. Comply with any requirements with the Department of Building and Safety, Grading Division for recordation of the final map and issuance of any permit.
6. The Tract Map recorded with the County Recorder shall contain the following statement: "The approval of this Tract Map shall not be construed as having been based upon geological investigation such as will authorize the issuance of building permits on the subject property. Such permits will be issued only at such time as the Department of Building and Safety has received such topographic maps and geological reports as it deems necessary to justify the issuance of such building permits."

DEPARTMENT OF BUILDING AND SAFETY, ZONING DIVISION

Building and Safety approvals are conducted by appointment only at 201 North Figueroa Street. Contact Eric Wong at (213) 482-6876 to schedule an appointment. Any proposed structures or uses on the site have not been checked for Building or Zoning Code requirements. Plan check may be required before any construction, occupancy or change of use. Unless filed concurrently and included as part of the hearing notice with this subdivision, any additional deviations from the Los Angeles Municipal Code required by the Department of Building and Safety Office of the Zoning Engineer preliminary to the Zoning Engineer clearing the items on the report to the Advisory Agency, shall be separately filed through the Department of City Planning Department.

7. Prior to recordation of the final map, the Department of Building and Safety, Zoning Division shall certify that no Building or Zoning Code violations exist on the subject site. In addition, the following items shall be satisfied:
 - a. Provide a copy of affidavit AFF-6142 and AFF-6935. Show compliance with all the conditions/requirements of the above affidavit(s) as applicable. Termination of above affidavit(s) may be required after the Map has been recorded. Obtain approval from the Department, on the termination form, prior to recording.
 - b. Provide a copy of CPC case CPC-2016-1950-TDR-SPR. Show compliance with all the conditions/requirements of the CPC case as applicable.
 - c. Provide a copy of the case 74-432-SUB-VAC. Show compliance with all the conditions/requirements of the case as applicable.
 - d. Show all street/alley dedication(s) as required by Bureau of Engineering and provide net lot area after all dedication. "Area" requirements shall be rechecked as per net lot area after street/alley dedication. Front and side yard requirements shall be required to comply with current code as measured from new property lines after dedication(s). ***Note to Plan Checker: The Project is located in the Greater Downtown Housing Incentive Area. Therefore, per Ordinance No. 179,076, any land required to be dedicated for street purposes shall be included as part of the lot area when calculating the allowable floor area.***
8. The area of any land required to be dedicated for street or alley purposes may be included as lot area for purposes of calculating the maximum density permitted by the underlying zone in which the project is located.
 - a. There is a 10-foot Building Line along Figueroa Street on this Subdivision. No building to project over the 10-foot Building Line. Revise the Map or obtain City Planning and Bureau of Engineering approval. ***Note to Plan Checker: No projection over the Building Line is proposed.***

DEPARTMENT OF TRANSPORTATION

Please contact DOT, at (213) 482-7024 for questions regarding the following:

9. That the project be subject to any recommendations from the Department of Transportation.

FIRE DEPARTMENT

The applicant is further advised that all subsequent contact regarding these conditions must be with the Hydrant and Access Unit. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished BY APPOINTMENT ONLY, in order to assure that you receive service with a minimum amount of waiting please call (213) 482-6509. You should advise any consultant representing you of this requirement as well.

8. Prior to the recordation of the final map, a suitable arrangement shall be made satisfactory to the Fire Department, binding the subdivider and all successors shall submit plot plans for Fire Department review and approval prior to recordation of Tract Map Action.

DEPARTMENT OF WATER AND POWER

10. Arrangements shall be made for compliance with the Los Angeles Department of Water and Power (LADWP) Water System rules and requirements, satisfactory to the LADWP memo dated December 11, 2017. Upon compliance with these conditions and requirements, LADWP's Water Services Organization will forward the necessary clearances to the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(c).)

BUREAU OF STREET LIGHTING

11. Prior to the recordation of the final map or issuance of the Certificate of Occupancy (C of O), street lighting improvement plans shall be submitted for review and the owner shall provide a good faith effort via a ballot process for the formation or annexation of the property within the boundary of the development into a Street Lighting Maintenance Assessment District. See Condition S-3(c) for Street Lighting Improvement conditions.

BUREAU OF SANITATION

12. Satisfactory arrangements shall be made with the Bureau of Sanitation, Wastewater Collection Systems Division for compliance with its sewer system review and requirements, including any necessary Clearances/Permits from the Bureau of Sanitation and appropriate District office of the Bureau of Engineering. (This condition shall be deemed cleared at the time the City Engineer clears Condition No. S-1.(d).)

INFORMATION TECHNOLOGY AGENCY

13. To assure that cable television facilities will be installed in the same manner as other required improvements, please email cabletv.ita@lacity.org that provides an automated response with the instructions on how to obtain the Cable TV clearance. The automated response also provides the email address of 3 people in case the applicant/owner has any additional questions.

DEPARTMENT OF RECREATION AND PARKS

Please contact RAP, Melinda Gejer at (213) 202-2657 for questions regarding the following:

14. That the Quimby fee be based on the C2 Zone.

Note: Provided that the Vesting Tentative Tract Map application was deemed complete on July 20, 2016, the Project is not subject to the updated RAP fees per Ordinance No. 184,505.

URBAN FORESTRY DIVISION AND THE DEPARTMENT OF CITY PLANNING

15. Prior to the issuance of a grading permit, a plot plan prepared by a reputable tree expert, indicating the location, size, type, and condition of all existing trees on the site shall be submitted for approval by the Department of City Planning. All trees in the public right-of-way shall be provided per the current Urban Forestry Division standards.

Note: Removal of all trees in the public right-of-way shall require approval of the Board of Public Works. Contact: Urban Forestry Division at: (213) 485-5675. Failure to comply with this condition as written shall require the filing of a modification to this tract map in order to clear the condition.

DEPARTMENT OF CITY PLANNING-SITE SPECIFIC CONDITIONS

16. Prior to the recordation of the final map, the subdivider shall prepare and execute a Covenant and Agreement (Planning Department General Form CP-6770) in a manner satisfactory to the Planning Department, binding the subdivider and all successors to the following:

- a. Limit the proposed development to a maximum of 438 residential condominium units and five (5) commercial condominiums.
- b. Residential parking shall be provided at a rate of one parking space per residential dwelling unit, inclusive of guest parking. Commercial parking shall comply with LAMC Section 12.21 A.4. Allowable parking reductions, such as those within the Enterprise Zone and Downtown Parking District, and/or bicycle parking reductions pursuant to LAMC Section 12.21 A.4, are permissible.

Directions to guest parking spaces shall be clearly posted.

- c. That a solar access report shall be submitted to the satisfaction of the Advisory Agency prior to obtaining a grading permit.
 - d. That the subdivider considers the use of natural gas and/or solar energy and consults with the Department of Water and Power and Southern California Gas Company regarding feasible energy conservation measures.
 - e. Recycling bins shall be provided at appropriate locations to promote recycling of paper, metal, glass, and other recyclable material.
 - f. The applicant shall install shielded lighting to reduce any potential illumination affecting adjacent properties.
 - g. Copies of all recorded Covenant and Agreement(s) for all reciprocal private easements shall be submitted to the Planning Department for placement in the tract file.
17. Prior to the issuance of the building permit or the recordation of the final map, a copy of CPC-2016-1950-TDR-SPR shall be submitted to the satisfaction of the Advisory Agency. In the event that CPC-2016-1950-TDR-SPR is not approved, the subdivider shall submit a tract modification.
18. Haul Route Condition

- a. Loaded haul vehicles traveling from the Project Site shall travel north on Figueroa Street, east on Wilshire Boulevard, south on Grand Avenue, east on 18th Street, use the on-ramp at Los Angeles Street to the I-10 East freeway, and travel north on I-605 freeway to a landfill facility in Irwindale, or other designated facility.
 - b. Empty haul vehicles traveling to the Project Site facility shall utilize the same travel path in reverse.
 - c. Hauling hours of operation are restricted to the hours between 7:00 A.M. and 6:00 P.M., Monday through Saturday.
 - d. No hauling activity shall occur on Sunday.
 - e. A total of approximately 135 truck trips per day will occur over an estimated 118 days of hauling.
 - f. Haul vehicles are dump trucks with 22 wheels per truck.
 - g. There shall be no staging or parking of construction vehicles, including vehicles to transport workers on any adjacent residential streets.
 - h. Total net export of material is approximately 95,000 cubic yards.
 - i. "Truck Crossing" warning signs shall be placed 300 feet in advance of the exit in each direction.
 - j. A minimum of two flag attendants, each with two-way radios, will be required during hauling hours to assist with staging and getting trucks in and out of the project area. Additional flag attendants may be required by the LADBS Inspector, LADOT, or BOSS to mitigate a hazardous situation (e.g. blind curves, uncontrolled intersections, narrow portions of roads or where obstacles are present). Flag attendants and warning signs shall be in compliance with Part II of the latest Edition of "Work Area Traffic Control Handbook."
 - k. A surety or cash bond shall be posted in an amount satisfactory to the City Engineer for maintenance of haul route streets. The forms for the bond will be issued by the Central District Engineering Office, 100 S. Main St. 9th Floor, Los Angeles, CA, 90012. Further information regarding the bond may be obtained by calling 213-972-4990.
19. Tribal Cultural Resource Inadvertent Discovery. In the event that objects or artifacts that may be tribal cultural resources are encountered during the course of any ground disturbance activities², all such activities shall temporarily cease on the Project Site until the potential tribal cultural resources are properly assessed and addressed pursuant to the process set forth below:
- Upon a discovery of a potential tribal cultural resource, the Project Permittee shall immediately stop all ground disturbance activities and contact the following: (1) all California Native American tribes that have informed the City they are traditionally

² Ground disturbance activities shall include the following: excavating, digging, trenching, plowing, drilling, tunneling, quarrying, grading, leveling, removing peat, clearing, pounding posts, augering, backfilling, blasting, stripping topsoil or a similar activity.

and culturally affiliated with the geographic area of the proposed Project; (2) and the Department of City Planning.

- If the City determines, pursuant to Public Resources Code Section 21074 (a)(2), that the object or artifact appears to be tribal cultural resource, the City shall provide any effected tribe a reasonable period of time, not less than 14 days, to conduct a site visit and make recommendations to the Project Permittee and the City regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources.
- The Project Permittee shall implement the tribe's recommendations if a qualified archaeologist, retained by the City and paid for by the Project Permittee, reasonably concludes that the tribe's recommendations are reasonable and feasible.
- The Project Permittee shall submit a tribal cultural resource monitoring plan to the City that includes all recommendations from the City and any effected tribes that have been reviewed and determined by the qualified archaeologist to be reasonable and feasible. The Project Permittee shall not be allowed to recommence ground disturbance activities until this plan is approved by the City.
- If the Project Permittee does not accept a particular recommendation determined to be reasonable and feasible by the qualified archaeologist, the Project Permittee may request mediation by a mediator agreed to by the Permittee and the City who has the requisite professional qualifications and experience to mediate such a dispute. The Project Permittee shall pay any costs associated with the mediation.
- The Project Permittee may recommence ground disturbance activities outside of a specified radius of the discovery site, so long as this radius has been reviewed by the qualified archaeologist and determined to be reasonable and appropriate.
- Copies of any subsequent prehistoric archaeological study, tribal cultural resources study or report, detailing the nature of any significant tribal cultural resources, remedial actions taken, and disposition of any significant tribal cultural resources shall be submitted to the South Central Coastal Information Center (SCCIC) at California State University, Fullerton.
- Notwithstanding the above, any information determined to be confidential in nature, by the City Attorney's office, shall be excluded from submission to the SCCIC or the general public under the applicable provisions of the California Public Records Act, California Public Resources Code, and shall comply with the City's AB 52 Confidentiality Protocols.

20. **Indemnification and Reimbursement of Litigation Costs.**

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice

- of the City tendering defense to the applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

DEPARTMENT OF CITY PLANNING-ENVIRONMENTAL MITIGATION MEASURES.

21. The Project shall be in substantial conformance with the mitigation measures in the attached MMP and stamped "Exhibit A" and attached to the subject case file. The implementing and enforcing agencies may determine substantial conformance with mitigation measures in the MMP. If substantial conformance results in effectively deleting or modifying the mitigation measure, the Director of Planning shall provide a written justification supported by substantial evidence as to why the mitigation measure, in whole or in part, is no longer needed and its effective deletion or modification will not result in a new significant impact or a more severe impact to a previously identified significant impact.

If the Project is not in substantial conformance to the adopted mitigation measures or MMP, a modification or deletion shall be treated as a new discretionary action under CEQA Guidelines, Section 15162(c) and will require preparation of an addendum or subsequent CEQA clearance. Under this process, the modification or deletion of a mitigation measure shall not require a Tract Map Modification unless the Director of Planning also finds that the change to the mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

DEPARTMENT OF CITY PLANNING-STANDARD CONDOMINIUM CONDITIONS

C-1. That approval of this tract constitutes approval of model home uses, including a sales office and off-street parking. Where the existing zoning is (T) or (Q) for multiple residential use, no construction or use shall be permitted until the final map has recorded or the proper zone has been effectuated. If models are constructed under this tract approval, the following conditions shall apply:

1. Prior to recordation of the final map, the subdivider shall submit a plot plan for approval by the Division of Land Section of the Department of City Planning showing the location of the model dwellings, sales office and off-street parking. The sales office must be within one of the model buildings.
2. All other conditions applying to Model Dwellings under Section 12.22 A.10 and 11 and Section 17.05 O of the LAMC shall be fully complied with satisfactory to the Department of Building and Safety.

C-2. Prior to the recordation of the final map, the subdivider shall pay or guarantee the payment of a park and recreation fee based on the latest fee rate schedule applicable. The amount of said fee to be established by the Advisory Agency in accordance with LAMC Section 17.12 and is to be paid and deposited in the trust accounts of the Park and Recreation Fund.

C-3. Prior to obtaining any grading or building permits before the recordation of the final map, a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Advisory Agency in accordance with CP-6730.

In the event the subdivider decides not to request a permit before the recordation of the final map, a covenant and agreement satisfactory to the Advisory Agency guaranteeing the submission of such plan before obtaining any permit shall be recorded.

C-4. In order to expedite the development, the applicant may apply for a building permit for an apartment building. However, prior to issuance of a building permit for apartments, the registered civil engineer, architect or licensed land surveyor shall certify in a letter to the Advisory Agency that all applicable tract conditions affecting the physical design of the building and/or site, have been included into the building plans. Such letter is sufficient to clear this condition. In addition, all of the applicable tract conditions shall be stated in full on the building plans and a copy of the plans shall be reviewed and approved by the Advisory Agency prior to submittal to the Department of Building and Safety for a building permit.

OR

If a building permit for apartments will not be requested, the project civil engineer, architect or licensed land surveyor must certify in a letter to the Advisory Agency that the applicant

will not request a permit for apartments and intends to acquire a building permit for a condominium building(s). Such letter is sufficient to clear this condition.

BUREAU OF ENGINEERING - STANDARD CONDITIONS

- S-1. (a) That the sewerage facilities charge be deposited prior to recordation of the final map over all of the tract in conformance with Section 64.11.2 of the LAMC.
- (b) That survey boundary monuments be established in the field in a manner satisfactory to the City Engineer and located within the California Coordinate System prior to recordation of the final map. Any alternative measure approved by the City Engineer would require prior submission of complete field notes in support of the boundary survey.
- (c) That satisfactory arrangements be made with both the Water System and the Power System of the Department of Water and Power with respect to water mains, fire hydrants, service connections and public utility easements.
- (d) That any necessary sewer, street, drainage and street lighting easements be dedicated. In the event it is necessary to obtain off-site easements by separate instruments, records of the Bureau of Right-of-Way and Land shall verify that such easements have been obtained. The above requirements do not apply to easements of off-site sewers to be provided by the City.
- (e) That drainage matters be taken care of satisfactory to the City Engineer.
- (f) That satisfactory street, sewer and drainage plans and profiles as required, together with a lot grading plan of the tract and any necessary topography of adjoining areas be submitted to the City Engineer.
- (g) That any required slope easements be dedicated by the final map.
- (h) That each lot in the tract complies with the width and area requirements of the Zoning Ordinance.
- (i) That 1-foot future streets and/or alleys be shown along the outside of incomplete public dedications and across the termini of all dedications abutting unsubdivided property. The 1-foot dedications on the map shall include a restriction against their use of access purposes until such time as they are accepted for public use.
- (j) That any one-foot future street and/or alley adjoining the tract be dedicated for public use by the tract, or that a suitable resolution of acceptance be transmitted to the City Council with the final map.
- (k) That no public street grade exceeds 15%.
- (l) That any necessary additional street dedications be provided to comply with the Americans with Disabilities Act (ADA) of 1990.
- S-2. That the following provisions be accomplished in conformity with the improvements constructed herein:
- (a) Survey monuments shall be placed and permanently referenced to the satisfaction of the City Engineer. A set of approved field notes shall be furnished, or such work

shall be suitably guaranteed, except where the setting of boundary monuments requires that other procedures be followed.

- (b) Make satisfactory arrangements with the Department of Transportation with respect to street name, warning, regulatory and guide signs.
- (c) All grading done on private property outside the tract boundaries in connection with public improvements shall be performed within dedicated slope easements or by grants of satisfactory rights of entry by the affected property owners.
- (d) All improvements within public streets, private street, alleys and easements shall be constructed under permit in conformity with plans and specifications approved by the Bureau of Engineering.
- (e) Any required bonded sewer fees shall be paid prior to recordation of the final map.

S-3. That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:

- (a) Construct on-site sewers to serve the tract as determined by the City Engineer.
- (b) Construct any necessary drainage facilities.
- (c) Construct new pedestrian lights: five (5) on Figueroa St. and two (2) on 8th St. If street widening per BOE improvement conditions, relocate and upgrade street lights; three (3) on Figueroa St. and one (1) on 8th St.

Notes:

The quantity of street lights identified may be modified slightly during the plan check process based on illumination calculations and equipment selection.

Conditions set: 1) in compliance with a Specific Plan, 2) by LADOT, or 3) by other legal instrument excluding the Bureau of Engineering conditions, requiring an improvement that will change the geometrics of the public roadway or driveway apron may require additional or the reconstruction of street lighting improvements as part of that condition.

- (d) Plant street trees and remove any existing trees within dedicated streets or proposed dedicated streets as required by the Street Tree Division of the Bureau of Street Maintenance. All street tree plantings shall be brought up to current standards. When the City has previously been paid for tree planting, the subdivider or contractor shall notify the Street Tree Division (213-485-5675) upon completion of construction to expedite tree planting.
- (e) Repair or replace any off-grade or broken curb, gutter and sidewalk satisfactory to the City Engineer.
- (f) Construct access ramps for the handicapped as required by the City Engineer.
- (g) Close any unused driveways satisfactory to the City Engineer.
- (h) Construct any necessary additional street improvements to comply with the Americans with Disabilities Act (ADA) of 1990.

- (i) That the following improvements be either constructed prior to recordation of the final map or that the construction be suitably guaranteed:
 - a. Improve the alley being dedicated adjoining the subdivision by the construction of a suitable surfacing to complete a 12-foot wide half alley with two-foot wide longitudinal concrete gutter based on 10-foot half alley standard including any necessary removal and reconstruction of the existing improvements.
 - b. Improve Figueroa Street and 8th Street adjoining the subdivision and adjoining the tract by the construction of additional concrete sidewalks to complete full-width sidewalks with tree wells including any necessary removal and reconstruction of the existing improvements.

NOTES:

The Advisory Agency approval is the maximum number of units permitted under the tract action. However the existing or proposed zoning may not permit this number of units.

Approval from Board of Public Works may be necessary before removal of any street trees in conjunction with the improvements in this tract map through Bureau of Street Services Urban Forestry Division.

Satisfactory arrangements shall be made with the Los Angeles Department of Water and Power, Power System, to pay for removal, relocation, replacement or adjustment of power facilities due to this development. The subdivider must make arrangements for the underground installation of all new utility lines in conformance with LAMC Section 17.05N.

The final map must record within 36 months of this approval, unless a time extension is granted before the end of such period.

The Advisory Agency hereby finds that this tract conforms to the California Water Code, as required by the Subdivision Map Act.

The subdivider should consult the Department of Water and Power to obtain energy saving design features which can be incorporated into the final building plans for the subject development. As part of the Total Energy Management Program of the Department of Water and Power, this no-cost consultation service will be provided to the subdivider upon his request.

FINDINGS OF FACT (CEQA)

I. Introduction

This Environmental Impact Report (EIR), consisting of the Draft EIR and the Final EIR, is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the project at 732–756 South Figueroa Street and 829 West 8th Street, consisting of a mixed-use project containing 438 residential units, up to 7,493 square feet of commercial retail and restaurant uses, and 517 vehicle parking spaces (Project) on a 1.16-acre site (Site or Project Site).

II. Environmental Documentation Background

The Project was reviewed by the Los Angeles Department of City Planning (serving as Lead Agency) in accordance with the requirements of the California Environmental Quality Act (CEQA). The City prepared an Initial Study in accordance with Section 15063(a) of the State CEQA Guidelines. Pursuant to the provisions of Section 15082 of the State CEQA Guidelines, the City then circulated a Notice of Preparation (NOP) to State, regional and local agencies, and members of the public for a 30-day period commencing on October 28, 2016. The purpose of the NOP was to formally inform the public that the City was preparing a Draft EIR for the Project, and to solicit input regarding the scope and content of the environmental information to be included in the Draft EIR.

Written comment letters responding to the NOP were submitted to the City by public agencies and interested organizations. Comment letters were received from various public agencies. The NOP, Initial Study, and comment letters are included in Appendix A of the Draft EIR.

The Draft EIR evaluated in detail the potential environmental effects of the project. It also analyzed the potential environmental effects of a reasonable range of alternatives (four) to the Project, including a “No Project” alternative. The Draft EIR for the Project (State Clearinghouse No. 2016101076), incorporated herein by reference in full, was prepared pursuant to CEQA and State and City CEQA Guidelines (Pub. Resources Code § 21000, et seq.; 14 Cal. Code Regs. §15000, et seq.; City of Los Angeles Environmental Quality Act Guidelines). The Draft EIR was circulated for a 45-day public comment period beginning on April 26, 2018, and through June 11, 2018. Copies of the written comments received are provided in the Final EIR. Pursuant to Section 15088 of the CEQA Guidelines, the City, as Lead Agency, reviewed all comments received during the review period for the Draft EIR and responded to each comment in Section II of the Final EIR.

The City published a Final EIR for the Project on October 12, 2018, which is hereby incorporated by reference in full. The Project described and analyzed in these CEQA Findings incorporates Project refinements described and detailed in the Final EIR. No recirculation of the Draft EIR was required as a result of these Project refinements. As described in Volume I, Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR and these CEQA Findings, the Project changes do not result in any new significant environmental impacts or a substantial increase in any of the severity of significant impacts identified in the Draft EIR. The Final EIR, incorporated herein by reference in full, is intended to serve as an informational document for public agency decision-makers and the general public regarding objectives and components of the Project. The Final EIR addresses the environmental effects associated with implementation of the Project, identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts, and includes written responses to all comments received on the Draft EIR during the public review period. Responses were sent to all public agencies that made comments on the Draft EIR at least 10 days prior to certification of the Final EIR pursuant to CEQA Guidelines Section 15088(b). In addition, all individuals that commented on the Draft EIR also received a copy of the Final EIR. The Final EIR was also made available for review on the City’s website. Hard copies of the Final EIR were also made available at six (6) libraries and the City Department of Planning. Notices regarding availability of the Final EIR were

sent to those within a 500-foot radius of the Project Site, as well as individuals who commented on the Draft EIR, provided comments during the NOP comment period, or requested notice.

A duly noticed public hearing for the Project was held by the Deputy Advisory Agency and the Hearing Officer on behalf of the City Planning Commission on October 24, 2018. During the hearing, verbal comments were provided and a comment letter was submitted by Adams Broadwell Joseph & Cardozo submitted on behalf of the Coalition for Responsible Equitable Economic Development (“CREED LA”). The comment letter provided comments on a variety of environmental topics, including air quality, public health and energy use and included a technical letter from Matt Hagemann, P.G., C.Hg. and Hadley Nolan of Soil/Water/Air Protection Enterprise (“SWAPE”). The City reviewed this comment letter and written responses to each of the comments were provided and are available as part of the City’s administrative case file. The City determined that the comments do not result in any new significant environmental impacts or a substantial increase in any the severity of significant impacts identified in the Draft EIR. Minor adjustments to GHG and Air Quality (construction) are further accounted for in the findings and discussion below. These minor adjustments do not result in any new significant impacts or a substantial increase in the severity of impacts identified in the Draft EIR. As such, in accordance with CEQA Guidelines Section 15088.5, recirculation of the EIR is not required. The documents and other materials that constitute the record of proceedings on which the City’s CEQA findings are based are located at the Department of City Planning, Major Projects Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2).

III. Findings Required to be Made by Lead Agency Under CEQA

Section 21081 of the California Public Resources Code and Section 15091 of the State CEQA Guidelines (CEQA Guidelines) require a public agency, prior to approving a project, to identify significant impacts and make one or more of three possible findings for each of the significant impacts.

- A. The first possible finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines Section 15091(a)(1)); and
- B. The second possible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines Section 15091(a)(2)); and
- C. The third possible finding is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible, the mitigation measures or Project alternatives identified in the final EIR.” (CEQA Guidelines, Section 15091(a)(3)).

The findings reported in the following pages incorporate the facts and discussions of the environmental impacts that are found to be significant in the Final EIR for the Project as fully set

forth therein. Section 15091 of the CEQA Guidelines requires findings to address environmental impacts that an EIR identifies as “significant.” For each of the significant impacts associated with the Project, either before or after mitigation, the following information is provided:

1. Description of Significant Effects—A specific description of the environmental effects identified in the EIR, including a judgment regarding the significance of the impact;
2. Project Design Features—Reference to the identified Project Design Features that are a part of the Project (numbering of the features corresponds to the numbering in the EIR);
3. Mitigation Measures—Reference to the identified mitigation measures or actions that are required as part of the Project (numbering of the mitigation measures correspond to the Mitigation Monitoring Program, which is included as Section IV of the Final EIR);
4. Finding—One or more of the three specific findings in direct response to CEQA Section 21081 and CEQA Guidelines Section 15091;
5. Rationale for Finding—A summary of the reasons for the finding(s);
6. Reference—A notation on the specific section in the EIR which includes the evidence and discussion of the identified impact.

IV. Description of the Project

The Project has been refined since the circulation of the Draft EIR. The Project described herein incorporates these refinements, which are described and detailed in Volume I, Section III, Revisions, Clarifications, and Corrections to the Draft EIR of the Final EIR. The Project proposes to develop a mixed-use project on a 50,335-square-foot site (1.16 gross acres or 1.07 net acres) within the Central City Community Plan area in the City of Los Angeles.³ The Project would provide up to 438 residential units and up to 7,493 square feet of commercial retail and restaurant uses. The overall square footage of the Project has been reduced from 481,753 square feet to 424,490 square feet. It is anticipated that the residential unit count would be comprised of 80 studios, 264 1-bedroom units, and 94 two-bedroom units. Additionally, the Project would provide 517 vehicle parking spaces within seven levels, including four subterranean levels with the three above grade parking levels and commercial uses forming a podium. In addition, 211 bicycle parking spaces (22 short-term and 189 long-term bicycle parking spaces) would be provided within portions of Levels 1 through 4. Overall, the new building would comprise up to 424,490 square feet of floor area. To accommodate the Project, the existing surface parking lot, which consists of 221 parking spaces, would be removed.

The Project would involve the development of a high-rise, 41-story mixed-use building with four subterranean levels. The maximum depth of the subterranean levels would be 39 feet, and

³ The Project Site area of 50,335 square feet is based on the gross lot area. Note that the Initial Study prepared for the Project, which is included as Appendix A of this Draft EIR, identified the Project Site based on its net lot area of 46,546 square feet.

the maximum height of the building would be 530 feet above ground level to account for extended elevator access and concealment for a window-washing Building Maintenance Unit (BMU).

More specifically, the ground floor (Level 1) of the building would include up to 7,493 square feet of commercial retail and restaurant uses, as well as the lobby, utility rooms, bicycle storage, a mail room, a trash room, and landscaped areas along both Figueroa Street and 8th Street. Levels 2 through 4 and the four subterranean levels (Levels B1 through B4) would be allocated to vehicular parking, storage space for the Project, and additional bicycle parking. Level 5 would consist of residential amenities, including a pool and landscaped areas, spa, fitness and yoga rooms, lounge seating, a library, a kitchen area, and storage space. Levels 6 through 40 would include residential units and private cantilevered balconies. Level 41, the rooftop of the Project, would include landscaped roof decks, as well as mechanical equipment.

V. Environmental Impacts Found Not to Be Significant or Less Than Significant by the Initial Study

The City Planning Department prepared an Initial Study dated October 28, 2016. The Initial Study is located in Appendix A of the Draft EIR. The Initial Study found the following environmental impacts not to be significant or less than significant:

1. Aesthetics

- a. Scenic Vistas
- b. Scenic Resources
- c. Visual Character
- d. Light or Glare

2. Agricultural and Forest Resources

- a. Farmland
- b. Existing Zoning for Agricultural Use
- c. Forest Land or Timberland Zoning
- d. Loss or Conversion of Forest Land
- e. Other Changes in the Existing Environment

3. Air Quality

- a. Objectionable Odors

4. Biological Resources

- a. Special Status Species
- b. Riparian Habitat and Wetlands
- c. Wetlands
- d. Movement of any Resident or Migratory Species
- e. Local Preservation Policies
- f. Habitat Conservation Plans

5. Cultural Resources

- a. Historical Resources
- b. Archaeological Resources
- c. Human Remains

6. Geological Resources

- a. Seismic
- b. Soil Erosion
- c. Soil Stability
- d. Expansive Soil
- e. Septic Tanks

7. Hazards and Hazardous Materials

- a. Transport, Use, Disposal of Hazardous Materials
- b. Upset and Accident Conditions
- c. Hazardous Emissions or Materials Near a School
- d. Hazardous Materials Site
- e. Airport Land Use Plans
- f. Private Airstrips
- g. Emergency Response/Evacuation Plans
- h. Wildland Fires

8. Hydrology and Water Quality

- a. Water Quality Standards or Discharge Requirements
- b. Groundwater Supplies
- c. Erosion or Siltation
- d. Surface Runoff
- e. Stormwater Drainage
- f. Degrade Water Quality
- g. Mapped 100-Year Flood Hazard Areas
- h. 100-Year Flood Hazard
- i. Flooding
- j. Seiche, Tsunami or Mudflow

9. Land Use and Planning

- a. Divide an Established Community
- b. Habitat or Natural Community Conservation Plans

10. Mineral Resources

- a. Loss of Known Mineral Resources
- b. Loss of Mineral Resources Recovery Site

11. Noise

- a. Airport Land Use Plans
- b. Private Airstrips

12. Population and Housing

- a. Induce Substantial Population Growth
- b. Displacement of Existing Housing
- c. Displacement of Existing Residents

13. Transportation/Circulation

- a. Air Traffic Patterns
- b. Hazards to a Design Feature or Incompatible Uses

14. Tribal Cultural Resources

- a. Historic Resources

15. Utilities

- a. Wastewater Treatment Requirements
- b. Stormwater Drainage Facilities
- c. Wastewater Treatment Capacity
- d. Landfill Capacity
- e. Compliance with Solid Waste Federal, State, and Local Statutes

VI. Environmental Impacts Found Not to Be Significant Prior to Mitigation

The following impact areas were determined to be less than significant, and based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed:

1. Aesthetics

Enacted in 2013, SB 743 adds Public Resources Code Section 21099, which provides that “aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” As set forth in the Draft EIR, the Project is a mixed-use residential project on an infill site within a transit priority area. Therefore, the Project’s aesthetic impacts, pursuant to SB 743, shall not be considered to be significant impacts. CEQA Appendix G, which includes a comprehensive list of environmental topics under CEQA, does not expressly list shade and shadow impacts. The Los Angeles CEQA Thresholds Guide, however, considers shade and shadow impacts to be a type of aesthetic visual character impact. The City has issued Zoning Information File (ZI) No. 2452, confirming that SB 743 applies to a project’s aesthetic impacts, including shade and shadow impacts. As such, the aesthetic impact analyses contained in the Draft EIR (visual resources and views, light and glare, and shade/shadow) and summarized below are included for informational purposes only.

- a. Aesthetics and Visual Quality

(a) Construction

During construction activities at the Project Site, although the existing visual quality and character of the Project Site is considered low, the visual appearance of the Project Site would be altered due to the removal of the parking lot and associated fencing, lighting, and signage. Other construction activities, including site clearance and site preparation, grading, and excavation; the staging of construction equipment and materials; and the construction of the building foundation and proposed structure would also alter the visual character and quality of the Project Site and vicinity. These construction activities could be visible to pedestrians and motorists on Figueroa Street and 8th Street, as well as to viewers within nearby buildings. However, as provided above in Project Design Feature AES-PDF-1 and Project Design Feature AES-PDF-2, measures would be taken throughout the construction of the Project to address potential aesthetic-related impacts during construction. Project Design Feature AES-PDF-1

requires that temporary construction fencing be placed along the periphery of the Project Site to screen much of the construction activity from view at the street level; Project Design Feature AES-PDF-2 requires that pedestrian walkways and construction fencing accessible to the public be monitored for graffiti removal throughout the construction period. Outdoor lighting associated with Project construction will be shielded so that no direct beam illumination is cast outside of the Project Site. As there are several high-rise structures in the vicinity of the Project, construction activities would be visible from the upper levels of some of these structures. However, the appearance of the Project Site during construction would be typical of construction sites throughout downtown Los Angeles, which is experiencing high levels of new development.

Overall, while construction activities would alter the visual character of the Project area on a short-term basis, the existing aesthetic condition of the Project Site does not represent a high level of visual quality or character. Project construction activities would not substantially alter or degrade the existing visual character of the Project Site, or generate substantial long-term contrast with the visual character of the surrounding area for the following reasons: (1) views of construction activities would be limited in duration and location; (2) the site appearance would be typical of construction sites in urban areas; (3) construction would occur within an urban setting with a high level of human activity and development; and (4) impacts would be reduced through standard best management practices implemented during the construction period. Pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts associated with construction would not be considered significant.

(b) Operation

The Project would remove the existing surface parking lot on the Project Site and construct a 41-story mixed use building with a maximum building height of 530 feet to account for extended elevator access and concealment for a window-washing Building Maintenance Unit (BMU). The 530-foot height is an increase from the 501 feet three inches assessed in the Draft EIR. The increase is associated with elevator access as specified by LADBS and the addition of a window-washing Building Maintenance Unit. The proposed building would be similar in scale and height to the existing buildings in the immediate vicinity. While the height of the building would be consistent with surrounding development, it would be moderated by a high degree of horizontal and vertical articulation that would break up the building planes and reduce the visual massing. The Project would be designed in a contemporary architectural style that would incorporate a variety of buildings materials including different types of glass, concrete, aluminum, and stone. Ground floor uses would also be designed with window treatments to visually differentiate ground floor uses from the parking and residential floors. The pedestrian environment would be further enhanced by landscape and hardscape that would be installed on Figueroa Street and 8th Street, as well as through the provision of ground floor, neighborhood-serving commercial retail and restaurant uses included as part of the Project.

Proposed landscaping would also improve the visual environment on the Project Site and in the surrounding area. Project signage would be designed to be aesthetically compatible with other signage in the area and would complement the building architecture. Project lighting would incorporate low-level exterior lights on the building and along pathways for security and wayfinding purposes, as well as low-level lighting to accent signage, architectural features, and landscaping elements.

Overall, the Project would make a positive contribution to the aesthetic value of the Project Site and improve the visual character of the surrounding area by replacing an underutilized, visually unappealing surface parking lot with a new mixed-use development that would incorporate appropriate and creative design elements to complement the downtown urban area in which it is located. In addition, the Project would enhance the pedestrian experience adjacent to the Project Site on Figueroa Street and 8th Street. The Project would “fill in” the existing underutilized Project Site and would represent an extension and reflection of the surrounding urban environment, thus creating a visual connection between the Project Site and the Project vicinity. The Project would improve the visual cohesiveness of the area by converting the underutilized site into an active component of the area.

Even though the building height has increased to 530 feet as compared to the 501 feet, three inches building height assessed in the Draft EIR, pursuant to SB 743 and ZI 2452, the Project’s aesthetic impacts associated with operation would not be considered significant. For informational purposes only, revised shade and shadow diagrams for the Project are provided in Revised Figure IV.A-6 through Revised Figure IV.A-9 on pages III-31 through III-34 of the Final EIR. As demonstrated by the shading diagrams, and as discussed on page III-55 of the Final EIR, while the Project shadows would be slightly longer than the shorter building assessed in the Draft EIR, the overall shading profile would be similar to the shorter building. Therefore, the shade and shadow discussion in the Draft EIR remains accurate.

(c) Cumulative Impacts

Each of the related projects is generally consistent in use and scale with the Project, as well as existing uses in the Project area. Given the dense intervening development, the extent to which the related projects and the Project would be visible within the same field of view would be limited and would likely entail intermittent views of the upper floors of the high-rise buildings. Furthermore, similar to the Project, future developments would be subject to applicable LAMC requirements, such as height limits, density, and setback requirements, and would be reviewed by the City to ensure consistency with adopted plans, guidelines and standards that relate to aesthetics and visual character, as outlined throughout this section. Many of the related projects in the area represent infill development that is not expected to be out of scale or character with the existing visual environment. Similar to the Project, the related projects and other future development would likely incorporate an architectural style that would contribute to the overall aesthetics of the urban core. Therefore, it is not anticipated that future development would substantially alter, degrade, or eliminate the existing visual character of the Project area, including existing visual resources, or introduce elements that substantially detract from the visual character of the area. Per SB 743, the Project cannot be cumulatively considerable with regards to aesthetics/visual character, and cumulative aesthetics impacts would not be considered significant.

b. Views

(a) Project Impacts

Existing valued views within the greater Project area could include focal views and panoramic views or vistas of the identified visual resources. However, due to the dense mid- and high-rise urban development and relatively flat topography, such views are limited. Scenic

resources within the Project area that are available from public and private view locations include the Hollywood Hills and the downtown Los Angeles skyline. However, views of these resources are either substantially blocked or non-existent, as discussed further below. Furthermore, none of the roadways within the immediate Project Site vicinity are designated as scenic highways.

Project development would be visually evident and would block some public views of other buildings in the Project vicinity, but would not obstruct public views of any valued visual resources from any direction. The Project would not block existing views of the Barker Brothers Building, which is considered a valued visual resource due to its designation as a Historic-Cultural Monument. The Barker Brothers Building is utilitarian in design, does not include any of the architectural features found on the other elevations, and its primary elevation is the north elevation along 7th Street. Thus, the Project would not obstruct any views of the building's primary elevation and, instead, would serve as a backdrop to the historic structure.

The Project would not substantially degrade or eliminate the existing visual character or quality of the Project Site or its surroundings, including valued existing features or resources, or introduce elements that would substantially detract from the visual character of the Project area. Pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts would not be considered significant.

(b) Cumulative Impacts

As with the Project, related projects would largely block public views of other buildings in the Project vicinity, not views of visual or scenic resources. This includes views from or of the Barker Brothers Building. Longer range views of the Project area would also not be affected, as the Project and related projects make up the downtown skyline. Thus, as the skyline might be somewhat altered due to new high-rise buildings, it would not be fundamentally changed. As discussed above, the Project would not obstruct views of valued visual resources. Per SB 743, the Project cannot be cumulatively considerable with regards to view impacts, and cumulative aesthetics impacts would not be considered significant.

c. Light and Glare

(a) Construction

Lighting needed during Project construction has the potential to generate light spillover off-site in the Project vicinity. However, construction activities would occur in accordance with the provisions of LAMC Section 41.40, which limits the hours of construction between 7:00 A.M. and 9:00 P.M. on weekdays and between 8:00 A.M. and 6:00 P.M. on Saturdays and national holidays, with no construction permitted on Sundays. Therefore, construction would occur primarily during daylight hours, and construction lighting would only be used for the duration needed if construction were to occur in the evening hours during the winter season. In addition, construction-related illumination would be used for safety and security purposes only and would be shielded and/or aimed so that no direct beam illumination is provided outside of the Project Site boundary. Furthermore, no sensitive uses (i.e., residential uses) are located immediately adjacent to the Project Site. Therefore, light resulting from construction activities would not significantly impact off-site sensitive uses, substantially alter the character of off-site areas surrounding the

construction area, adversely impact day or nighttime views in the area, or substantially interfere with the performance of an off-site activity.

Daytime glare could potentially occur during construction activities if reflective construction materials were positioned in highly visible locations where the reflection of sunlight could occur. However, any glare would be transitory and short-term. In addition, large, flat surfaces that are generally required to generate substantial glare are typically not an element of construction activities. The glare from vehicles that currently park on the Project Site would be similar or more impactful than temporary construction glare, if any. Therefore, there would be a negligible potential for daytime or nighttime glare associated with construction activities to occur.

Based on the above, with adherence to the LAMC and implementation of the Project design features outlined above, Project construction would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Furthermore, light and glare associated with Project construction would not substantially alter the character of off-site areas surrounding the Project Site or adversely impact day or nighttime views in the area. Pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts related to light and glare during construction would not be considered significant.

(b) Operation

The Project would increase light and glare levels emanating from the Project Site. New sources of artificial lighting that would be introduced by the Project would include low-level interior lighting visible through the windows; low-level exterior lights adjacent to the proposed building for security and wayfinding purposes; and low-level accent lighting to highlight architectural features, landscape elements, and Project signage. The Project will not include electronic signage or signs with flashing, mechanical, or strobe lights, and no off-premises billboard advertising is proposed as part of the Project. New sources of glare would include building surfaces and Project-related vehicles entering and exiting the parking garage.

The proposed lighting sources would be similar to other lighting sources in the Project vicinity and would not generate artificial light levels that are out of character with the surrounding area, which is densely developed and characterized by a high degree of human activity and ambient light during the day and night. All exterior lighting will be shielded and/or directed toward the areas to be lit within the Project Site to avoid light spillover onto adjacent sensitive uses. Project lighting will also meet all applicable LAMC lighting standards. Low-level accent lighting to highlight the Project's signage would be incorporated. Exterior lighting to highlight the Project's signage will be shielded or directed toward the areas to be lit to avoid creating off-site glare. In accordance with Section 14.4.4E of the LAMC, lighting used to illuminate Project signage will be limited to a light intensity of 3 foot-candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

The Project would be designed in a contemporary architectural style and would feature a variety of surface materials, including glass, concrete, aluminum, and stone. As part of Project Design Feature AES-PDF-6, glass used in building façades will be non-reflective or treated with a non-reflective coating in order to minimize glare from reflected sunlight. Therefore, these materials will not have the potential to produce a substantial degree of glare. In addition, the

Project will eliminate the glare potential from parked cars on the existing surface parking lot currently on the Project Site and will also reduce lighting levels from vehicle headlights during the night on the Project Site. While headlights from the proposed ingress/egress points located on Figueroa Street and on the alley off of 8th Street would be visible during the evening hours, such lighting sources would be typical for the Project area and would not be anticipated to result in a substantial adverse impact.

Light and glare associated with Project operation would not substantially alter the character of off-site areas surrounding the Project Site and would not result in a substantial adverse change in ambient nighttime levels in close proximity to light-sensitive uses. Based on the above, with the implementation of Project design features, lighting associated with Project operation would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Pursuant to SB 743 and ZI 2452, the Project's aesthetic impacts related to light and glare during operation would not be significant.

(c) Cumulative Impacts

Development of the Project and related projects would introduce new or expanded sources of artificial light. Consequently, ambient light levels are likely to increase in the Project area. However, none of the related projects are located immediately adjacent to the Project Site, so as to potentially result in cumulative light and glare impacts.

As the Project and related projects would include typical land uses for the Project area, they would not significantly alter the existing lighting environment currently experienced in the area. Additionally, cumulative lighting would not be expected to interfere with the performance of off-site activities given the high ambient nighttime artificial light levels already present. Furthermore, the Project and all related projects, would adhere to applicable City requirements regarding lighting, as discussed above, which would control potential artificial light sources to a sufficient degree.

Similarly, with regard to glare, the Project and nearby related projects are consistent and compatible with the existing development in the area and common for a high-density urban environment. As described in Project Design Feature AES-PDF-6, glass used in building façades shall be non-reflective or treated with a non-reflective coating to minimize glare. In addition, it is anticipated that all projects within the City would be subject to discretionary review to ensure that significant sources of glare are not introduced. Furthermore, it is anticipated that all projects would include standard design features related to the use of low-level lighting and shielding, as well as use of non-reflective surfaces, to minimize the potential for glare. Therefore, the Project's contribution to light and glare impacts would not be cumulatively considerable. Per SB 743, the Project cannot be cumulatively considerable with regards to light and glare impacts, and cumulative aesthetics impacts would not be considered significant.

d. Shading

Given the number and density of mid- and high-rise buildings and the presence of mature trees throughout the urban Project area, shading is a common and expected occurrence. As described above, shade-sensitive uses in the vicinity of the Project include the outdoor dining and

entertainment space associated with the FIGat7th shopping mall located to the west of the Project Site across Figueroa Street, the outdoor dining area located to the east of the Project Site at the intersection of 8th Street and Grand Avenue, and the various outdoor lounge and pool areas associated with surrounding residential and hotel developments. Rooftop decks with pool areas atop high-rise structures are particularly sensitive to shading, as there is an expectation of sunlight for their function and physical comfort, as opposed to outdoor areas on or near the ground-level, which are largely shaded by existing mid- and high-rise structures. Accordingly, the rooftop decks with pools that have been identified within the potential shading zone of the Project (i.e., those located to the west, north, and east) include, but may not be limited to, a rooftop deck/pool associated with a mid-rise apartment building located approximately three blocks northeast of the Project Site near the corner of Flower Street and Wilshire Boulevard, and a rooftop garden and pool associated with a high-rise hotel located approximately four blocks northeast of the Project Site near the corner of Flower Street and 6th Street. These uses would not be shaded for more than four hours between 9:00 A.M. and 5:00 P.M. PDT during the spring, summer, or fall or more than three hours between 9:00 A.M. and 3:00 P.M. PST during the winter. In addition, many of these uses are already shaded by existing high-rise buildings within the Project vicinity.

e. Project Design Features

The City finds that the Project Design Features AES-PDF-1 through AES-PDF-6, incorporated into the Project, reduce the potential aesthetics impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

2. Air Quality

a. Construction

(a) Localized Emissions

Project-related localized construction impacts are evaluated based on SCAQMD LST methodology which takes into account ambient pollutant concentrations. Based on SCAQMD methodology, localized emissions which exceed LSTs would also cause an exceedance of ambient air quality standards. Maximum on-site daily construction emissions for NO_x, CO, PM₁₀, and PM_{2.5} were calculated using CalEEMod and compared to the applicable SCAQMD LSTs for SRA 1 based on a construction site acreage of 1.07 acres. Consistent with SCAQMD's LST methodology, pollutants with short-term averaging periods (CO and NO_x) were evaluated for locations where the public could be present for as short of a duration as one hour. Therefore, this analysis conservatively assumed a distance of 25 meters (the shortest distance available for LSTs). Predicted maximum construction impacts at this distance would include adjacent businesses (e.g., FIGat7th shopping mall). Consistent with SCAQMD's LST methodology, PM₁₀ and PM_{2.5} impacts were evaluated at the closest sensitive receptor. The closest sensitive receptor is comprised of residential uses approximately 85 meters (279 feet) southeast of the Project Site. Potential impacts at these residential uses were evaluated using interpolated values from the mass rate LST lookup tables.

Project-related construction emissions would not exceed localized thresholds. Maximum localized construction emissions for off-site sensitive receptors would not exceed SCAQMD-recommended localized screening thresholds for NO_x, CO, PM₁₀ and PM_{2.5}. Therefore, localized

construction emissions resulting from the Project would result in a less than significant short-term impact, and no mitigation measures would be required.

(b) Toxic Air Contaminants (TACs)

The greatest potential for TAC emissions during construction would be from diesel particulate emissions associated with heavy equipment operations during grading and excavation activities. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a 70-year lifetime will contract cancer based on the use of standard risk-assessment methodology. Because the construction schedule estimates that the phases which require the most heavy-duty diesel vehicle usage, such as site grading/excavation, would last for a much shorter duration, construction of the Project would not result in a substantial, long-term (i.e., 70-year) source of TAC emissions. Additionally, the SCAQMD CEQA guidance does not require a HRA for short-term construction emissions. It is, therefore, not necessary to evaluate long-term cancer impacts from construction activities which occur over a relatively short duration. In addition, there would be no residual emissions or corresponding individual cancer risk after construction. For informational purposes in response to a Comment Letter, a HRA was prepared, which confirmed no significant health risk impacts from TAC emissions would occur from construction of the Project. See Appendix FEIR-4 and Responses to Comment Letter No. 7 in Section II, Responses to Comments, of the Final EIR. As such, Project-related TAC impacts during construction would be less than significant, and no mitigation measures would be required.

(c) Cumulative Impacts

With respect to the Project's construction-period air quality emissions and cumulative Air Basin-wide conditions, the SCAQMD has developed strategies (e.g., SCAQMD Rule 403) to reduce criteria pollutant emissions outlined in the AQMP pursuant to Federal CAA mandates. As such, the Project would comply with regulatory requirements, including SCAQMD Rule 403 requirements, as discussed above. In addition, the Project would comply with adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, all construction projects Air Basin-wide would comply with these same requirements (i.e., SCAQMD Rule 403 compliance) and would also implement feasible mitigation measures when significant impacts are identified.

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. In terms of localized air quality impacts, construction of the Project would have a less-than-significant cumulative impact due to NO_x, CO, PM₁₀ and PM_{2.5}.

Similar to the Project, the greatest potential for TAC emissions with respect to each related project would generally involve DPM emissions associated with heavy equipment operations during demolition and grading/excavation activities. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of individual cancer risk. "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of TACs over a

70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. For informational purposes in response to a Comment Letter, a HRA was prepared which confirmed the Project's potential health risk impacts from TAC emissions from construction of the Project would not be cumulatively considerable. See Appendix FEIR-4 and Responses to Comment Letter No. 7 in Section II, Responses to Comments, of the Final EIR. Construction activities with respect to each related project would not result in a long-term (i.e., 70-year) substantial source of TAC emissions. In addition, the SCAQMD's *CEQA Air Quality Handbook* and SCAQMD's supplemental online guidance/information do not require a health risk assessment for short-term construction emissions. It is, therefore, not required or meaningful to evaluate long-term cancer impacts from construction activities which occur over relatively short durations. As such, the Project's contribution to toxic emission impacts during construction would not be cumulatively considerable.

b. Operation

(a) Regional Emissions

The Project would incorporate project design features to support and promote environmental sustainability, as discussed under Section IV.C, Greenhouse Gas Emissions, of this Draft EIR, including Project Design Feature GHG-PDF-1, which prohibits the use of natural gas-fueled fireplaces in the proposed residential units. While these features are designed primarily to reduce greenhouse gas emissions, they would also serve to reduce criteria air pollutants discussed herein. Project characteristics incorporated in this analysis include the Project Site's accessibility to job centers and transit, increase in diversity of uses and density, and implementation of a Transportation Demand Management (TDM) Program, as required by Mitigation Measure TR-MM-1. These project characteristics are explained further in Section IV.C, Greenhouse Gas Emissions, of this Draft EIR.

Regional emissions resulting from operation of the Project would not exceed any of the SCAQMD's daily regional operational thresholds. Therefore, regional air quality impacts from Project operational emissions would be less than significant, and no mitigation measures would be required.

(b) Localized Emissions

Project-related operational emissions were also evaluated based on SCAQMD LST methodology. While SCAQMD LST methodology evaluates emissions from on-site sources (e.g. water heaters, cooking appliances, HVAC), off-site sources such as Project-related vehicle trips were also evaluated for potential exceedances of ambient air quality standards. Project-related operational emissions from on-site and off-site sources would not exceed localized thresholds. Operation of the Project would not introduce any major new sources of air pollution within the Project Site. The SCAQMD LST mass rate look-up tables, which apply to projects that have active areas that are less than or equal to 5 acres in size, were used to evaluate potential localized impacts. On-site operational emissions would not exceed any of the LSTs. Therefore, localized operational emissions resulting from the Project would result in a less-than-significant air quality impact, and no mitigation measures would be required.

(c) *Toxic Air Contaminants*

The primary sources of potential air toxics associated with Project operations include DPM from delivery trucks associated with the Project's commercial component (e.g., truck traffic on local streets and idling on adjacent streets). However, these activities, and the land uses associated with the Project, are not considered land uses that generate substantial TAC emissions. It should be noted that in its *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning* (2005), the SCAQMD recommends that HRAs be conducted for substantial sources of DPM (e.g., truck stops and warehouse distribution facilities that generate more than 100 trucks per day or more than 40 trucks with operating transport refrigeration units) and has provided guidance for analyzing mobile source diesel emissions. Based on this guidance, the Project is not considered to be a substantial source of diesel particulate matter warranting a refined HRA since daily truck trips to the Project Site would not exceed 100 trucks per day or more than 40 trucks with operating transport refrigeration units. In addition, the CARB-mandated ATCM limits diesel-fueled commercial vehicles (delivery trucks) to idle for no more than 5 minutes at any given time, which would further limit diesel particulate emissions. Additionally, for informational purposes in response to a Comment Letter, a HRA was prepared which confirmed no significant health risk impacts would from TAC emission occur from construction of the project. See Appendix FEIR-4 and Responses to Comment Letter No. 7 in Section II, Responses to Comments, of the Final EIR.

As discussed above in Section 2.c(2)(c), ZI No. 2427 states that recent studies have established strong links to negative health outcomes affecting sensitive populations as far out as 1,000 feet from freeways. The City Planning Commission advises that applicants of projects requiring discretionary approval, located in proximity of a freeway, and contemplating residential units and other sensitive uses, perform a HRA. Non-carcinogenic hazards analyzed in the HRA include NO_x, CO, PM₁₀, and PM_{2.5}. As the Project would introduce residential units within 1,000 feet of a freeway, an HRA was performed for the Project. The results of the HRA are provided in the discussion with regard to land use compatibility included in Section IV.D, Land Use and included in Appendix C, of the Draft EIR. The HRA concluded that carcinogenic and non-carcinogenic hazards were predicted to be within acceptable limits.

As the Project would not contain substantial TAC sources and is consistent with the CARB and SCAQMD guidelines, the Project would not result in the exposure of off-site sensitive receptors to carcinogenic or toxic air contaminants that exceed the maximum incremental cancer risk of 10 in one million or an acute or chronic hazard index of 1.0, and potential TAC impacts would be less than significant. In addition, as maximum predicted concentrations for criteria pollutants were predicted to be within acceptable limits, no impacts would be anticipated to residents and individuals on the Project Site.

(d) *Cumulative Impacts*

According to the SCAQMD, if an individual project results in air emissions of criteria pollutants that exceed the SCAQMD's recommended daily thresholds for project-specific impacts, then the project would also result in a cumulatively considerable net increase of these criteria pollutants. Operational emissions from the Project would not exceed any of the SCAQMD's regional or localized significance thresholds at Project buildout. Therefore, the emissions of non-

attainment pollutants and precursors generated by Project operation would not be cumulatively considerable.

With respect to TAC emissions, neither the Project nor any of the related projects (which primarily include residential, retail/commercial, office, and hotel uses), would represent a substantial source of TAC emissions, which are more typically associated with large-scale industrial, manufacturing, and transportation hub facilities. The Project and related projects would be consistent with the recommended screening level siting distances for TAC sources, as set forth in CARB's Land Use Guidelines, and the Project and related projects would not result in a cumulative impact requiring further evaluation. However, the Project and each of the related projects would likely generate minimal TAC emissions related to the use of consumer products and landscape maintenance activities, among other things. Pursuant to California Assembly Bill 1807, which directs CARB to identify substances as TACs and adopt airborne toxic control measures (ATCMs) to control such substances, the SCAQMD has adopted numerous rules (primarily in Regulation XIV) that specifically address TAC emissions. These SCAQMD rules have resulted in and will continue to result in substantial Air Basin-wide TAC emissions reductions. As such, cumulative TAC emissions during long-term operations would be less than significant. In addition, the Project would not result in any substantial sources of TACs that have been identified in CARB's Land Use Guidelines and, thus, the Project's contribution to TAC emissions would not be cumulatively considerable. Additionally, for informational purposes in response to a Comment Letter, a HRA was prepared which confirmed the Project's potential health risk impacts from TAC emissions from construction of the Project would not be cumulatively considerable. See Appendix FEIR-4 and Responses to Comment Letter No. 7 in Section II, Responses to Comments, of the Final EIR.

c. Project Design Features

No specific project design features are proposed with regard to air quality. The Project would incorporate project design features to support and promote environmental sustainability as discussed under Section IV.C, Greenhouse Gas Emissions, of this Draft EIR. While these features are designed primarily to reduce greenhouse gas emissions, they would also serve to reduce criteria air pollutants discussed herein.

3. Greenhouse Gas Emissions

a. Significance Threshold

In the absence of any adopted, quantitative threshold, and consistent with the California Supreme Court's decision in the *Center for Biological Diversity v. California Department of Fish and Wildlife* case, the EIR appropriately utilized the following significance threshold: the Project would not have a significant effect on the environment if it is found to be consistent with the applicable regulatory plans and policies to reduce greenhouse gas (GHG) emissions including the emissions reduction measures discussed within the AB 32 Climate Change Scoping Plan, SCAG's Regional Transportation Plan/Sustainable Communities Strategy; the City of Los Angeles' LA Green Plan, and the Sustainable City pLAN.

The EIR did not use comparison of Project emissions to the "no implementation of emission reduction measures" (NIERM) scenario as a significance threshold. Instead, the

reduction in GHG emissions in comparison to the NIERM scenario reflect the measures set forth in the applicable GHG reduction plans and policies and demonstrate the efficacy of these measures.

Neither the City of Los Angeles or SCAQMD has adopted a numeric threshold applicable to the Project. Under a draft screening approach proposed by SCAQMD, but never adopted, a residential, commercial, or mixed-use development project would be required to conduct a more detailed GHG analysis using a per capita efficiency target if the project exceeded a 3,000 metric tons of carbon dioxide equivalent (MTCO₂e)/yr screening threshold. In support of the consistency analysis which describes the Project's compliance with or exceedance of performance-based standards included in the regulations and policies outlined in the applicable portions of the Climate Change Scoping Plan, the 2016–2040 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn, quantitative calculations were prepared and set forth in Revised Table IV.C-5 on page III-39 of the Final EIR, which shows the Project would result in a net increase of 3,182 MTCO₂e/yr of GHG emissions (including construction emissions).

b. Construction

Project construction is anticipated to be completed in the beginning of 2022 with subsequent occupancy later in the year. A summary of construction details (e.g., schedule, equipment mix, and vehicular trips) and CalEEMod modeling output files are provided in Revised Draft EIR Appendix C, Volume 2 of the Final EIR. The emissions of GHGs associated with construction of the Project were calculated for each year of construction activity. Construction of the Project is estimated to generate a total of 3,815 MTCO₂e as set forth in Revised Table IV.C-4 on page III-38 of the Final EIR. As recommended by the SCAQMD, the total GHG construction emissions were amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions were divided by 30 to determine an annual construction emissions estimate that can be added to the Project's operational emissions) in order to determine the Project's annual GHG emissions inventory. This results in annual Project construction emissions of 127 MTCO₂e. While there is no acknowledged threshold of significance for construction impacts, these amortized emissions are included in the Project's operational analysis pursuant to guidance from the CARB and SCAQMD.

The Final EIR (Revised Draft EIR Appendix C, AQ and GHG Emissions of Subsection III.B, Corrections and Additions to Draft EIR Sections and Appendices) shows that 11,572 haul truck trips during grading/excavation result in a total of 451.3 MTCO₂e. Increasing the number of haul trips by 1,400 to account for an underestimation of such trips in Revised DEIR Appendix N of the Final EIR, would result in a total of 505.9 MTCO₂e or an increase of 54.6 MTCO₂e. This would increase total GHG construction emission reported in Revised Table IV.C-4, Combined Construction-Related Emissions, included in Section III, Revisions, Clarifications, and Corrections to the Draft EIR from 3,815 MTCO₂e to 3,870 MTCO₂e. As recommended by the SCAQMD, the total GHG construction emissions are amortized over the 30-year lifetime of the Project (i.e., total construction GHG emissions were divided by 30 to determine an annual construction emissions estimate that can be added to the Project's operational emissions) in order to determine the Project's annual GHG emissions inventory. This results in annual Project construction emissions increasing from 127 MTCO₂e to 129 MTCO₂e. The total combined emissions (construction and operational) from Table IV.C-5, Annual GHG Emissions Summary (Buildout), included in Section

III. Revisions, Clarifications, and Corrections to the Draft EIR increase from 3,180 MTCO_{2e} to 3,182 MTCO_{2e}. This slight increase in GHG emissions does not change any of the GHG significance conclusions in the Draft EIR.

c. Operational

GHGs are emitted as a result of activities in buildings when electricity and natural gas are used as energy sources. Combustion of any type of fuel emits CO₂ and other GHGs directly into the atmosphere; when this occurs in a building, it is a direct emission source associated with that building. GHGs are also emitted during the generation of electricity from fossil fuels. When electricity is used in a building, the electricity generation typically takes place off-site at the power plant; electricity use in a building generally causes emissions in an indirect manner. Area source emissions include hearths and landscape maintenance equipment. Project Design Feature GHG-PDF-1 prohibits the use of natural gas-fueled fireplaces in the proposed residential units resulting in reduction of GHG emissions, as calculated and shown in Revised Table IV.C-5 on page III-39 of the Final EIR. As shown in Revised Table IV.C-5, the Project is expected to result in a total of 8 MTCO_{2e} per year from area sources.

The Project represents an infill development within an existing urbanized area that would *concentrate new* residential and commercial retail and restaurant uses within a HQTAs. The Project Site is located approximately 350 feet from the Metro 7th Street/Metro Center Station, which serves four rail lines. In addition, the Project Site is currently served by a total of five (5) local and inter-city transit operators. Metro also operates one Rapid bus line, three (3) Express lines, and five (5) local lines within the vicinity of the Project Site along both Figueroa Street and 7th Street. Additional transit lines include nine (9) Los Angeles Department of Transportation (LADOT) Commuter Express lines, four (4) LADOT DASH bus lines, seven (7) Foothill Transit bus lines, and two (2) Orange County Transportation Authority (OCTA) bus lines. The Project would provide bicycle storage areas for Project residents and visitors. The Project would also incorporate characteristics that would reduce trips and VMT as compared to standard ITE trip generation rates. The Project characteristics listed below are consistent with the CAPCOA guidance document, *Quantifying Greenhouse Gas Mitigation Measures*, which provides emission reduction values for recommended mitigation measures. These measures would reduce VMT and vehicle trips to the Project Site relative to the standard ITE trip generation rates, which would result in a comparable reduction in VMT and associated GHG emissions.

d. Consistency with Applicable Plans and Policies

The Draft EIR illustrates that implementation of the Project Design Features and compliance with State mandates, such as AB 32 and the California Renewables Portfolio Standard, would contribute to GHG reductions. These reductions support State goals for GHG emissions reduction. The methods used to establish this relative reduction are consistent with the approach used in the CARB's Climate Change Scoping Plan and First Update for the implementation of AB 32.

The Project is consistent with the approach outlined in CARB's Climate Change Scoping Plan and First Update particularly its emphasis on the identification of emission reduction opportunities that promote economic growth while achieving greater energy efficiency and

accelerating the transition to a low-carbon economy. Table IV.C-7 of the Draft EIR demonstrates the Project's consistency with the Actions and Strategies set forth in CARB's Climate Change Scoping Plan and First Update. The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 GHG reduction target. These measures build upon those identified in the Climate Change Scoping Plan and First Update, as shown on Table IV.C-7 of the Draft EIR. Table IV.C-8 of the Draft EIR demonstrates the Project's consistency with the Actions and Strategies of the 2017 Scoping Plan Update.

At the regional level, the 2016–2040 RTP/SCS is an applicable plan adopted for the purpose of reducing GHGs. Generally, projects are considered consistent with the provisions and general policies of applicable City and regional land use plans and regulations, such as SCAG's SCS, if they are compatible with the general intent of the plans and would not preclude the attainment of their primary goals. Table IV.C-9 of the Draft EIR demonstrates the Project's consistency with the Actions and Strategies set forth in the 2016–2040 RTP/SCS.

The Project also would comply with the City of Los Angeles Green Building Code and the LA Green Plan, which emphasize improving energy conservation and energy efficiency, increasing renewable energy generation, and changing transportation and land use patterns to reduce auto dependence. The Project would advance these objectives, as set forth in Table IV.C-10 of the Draft EIR. Further, the related projects would also be anticipated to comply with many of these same emissions reduction goals and objectives.

The Sustainable City pLAn includes both short-term and long-term aspirations through the year 2035 in various topic areas, including: water, solar power, energy-efficient buildings, carbon and climate leadership, waste and landfills, housing and development, mobility and transit, and air quality, among others. The Project, as an infill mixed-use development in close proximity to transit infrastructure that includes Project Design Features requiring energy conservation measures, would be consistent with the Sustainable City pLAn.

In addition, a method of analyzing the efficacy of GHG emission reductions, and thereby providing further support for the Project's consistency with the applicable GHG reduction plans and policies, is to compare the Project's emissions to a GHG "efficiency target". The efficiency target for a project's buildout year can be calculated using the methodology described on pages IV.C-38 to IV.C-40 of the Draft EIR and extrapolating the emissions reductions needed to maintain consistency with AB 32 and SB 32. Utilizing that methodology, the statewide land use-related efficiency target for the Project's 2022 buildout year is calculated as 3.9 MTCO_{2e} per service population per year. This target was estimated based on the CARB 2017 Scoping Plan Update GHG emissions data and targets for land use related sectors and dividing the resultant value by the projected population and employment for the Project buildout year. This GHG efficiency metric allows for evaluation of the Project's consistency with state climate policy through the lens of relative GHG efficiency. Details of this calculation are provided in Revised Draft EIR Appendix C, Volume 2 of the Final EIR. As shown in Revised Table IV.C-6 on page III-40 of the Final EIR, when comparing the Project GHG emissions with the calculated service population, the Project would emit 2.9 MTCO_{2e} per year per service population. This is lower than the calculated efficiency target for 2022 (3.9 MTCO_{2e} per year per service population), further demonstrating the Project's consistency with applicable GHG reduction-related actions and strategies in the

Climate Change Scoping Plan, and demonstrating that the Project would result in quantitative reductions in GHG emissions.

In summary, the plan consistency analysis provided in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR demonstrates that the Project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in the Climate Change Scoping Plan and First Update, the 2017 Scoping Plan Update, the 2016–2040 RTP/SCS, the LA Green Plan, and the Sustainable City pLAn. In addition, consistency with these plans, policies, regulations and GHG reduction actions/strategies would serve to reduce GHG emissions for the Project. Therefore, the Project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. Furthermore, because the Project is consistent and does not conflict with these plans, policies, and regulations, the Project's incremental increase in GHG emissions as described above would not result in a significant impact on the environment. Therefore, Project-specific impacts with regard to climate change would be less than significant.

e. Cumulative Impacts

As explained above, the analysis of a project's GHG emissions is inherently a cumulative impacts analysis because climate change is a global problem and the emissions from any single project alone would be negligible. Accordingly, the analysis took into account the potential for the Project to contribute to the cumulative impact of global climate change. The Project is consistent with CARB's *Climate Change Scoping Plan*, particularly its emphasis on the identification of emission reduction opportunities that promote economic growth while achieving greater energy efficiency and accelerating the transition to a low-carbon economy. The Project is consistent with the 2016–2040 RTP/SCS' plans, policies, and regulatory requirements to reduce regional GHG emissions from the land use and transportation sectors by 2020 and 2035. In addition, the Project would comply with the LA Green Plan, which emphasizes improving energy conservation and energy efficiency, increasing renewable energy generation, and changing transportation and land use patterns to reduce auto dependence. Furthermore, the Project would generally comply with the aspirations of the Sustainable City pLAn, which includes specific targets related to housing and development, and mobility and transit. For these reasons, the Project's cumulative contribution to global climate change is less than significant.

f. Project Design Features

The City finds that the Project Design Features GHG-PDF-1 through GHG-PDF-3, incorporated into the Project, reduce the potential greenhouse gas impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

4. Land Use

a. Land Use Consistency

(a) *Los Angeles General Plan*

The Project Site is located in an area that is identified as "Regional Center" on the General Plan Framework's Long Range Land Use Diagram for the City's Metro area. The Project would

support and would be consistent with the General Plan Framework Element Land Use Chapter as it would contribute to the needs of the City's existing and future residents, businesses, and visitors by providing 438 residential units and up to 7,493 square feet of neighborhood-serving commercial retail and restaurant uses. In addition, development of the Project in an area with convenient access to public transit and opportunities for walking and biking would promote an improved quality of life by facilitating a reduction of vehicle trips, vehicle miles traveled (VMT), and air pollution, while supporting the City's objective to encourage new multi-family residential, commercial retail, and restaurant uses along primary transit corridors/boulevards and in designated Regional Centers.

The Project would also support the City's policy to provide for the siting and design of new development that enhances the character of commercial districts by introducing a mixed-use development within the Project Site that would feature a similar mix of land uses to the existing uses surrounding the Project Site. Additionally, the Project would be designed in a contemporary style that would be integrated into the frontages of Figueroa Street and 8th Street. Specifically, the Project would replace the existing surface parking lot on-site with a new high-rise building similar in scale to nearby properties along Figueroa Street and include attractive streetscape design to enhance the pedestrian experience on Figueroa Street and 8th Street. Therefore, the Project would be consistent with the applicable objectives and policies that support the goals set forth in the General Plan Framework's Land Use Chapter.

The Project would support the City's objective to plan the capacity for and develop incentives to encourage production of an adequate supply of housing units of various types, through the development of 438 new multi-family residential units, consisting of 80 studios, 264 one-bedroom units, and 94 two-bedroom units located on Levels 6 through 40. In addition, the Project would encourage the location of new multi-family housing to occur in proximity to transit by locating the Project in an area well-served by public transit, including bus stops along adjacent streets and the Metro 7th Street/Metro Center Station located approximately 350 feet north of the Project Site. Therefore, the Project would be consistent with the applicable objectives and policies that support the goals set forth in the General Plan Framework's Housing Chapter.

The Project would be generally consistent with the relevant objectives and policies that support the goals of the General Plan Framework's Urban Form and Neighborhood Design Chapter. The Project would specifically support the City's goal to provide a livable City for existing and future residents by introducing a new mixed-use development that would activate the existing site with new residential and neighborhood-serving commercial retail and restaurant uses. These uses would be consistent and compatible with the mix of residential, retail, restaurant, office, and entertainment uses surrounding the Project Site and would serve the surrounding community and businesses. In addition, the Project would be designed in a contemporary style and would be integrated along Figueroa Street that is characterized with a high degree of pedestrian activity. Therefore, the Project would be generally consistent with the applicable objectives and policies that support the goals set forth in the General Plan Framework's Urban Form and Neighborhood Design Chapter.

The Project would include a variety of open space and recreational amenities for residents and visitors. The Project's open space data and descriptions are set forth in Revised Table II-2 on page III-27 of the Final EIR. On the ground floor, the Project would provide 3,243 square feet

of outdoor common open space. The residential recreational amenities would be provided on Levels 5 and 41. Level 5 includes 20,611 square feet of outdoor landscaped amenities and 5,728 square feet of indoor amenities. Level 41 includes 2,568 square feet of outdoor landscaped roof deck. In addition, Levels 6 through 40 would provide 14,000 square feet of outdoor private open space. As such, in total, as shown in Revised Table II-2 on page III-27 of the Final EIR, the Project would provide approximately 46,150 square feet of open space and recreational amenities, which would meet the required area of 46,150 square feet as set forth by the LAMC. In addition, the Project will incorporate elements that promote individual and community safety throughout the Project Site, including open space areas that are well-lit and equipped with a closed circuit camera system to allow for constant monitoring of such areas to ensure public safety and security at all times. Therefore, the Project would be consistent with the applicable objectives and policies that support the goals set forth in the General Plan Framework's Open Space and Conservation Chapter.

The Project would support the City's objective to establish a balance of land uses through the development of a mixed-use project with residential and commercial retail and restaurant uses in an area well-served by public transit. The proposed neighborhood-serving commercial retail and restaurant uses would foster continued economic investment and complement the employment base (e.g., existing residential, office, hotels, and entertainment venues) of the Central City Community Plan area and the Financial District in the Downtown Center, and provide amenities to meet the needs of local residents. Thus, the Project would be consistent with the applicable objectives and policies that support the goals set forth in the General Plan Framework's Economic Development Chapter.

With respect to Mobility Plan 2035, the Project would support the City's policy to provide for safe passage of all modes of travel during construction by preparing and implementing a Construction Traffic Management Plan that would incorporate safety measures around the construction site to reduce the risk to pedestrian activity near the work area; minimize the potential conflicts between construction activities, street traffic, transit stops, and pedestrians; and reduce congestion to public streets and highways. The Project would ensure high quality pedestrian access in all site planning and public right-of-way modifications to provide a safe and comfortable walking environment. The Project would recognize all modes of travel by providing adequate vehicular and pedestrian access and by providing bicycle facilities. Additionally, given the location of the Project Site along and in proximity to major transit corridors, the Project would provide Project residents, guests, employees, and patrons of the ground floor uses with convenient access to transit services. Thus, the Project would be generally consistent with Mobility Plan 2035.

The Project would support the City's policy and objective to reduce the total amount of flow entering the stormwater system, as well as pursue effective and efficient approaches to protecting water quality by implementing a SWPPP during construction that would include BMPs and other erosion control measures to minimize the discharge of pollutants in stormwater runoff. During operation, the Project would include BMPs to collect, detain, treat, and discharge runoff on-site before discharging into the municipal storm drain system as part of the SUSMP. As shown in Table IV.D-1 of the Draft EIR, the Project is consistent with applicable objectives and policies of the General Plan Framework regarding infrastructure, including energy, wastewater, and water supply. Therefore, the Project would be consistent with the applicable objectives and policies that

support the goals set forth in the General Plan Framework's Infrastructure and Public Services Chapter.

The Project would provide a variety of housing types (i.e., studio, one-, and two-bedroom units) in an area that is pedestrian-friendly and served by public transit; facilitate new construction of a range of different housing types; and expand opportunities for residential development, particularly in a designated Downtown Center and Regional Center Commercial area. Specifically, the Project would develop a total of 438 residential units. The Project would also promote the construction of green buildings by incorporating sustainable design features, including energy conservation, water conservation, alternative transportation programs, a pedestrian- and bicycle-friendly site design, and waste reduction measures. A portion of the required TFAR benefits may potentially be allocated towards affordable housing or other public benefits. Therefore, the Project would be consistent with the applicable policies set forth in the Housing Element.

The Project would support the applicable goals and objectives of the Health and Wellness Element by implementing a mixed-use development and incorporating a variety of open space areas within the Project Site that promote walkability and biking to contribute to the creation of a healthy community. The Project would include active and passive recreational spaces, including a podium deck with a pool, community rooms and recreational facilities, landscaped gardens, common open space with gathering and seating areas, and a roof deck with additional outdoor and indoor amenities. The Project would promote pedestrian activity and promote walkability in the vicinity of the Project Site by locating commercial retail and restaurant uses on the ground floor of the proposed building along Figueroa Street and 8th Street, which have a high degree of pedestrian activities. In addition, the Project would enhance the pedestrian experience between the Project Site and the Metro 7th Street/Metro Center Station and the adjacent commercial uses and create multi-modal transit options for Project users by providing ample bicycle parking and by improving the streetscape, particularly along Figueroa Street.

(b) Central City Community Plan

The Project would be generally consistent with the objectives and policies that support the goals of the Community Plan. The Project would support the City's objectives and policies to coordinate the development of the Central City area with that of other parts of the City of Los Angeles and the metropolitan area. The Project would make provisions for the housing required to satisfy the varying needs and desires of all economic segments of the Community Plan area by developing new residential and neighborhood-serving commercial retail and restaurant uses in the Community Plan area. The Project would introduce 438 residential units, consisting of studio, one-, and two-bedroom units that would provide needed housing in the Community Plan area.

To maintain and promote a safe environment, the Project would incorporate elements that would promote individual and community safety. Specifically, the Project would include private on-site security; a closed circuit security camera system; keycard entry for the residential tower and the residential parking areas; proper lighting of building entries and walkways to provide for pedestrian orientation and to clearly identify a secure route between parking areas and points of entry into building; and sufficient lighting of parking areas to maximize visibility and reduce areas of concealment. To promote a clean environment, the Project would include numerous trash

receptacles and recycling bins for residents, guests, employees, and commercial patrons. To provide and maintain an attractive and lively environment, the Project would redevelop an existing surface parking lot with a modern-style, mixed-use building that would complement the surrounding area. In addition, the Project would focus the proposed mixed-use development along Figueroa Street, a commercial corridor that is characterized by a high degree of pedestrian activity.

In addition, the Project's neighborhood-serving commercial retail and restaurant uses would complement the employment base of the Community Plan area, meet the needs of local residents, and continue building on the strengths of the existing labor force and businesses in Downtown Los Angeles. Furthermore, the Project would provide a variety of open space areas within the Project Site, including recreational amenities for residents and ground floor landscaped seating areas for patrons of the commercial retail restaurant uses proposed by the Project. Thus, the Project would be consistent with the general intent of the Central City Community Plan.

(i) Central City Community Plan Update (DTLA 2040 Plan)

It should also be noted that the City of Los Angeles Department of City Planning is currently updating the Central City Community Plan in conjunction with the Central City North Community Plan, whose areas together make up Downtown Los Angeles (sometimes known as DTLA), in a combined planning process referred to as the DTLA 2040 Plan. The Project Site is currently designated as Regional Commercial Center by the existing adopted Community Plan. Under the DTLA 2040 Plan, the Project Site would be designated as part of the Transit Core, which would allow a maximum FAR of 13:1 and general uses that include regional mixed-use, multi-family residential, entertainment, and office uses. The Los Angeles Department of City Planning is partnering with the Downtown community to update Downtown's Central City and Central City North Community Plans, as part of DTLA 2040. The DTLA 2040 Plan process began in 2014, and a public scoping meeting was held in February 2017 to collect comments from agencies and the public. Following a period of environmental analysis and review, the Central City Community Plan is expected to begin the adoption process in 2018.

(c) City of Los Angeles Municipal Code (LAMC)

The Project is a mixed-use development that consists of 438 residential units and up to 7,493 square feet of neighborhood-serving commercial retail and restaurant uses. The proposed uses would be located within a high-rise, 41-story building with above and below ground parking and a maximum building height of 530 feet to account for extended elevator access and concealment for a window-washing Building Maintenance Unit (BMU). Upon completion of the Project, as indicated in Revised Table II-1 on Page III-7 of the Final EIR, the Project Site would have a total floor area of up to 424,490 square feet. Upon completion of the Project, the total FAR on the Project Site would be 8.43:1. The proposed FAR is less than the allowable FAR of 13:1 for Height District 4.

Under the existing land use designation and zoning, the Project would be consistent with the allowable uses under C2-4D zoning. The Commercial zones permit a wide array of land uses, such as retail stores, offices, hotels, schools, parks, and theaters. The C2 zone also allows any land use permitted in the C1.5 and C1 zones, which, in turn, allow R4 and R3 Multiple Dwelling zones, which include multiple dwelling units. Height District 4 within the C2 zone does not impose

any height limit with a maximum Floor Area Ratio (FAR) of 13:1. However, the maximum permitted floor area of the Project site is restricted by the “D” development limitation, which limits the FAR to 6 times the buildable area of the lot (6:1) without a transfer of floor area (per Ordinance 164,307). With a lot area of 50,335 square feet, an FAR of 6:1 permits a total floor area of approximately 302,010 square feet. However, pursuant to the Central City Community Plan, a FAR of up to 13:1 is allowed with the transfer of surplus floor area obtained from a Donor Site. An increased FAR would allow the under-utilized infill Project Site to accommodate the residential density and retail space called for in the Community Plan. The Project would involve a TFAR of 122,480 square feet to the Project Site from the Los Angeles Convention Center to increase the total floor area of the Project to 424,490 square feet (8.43:1 FAR), which exceeds the 6:1 base floor area ratio otherwise permitted but less than the maximum 13:1 FAR allowed in Height District No. 4. In addition, in accordance with LAMC Section 14.5.9, the Project would provide a Public Benefit Payment as a result of the TFAR to serve a public purpose. The Project would also involve a Vesting Tentative Tract Map (VTTM) pursuant to LAMC Section 17.15 to create one ground lot comprising the entire site for condominium purposes. Per the Greater Downtown Housing Incentive Area Ordinance, LAMC Section 12.22, Project density is not subject to a lot area limitation. The Transfer of Floor Area Rights (TFAR) request is allowable under the Project Site’s “D” development limitation, and, with its approval, the Project’s FAR would comply with LAMC zoning requirements. The proposed density complies with LAMC zoning requirements under the Greater Downtown Housing Incentive Area Ordinance and is consistent with the definition of the Downtown Center by the Framework Element.

Per the Greater Downtown Housing Incentive Area Ordinance, LAMC Section 12.22-C,3(a), no yard requirements apply to the Project Site, except as required by the Downtown Design Guide. However, the LASED Streetscape Plan requires that the Project provide a 8-foot private setback. By incorporating a 9-foot private setback into the Project design, the Project would exceed the requirement. The Downtown Design Guide encourages variations in setbacks along street frontages and dictates that at least 80 percent of the Project frontage be lined with building street wall at the back of the setback and that 90 percent of that building street wall on Figueroa and 8th Streets reaches a height of 75 feet. The Project would comply with all applicable requirements set forth in the LAMC, Downtown Design Guide, and Downtown Street Standards. Refer to Appendix B for further discussion of the Downtown Design Guide.

Parking for the proposed uses would be provided in accordance with LAMC Section 12.21-A,4(p), which requires 1 parking space for each dwelling unit of 3 or fewer habitable rooms and 1.25 spaces for each dwelling unit of more than 3 habitable rooms. The Project is required to provide 462 residential parking spaces. The Project would include a total of 517 parking spaces reserved for residential uses. The Project would also provide 211 bicycle parking spaces, consisting of 203 long- and short-term residential spaces and 8 long- and short-term commercial spaces and in accordance with City Ordinance No. 185,480. Therefore, the Project would comply with the applicable LAMC parking requirements.

The TFAR request is allowable under the Project Site’s “D” development limitation, and, with its approval, the Project’s FAR would comply with LAMC zoning requirements. The TFAR request and other discretionary actions to implement the Project would be consistent with applicable provisions of the LAMC.

Therefore, the Project would be substantially consistent with applicable goals, policies, and objectives in local and regional plans that govern development on the Project Site. The Project would not be in substantial conflict with the adopted Community Plan or with relevant environmental policies in other applicable plans. Impacts related to land use consistency would be less than significant, and no mitigation measures would be required.

b. Cumulative Impacts

The related projects generally consist of infill development and redevelopment of existing uses, including mixed-use, residential, commercial, office, and hotel developments. In addition, as described in Subsection 2.a.(1)(a)(vi) above and in Section III, Environmental Setting, of this Draft EIR, the Central City Community Plan Update, once adopted, will be a long-range plan designed to accommodate growth in the Community Plan area until 2040. As with the Project, the related projects and other future development, including development resulting from the Community Plan Update, would be required to comply with relevant land use policies and regulations. Therefore, as the Project would generally be consistent with applicable land use plans, the Project would not incrementally contribute to cumulative inconsistencies with respect to land use plans. Cumulative impacts with regard to land use consistency would not be cumulatively considerable and cumulative impacts would be less than significant.

The proposed developments comprise a variety of uses, including residential uses, restaurants, retail uses, school expansions, as well as mixed-use developments incorporating some or all of these elements. The Project would be generally compatible with the various developments planned throughout the surrounding vicinity, including the nearest related projects to the Project Site (Related Project Nos. 4, 23, 32, 46, 52, 93, 151, and 158, which are located within two to three blocks of the Project Site and propose residential, hotel, retail, office, and restaurant uses), as well as with existing uses in the immediate area. While the Project, in combination with the related projects, represents a continuing trend of infill development at increased densities, future development inclusive of the Project would also serve to modernize the Project area and provide sufficient infrastructure and amenities to serve the growing population. Such related projects are not expected to fundamentally alter the existing land use relationships in the community but, rather, would concentrate development on particular sites and promote a synergy between existing and new uses. Furthermore, as analyzed above, the Project's proposed mix of residential and neighborhood-serving commercial retail and restaurant uses would be consistent with surrounding land uses. Thus, the Project would not have a cumulatively considerable impact on land use consistency. As such, the combined land use consistency impacts associated with the Project's incremental effect and the effects of other related projects would not be cumulatively considerable.

5. Noise

a. Construction

(a) On-Site Noise

Noise impacts from Project-related construction activities occurring within or adjacent to the Project Site would be a function of the noise generated by construction equipment, the location of the equipment, the timing and duration of the noise-generating construction activities, and the

relative distance to noise-sensitive receptors. Construction activities for the Project would generally include demolition, site grading and excavation for the subterranean parking garage, and building construction. Each stage of construction would involve the use of various types of construction equipment and would, therefore, have its own distinct noise characteristics. Demolition generally involves the use of backhoes, front-end loaders, and heavy-duty trucks. Grading and excavation typically requires the use of earth-moving equipment, such as excavators, front-end loaders, and heavy-duty trucks. Building construction typically involves the use of cranes, forklifts, concrete trucks, pumps, and delivery trucks. Noise from construction equipment would generate both steady-state and episodic noise that could be heard within and adjacent to the Project Site.

Individual pieces of construction equipment anticipated to be used during construction of the Project could produce maximum noise levels (L_{max}) of 74 dBA to 90 dBA at a reference distance of 50 feet from the noise source. These maximum noise levels would occur when equipment is operating under full power conditions (i.e., the equipment engine at maximum speed). However, equipment used on construction sites often operates under less than full power conditions, or part power. To more accurately characterize construction-period noise levels, the average (Hourly L_{eq}) noise level associated with each construction phase is calculated based on the quantity, type, and usage factors for each type of equipment that would be used during each construction phase. These noise levels are typically associated with multiple pieces of equipment operating on part power, simultaneously.

The potential noise impacts (i.e., noise increase over the ambient level) would be highest during the foundation stage. Mitigation Measure AIR-MM-5 would extend the overall construction duration by approximately two (2) months with completion of construction activities occurring at the beginning of 2022. This mitigation measure would limit the number of daily hauls for import/export to 135 per day. As explained on page III-54 of the Final EIR, noise impacts during construction are based on the peak day in which the maximum amount of equipment and trucks would be operating. Construction equipment on a peak day would not change with the Project as modified. Therefore, the extended construction schedule would not affect the on-site construction noise impacts discussed in Section IV.E, Noise, of the Draft EIR. The estimated noise levels during all stages of Project construction would be below the significance criteria at all off-site receptor locations. Therefore, temporary noise impacts associated with the Project's on-site construction would be less than significant, and no mitigation measures would be required.

(b) Off-Site Noise

Typically, construction trucks generate higher noise levels than construction worker vehicles. The major noise sources associated with off-site construction trucks would be associated with delivery/haul trucks. It is anticipated that construction delivery/haul trucks would travel between the Project Site and I-10 via Figueroa Street, Wilshire Boulevard, Grand Avenue, and 18th Street.

The peak period of construction with the highest number of construction trucks would occur during the grading and excavation phase. During this phase, there would be up to 135 construction trucks coming to and leaving the Project Site (equal to 270 total trips) per day. As set forth on page III-43 of the Final EIR, based on regionally accepted standards, a passenger

car equivalency (PCE) of 2.0 was applied to equate these trucks to passenger vehicles. Accordingly, the Project's estimated 270 daily truck trips during the peak excavation and grading phase would be equivalent to 540 passenger vehicle trips. Assuming these trips are dispersed equally over an eight-hour workday, there would be an average of 68 PCE trips in an hour (34 PCE trips each way) during the peak grading and excavation phase. In addition, there would be a total of 50 worker trips to and from the Project Site on a daily basis during the grading and excavation phase. There would also be construction delivery truck trips (up to 100 truck trips per day) during other construction phases of the Project, but such trips would be significantly less than the 270 truck trips under the grading and excavation phase.

The noise levels generated by construction trucks during all stages of Project construction would be consistent with the existing daytime ambient noise levels along the anticipated haul route(s) and therefore would be below applicable 5-dBA significance criteria. Therefore, temporary noise impacts from off-site construction traffic would be less than significant, and no mitigation measures would be required.

(c) On-Site Vibration

With regard to potential building damage, the Project would generate ground-borne construction vibration during building demolition and site excavation/grading activities when heavy construction equipment, such as large bulldozers, drill rigs, and loaded trucks, would be used. The FTA has published standard vibration velocities for various construction equipment operations. Table IV.E-21 on page IV.E-47 provides the estimated vibration levels (in terms of inch per second PPV) at the nearest off-site structures to the Project Site. It is noted that since impact pile driving methods shall not be used during construction of the Project, in accordance with Project Design Feature NOI-PDF-2 provided above, impact pile driving vibration is not included in the on-site construction vibration analysis. Installation of piles for shoring and foundation would utilize drilling methods to minimize vibration generation.

There are no buildings that are extremely susceptible to building damage located immediately adjacent to the property line of the Project Site. The construction vibration analysis for potential building damage due to off-site construction activities conservatively compares the estimated vibration levels generated from off-site construction activities to the 0.12-PPV significance criteria for buildings extremely susceptible to vibration damage. The estimated vibration velocity levels from all construction equipment would be below the 0.3 PPV building damage significance criteria at the Barker Brothers Building and below 0.5 PPV at the other off-site structures nearest to the Project Site. Therefore, the on-site vibration impacts, pursuant to the significance criteria for building damage, during construction of the Project would be less than significant, and no mitigation measures would be required.

Per FTA guidance, the significance criteria for human annoyance is 72 VdB for sensitive uses, including residential and hotel uses, assuming there are a minimum of 70 vibration events occurring during a typical construction day. The estimated ground-borne vibration levels from construction equipment would be below the significance criteria for human annoyance at all off-site sensitive receptor locations. Therefore, on-site vibration impacts during construction of the Project, pursuant to the significance criteria for human annoyance, would be less than significant, and no mitigation measures would be required.

(d) Off-Site Vibration (Building Damage)

Regarding building damage, based on FTA data, the vibration generated by a typical heavy-duty truck would be approximately 63 VdB (0.00566 PPV) at a distance of 50 feet from the truck. According to the FTA “[i]t is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads.” Nonetheless, there are existing buildings along the Project’s anticipated haul route(s) that are situated approximately 20 feet from the right-of-way and would be exposed to ground-borne vibration levels of approximately 0.022 PPV. This estimated vibration generated by construction trucks traveling along the anticipated haul route(s) would be well below the most stringent building damage criteria of 0.12 PPV for buildings extremely susceptible to vibration. Therefore, vibration impacts (pursuant to the significance criteria for building damage) from off-site construction activities (i.e., construction trucks traveling on public roadways) would be less than significant, and no mitigation measures would be required.

b. Operation

As part of the Project, new mechanical equipment (e.g., air ventilation equipment) would be located at the roof level and within the building structure (e.g., garage exhaust fans). Although operation of this equipment would generate noise, Project-related outdoor mechanical equipment would be designed so as not to increase the existing ambient noise levels by 5 dBA in accordance with the City’s Noise Regulations. Specifically, the Project would comply with Section 112.02 of the LAMC, which prohibits noise from air conditioning, refrigeration, heating, pumping, and filtering equipment from exceeding the ambient noise levels on the premises of other occupied properties by more than 5 dBA. In addition, as provided in Project Design Feature NOI-PDF-3, all outdoor mounted mechanical equipment shall be enclosed or screened from off-site noise-sensitive receptors. Therefore, noise impacts from mechanical equipment would be less than significant, and no mitigation measures would be required.

Noise sources associated with outdoor uses typically include noise from people gathering and conversing. In order to analyze a typical noise scenario, it was assumed that up to 50 percent of the people (half of which would be male and the other half female) would be talking at the same time. In addition, the hours of operation for use of the outdoor areas were assumed to be from 7:00 A.M. to 2:00 A.M. to provide a conservative noise estimate. An additional potential noise source associated with outdoor uses would be the use of an outdoor sound system (e.g., music or other sounds broadcast through an outdoor mounted speaker system). The sound from the outdoor sound system, if used, would be heard by people in the immediate vicinity of the outdoor areas. Project Design Feature NOI-PDF-4 ensures that the amplified sound system used in outdoor areas would be designed so as not to exceed noise significance criteria. The estimated noise levels were calculated with the assumption that all of the outdoor spaces would be fully occupied and operating concurrently to represent a worst-case noise analysis. As presented in Table IV.E-15 of the draft EIR, estimated noise levels from outdoor spaces would be below the significance criteria of 5 dBA (L_{eq}) above ambient noise levels. As such, noise impacts from the use of the outdoor areas would be less than significant, and no mitigation measures would be required.

Sources of noise within the parking garage would primarily include vehicular movements and engine noise, doors opening and closing, and intermittent car alarms. Noise levels within the

parking garage would fluctuate with the amount of automobile and human activity. Since the subterranean parking levels would be fully enclosed on all sides, noise generated within the subterranean parking garage would be effectively shielded from off-site sensitive receptor locations in the immediate vicinity of the Project Site. However, the above grade parking levels would have openings for ventilation at the south, east and west façades. The estimated noise levels from the Project parking garage would be well below the significance criteria of 5 dBA (L_{eq}) above ambient noise levels (based on the lowest measured ambient). Therefore, noise impacts from the parking garage would be less than significant, and no mitigation measures would be required.

The Project loading dock and trash compactor would be located inside the southeastern portion of the building at the ground level. Delivery trucks would access the loading docks through the alley from 8th Street. Noise sources associated with the loading dock and trash collection area would include delivery/trash collection trucks and trash compactor operation. Based on measured noise levels from typical loading dock facilities and trash compactors, delivery/trash collection trucks and trash compactors could generate noise levels of approximately 71 dBA (L_{eq}) and 66 dBA (L_{eq}), respectively, at a distance of 50 feet. The loading dock and trash collection area would be effectively buffered from the off-site sensitive receptors by the Project building and the existing seven-level parking structure at the northwest corner of Flower and 8th Streets. Therefore, noise impacts from loading dock and trash compactor operations would be less than significant, and no mitigation measures would be required.

Future roadway noise levels were calculated along 38 roadway segments in the vicinity of the Project Site. The roadway noise levels were calculated using the traffic data provided in the Traffic Study prepared for the Project. The Project is expected to generate a net increase of 2,644 daily weekday trips. As such, Project-related traffic would increase the existing traffic volumes along the roadway segments in the study area when compared with Future without Project conditions. This increase in roadway traffic was analyzed to determine if any traffic-related noise impacts would result from operation of the Project. The increase in traffic noise levels would be well below the relevant significance criteria. Therefore, traffic noise impacts under Future Plus Project conditions would be less than significant, and no mitigation measures would be required.

The analysis of traffic noise impacts provided above was based on the incremental increase in traffic noise levels attributable to the Project as compared to Future Without Project conditions. An additional analysis was performed to determine the potential noise impacts based on the increase in noise levels due to Project-related traffic compared with the existing baseline traffic noise conditions. The estimated increase in traffic noise levels as compared to existing conditions would be well below the relevant significance criteria. Therefore, traffic noise impacts under Existing Plus Project conditions would be less than significant, and no mitigation measures would be required.

In sum, Project operation would not result in the generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Therefore, the Project's operational noise impacts from on- and off-site sources would be less than significant, and no mitigation measures would be required.

c. Cumulative Impacts

Due to the rapid attenuation characteristics of ground-borne vibration and given the distance of the nearest related project to the Project Site, there is no potential for a cumulative construction vibration impact with respect to building damage associated with ground-borne vibration from on-site sources. In addition, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant. Therefore, on-site and off-site construction activities associated with the Project and related projects would not generate excessive ground-borne vibration levels with respect to building damage.

The Project and related projects would not result in the exposure of persons to or generation of noise levels in excess of standards established by the City or in a substantial permanent increase in ambient noise levels in the vicinity of the Project Site above levels existing without the Project and the related projects. Therefore, the Project's contribution to operational noise impacts from on-site and off-site sources would not be cumulatively considerable.

d. Project Design Features

The City finds that the Project Design Features NOI-PDF-1 through NOI-PDF-4, incorporated into the Project, reduce the potential noise impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

6. Public Services

a. Fire Protection—Construction

Construction activities have the potential to result in accidental on-site fires by exposing combustible materials (e.g., wood, plastics, sawdust, coverings and coatings) to fire risks from machinery and equipment sparks, and from exposed electrical lines, chemical reactions in combustible materials and coatings, and lighted cigarettes. Given the nature of construction activities and the work requirements of construction personnel, the Occupational Safety and Health Administration ("OSHA") has developed safety and health provisions for implementation during construction, which are set forth in 29 Code of Federal Regulations, Part No. 1926. In accordance with these regulations, construction managers and personnel would be trained in emergency response and fire safety operations, which include the monitoring and management of life safety systems and facilities, such as those set forth in the Safety and Health Regulations for Construction established by OSHA. Additionally, in accordance with the provisions established by OSHA for emergency response and fire safety operations, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained on-site. Project construction would also occur in compliance with all applicable federal, state, and local requirements concerning the handling, disposal, use, storage, and management of hazardous materials. Thus, compliance with regulatory requirements would effectively reduce the potential for project construction activities to expose people to the risk of fire or explosion related to hazardous materials and non-hazardous combustible materials.

Project construction could also potentially impact the provision of LAFD services in the Project vicinity as a result of construction impacts to the surrounding roadways. Specifically, while construction activities would primarily be contained within the boundaries of the Project Site,

access to the Project Site and the surrounding vicinity could be impacted by temporary lane closures, roadway/access improvements, and the construction of utility line connections. Construction activities also would generate traffic associated with the movement of construction equipment, the hauling of soil and construction materials to and from the Project Site, and construction worker traffic. Construction delivery/haul trucks would generally travel north on Figueroa Street, east on Wilshire Boulevard, south on Grand Avenue, east on 18th Street, and use the on-ramp on Los Angeles Street onto the I-10 East freeway, and travel north on the I-605 freeway to a facility in Irwindale. Thus, although construction activities would be short-term and temporary for the area, Project construction activities could temporarily affect emergency response for emergency vehicles along Figueroa Street, 8th Street, 7th Street, Wilshire Boulevard, Grand Avenue, and other main connectors due to increased traffic and temporary lane closures on immediately adjacent streets during the Project's construction phase. However, given the permitted hours of construction and nature of construction projects, daily construction trips would typically be completed prior to P.M. peak hours. With implementation of the Project Design Feature TR-PDF-1, construction truck trips would not cause significant impacts during the A.M. peak and P.M. peak hours for peak construction truck activity and to emergency vehicles. In addition, Project Design Feature TR-PDF-1 would ensure that adequate and safe access remains available within and near the Project Site during construction activities. The Project would also employ temporary traffic controls, such as flag persons to control traffic movement during temporary traffic flow disruptions. Traffic management personnel would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. Appropriate construction traffic control measures (e.g., detour signage, delineators, etc.) would also be implemented, as necessary, to ensure emergency access to the Project Site and traffic flow is maintained on adjacent right-of-ways. Furthermore, Section 21806 of the CVC allows drivers of emergency vehicles to have a variety of options for avoiding traffic, such as using sirens to clear a path of travel.

Based on the above, Project construction would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility, the construction of which would cause significant environmental effects, in order to maintain service. Therefore, impacts to fire protection services and EMS during Project construction would be less than significant, and no mitigation measures would be required.

b. Fire Protection—Operation

The Project's population would increase the demand for LAFD fire protection services. However, the Project would implement Los Angeles Building and Fire Code requirements, including, but not limited to, structural design, building materials, site access, clearances, hydrants, fire flow, storage and management of hazardous materials, alarm and communications systems, and building sprinkler systems. Compliance with applicable City Building Code and Fire Code requirements would be demonstrated as part of LAFD's fire/life safety plan review and LAFD's fire/life safety inspection for new construction projects, as set forth in Section 57.118 of the LAMC, prior to the issuance of a building permit. In addition, as described above, the Project, as a high-rise structure, is required by the Section 57.4705.4 of the LAMC to provide an Emergency Helicopter Landing Facility ("EHLF"), or to implement one of two options to forgo an EHLF as described on pages IV.F.2-7 and IV.F.2-8 of the Draft EIR. The Project would comply with Option 2 of LAFD Requirement No. 10 and acquire approval from the Fire Marshal for this option. In compliance with Option 2, the Project would provide all applicable life safety features,

including automatic fire sprinklers, a video camera surveillance system, egress stairways, fire service access elevators, stairways with roof access, enclosed elevator lobbies, and escalator openings or stairways. As such, compliance with applicable regulatory requirements that are enforced through the City's building permitting process would ensure that adequate fire prevention features would be provided that would reduce the demand on LAFD facilities and equipment.

Pursuant to Section 57.507.3.3 of the LAMC, for land uses in the Industrial and Commercial category, which includes the Project Site, the required response distance from a fire station with an engine company is 1.0 mile and the required response distance from a fire station with a truck company is 1.5 miles. As discussed above, Fire Station No. 3 would serve as the first-in fire station to the Project from its location approximately 0.9 mile northeast of the Project Site. It is equipped with a task force truck and engine company and two ambulances. In addition, Fire Station Nos. 11, 9, and 10 are located within 1.5 miles of the Project Site and are equipped with at least one engine and one truck company. As a fire station with only an engine company that is located approximately 2.4 miles east of the Project Site, Fire Station No. 4 is located beyond the 1.0-mile response distance requirement for a fire station with only an engine company. Therefore, based on the LAMC criteria regarding response distances, the Project would be in compliance and would be adequately located from Fire Station Nos. 3, 11, 9, and 10. As such, fire protection for the Project would be considered adequate.

According to the LAFD, the Project falls within the Industrial and Commercial land use category and is required by the LAMC to provide a fire flow of 6,000 to 9,000 gpm from four to six hydrants flowing simultaneously. Additionally, hydrants must be spaced to provide adequate coverage of the building exterior and must deliver a minimum pressure of 20 psi at full flow. Currently, there is one hydrant near the southwestern corner of the Project Site in the public sidewalk on the north side of 8th Street. The Project would be required to install additional hydrant(s) to meet City fire flow requirements. As such, the Project Applicant will coordinate with LADWP to install necessary improvements to the off-site fire water system in accordance with City standards. Therefore, with construction of the proposed fire water system improvements (connections to the existing water mains) and the installation of an additional fire hydrant(s) within the public right-of-way to meet City fire flow requirements set forth in Section 57.507.3.1 of the LAMC, the Project would meet the fire flow requirements.

Based on the analysis above, Project operation would not require the addition of a new fire station or the expansion, consolidation, or relocation of an existing facility, the construction of which would cause significant environmental effects, in order to maintain service and would not inhibit LAFD emergency response. Therefore, impacts to fire protection and emergency medical services (EMS) during Project operation would be less than significant, and no mitigation measures are required.

c. Fire Protection—Cumulative Impacts

The Project, in conjunction with growth forecasted in the City through 2021 and 2022 (i.e., the Project's buildout year and occupancy year, respectively), would cumulatively generate a demand for fire protection service, thus potentially resulting in cumulative impacts on fire protection facilities. Cumulative growth in the greater Project area through 2022 includes specific known development projects, growth that may be projected as result of the land use designation

and policy changes contained in the Community Plan Update, as well as general ambient growth projected to occur.

The increase in development and residential service populations from the Project, related projects, and other future development in the Community Plan area would result in a cumulative increase in the demand for LAFD services and could have a cumulative impact on fire services if the Project, together with other development in the service area, did not comply with LAFD requirements for design and construction. However, similar to the Project, the related projects would be reviewed by the LAFD on a project-by-project basis to ensure that sufficient fire safety and hazards measures are implemented to reduce potential impacts to fire protection. Furthermore, each related project would be required to comply with regulatory requirements related to fire protection and EMS. As discussed above, each related project and other future development that exceeds the maximum applicable LAMC response distance standards would be required to install automatic fire sprinkler systems in order to compensate for the additional response distance.

In addition, the Project, each related project, and other future development projects in the Community Plan area would be subject to the City's standard construction permitting process, which includes a review by LAFD for compliance with building and site design standards related to fire/life safety, as well as coordinating with LADWP to ensure that local fire flow infrastructure meets current code standards for the type and intensity of land uses involved. Given that the Project Site is located within an urban area, each of the related projects identified in the area would likewise be developed within urbanized locations that fall within an acceptable distance from one or more existing fire stations. The Project would also generate revenues to the City's General Fund (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of new fire station facilities and related staffing, as deemed appropriate. Cumulative increases in demand for fire protection services due to related projects would be identified and addressed through the City's annual programming and budgeting processes. Any requirement for a new fire station, or the expansion, consolidation, or relocation of an existing fire station would also be identified through this process, the impacts of which would be addressed accordingly. Furthermore, over time, LAFD would continue to monitor population growth and land development throughout the City and identify additional resource needs, including staffing, equipment, trucks and engines, ambulances, other special apparatuses, and possibly station expansions or new station construction, that may become necessary to achieve the required level of service. LAFD has no known or proposed plans to expand fire facilities or construct new facilities in the Community Plan area. However, if a new fire station, or the expansion, consolidation, or relocation of an existing station was determined to be warranted by LAFD, the Community Plan area is highly developed, and the site of a fire station would foreseeably be an infill lot less than an acre in size which would meet the requirements for the use of a Class 32 categorical infill exemptions (CEQA Guidelines 15332). Development of a station at this scale is unlikely to result in significant impacts, and projects involving the construction or expansion of a fire station would be addressed independently pursuant to CEQA.

Based on the above, the Project's contribution to cumulative impacts to fire protection and EMS would not be cumulatively considerable. As such, cumulative impacts to fire protection and EMS would be less than significant.

d. Police Protection—Construction

Project construction would not substantially increase the police service population of the Central Area. Although the daytime population at the Project Site during construction would be temporary in nature, construction sites can be sources of nuisances and hazards and invite theft and vandalism. When not properly secured, construction sites can contribute to a temporary increased demand for police protection services. Pursuant to Project Design Feature POL-PDF-1, the Applicant shall implement temporary security measures, including security fencing, lighting, and locked entry, to secure the Project Site during construction. With implementation of these features, potential impacts associated with theft and vandalism during construction activities would be less than significant, and no mitigation measures would be required.

e. Police Protection—Operation

As provided above in Project Design Features POL-PDF-2 through POL-PDF-5, the Project shall include numerous operational design features to enhance safety within and immediately surrounding the Project Site. Specifically, as set forth in Project Design Feature POL-PDF-2, the Project shall include a closed circuit security camera system and keycard entry for the residential buildings and the residential parking areas. In addition, pursuant to Project Design Features POL-PDF-3 and POL-PDF-4, the Project shall include proper lighting of buildings and walkways to maximize visibility and provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings. The Project shall also design entrances to, and exits from buildings, open spaces around buildings, and pedestrian walkways to be open and in view of surrounding sites, as provided in Project Design Feature POL-PDF-5. Furthermore, as specified in Project Design Feature POL-PDF-6, the Applicant shall submit a diagram of the Project Site showing access routes and other information that might facilitate police response. The Project's design features would help offset the Project-related increase in demand for police services. Therefore, the Project's impact on police services would be less than significant, and no mitigation measures would be required.

f. Police Protection—Cumulative Impacts

In general, impacts to LAPD services and facilities during the construction of each related project would be addressed as part of each related project's development review process conducted by the City. Due to the proximity to the Project Site, should Project construction occur concurrently with related projects, specific coordination among these multiple construction sites would be required and implemented through the Project's construction management plan, which would ensure that emergency access and traffic flow are maintained on adjacent rights-of-way. Similar to the Project, each related project would also be subject to the City's routine construction permitting process, which includes a review by the LAPD to ensure that sufficient security measures are implemented to reduce potential impacts to police protection services. Furthermore, construction-related traffic generated by the Project and the related projects would not significantly affect LAPD response within the Project Site vicinity as drivers of police vehicles normally have a variety of options for avoiding traffic, such as using sirens to clear a path of travel or driving in the lanes of opposing traffic. Therefore, the Project's contribution to cumulative impacts on either police protection or emergency services during construction would not be cumulatively considerable, and cumulative impacts would be less than significant.

The additional population associated with related projects and general growth in the Project area would likewise have an effect on crime in the Central Area, which could increase based on per capita crime rates. Accordingly, cumulative population growth could increase the demand for LAPD services in the Central Area. Assuming the same crime per capita rate currently observed in the Central Area (0.132 crime per capita), the residential population of the Project and related projects could generate an additional 18,102 crimes per year. This degree of cumulative population growth could increase the demand for LAPD services in the Central Area. However, of the 18,102 crimes per year, the Project's incremental contribution is only 174 crimes per year, or approximately 0.96 percent of the cumulative increase in crimes. In addition, the Project would implement Project Design Features POL-PDF-1 through POL-PDF-6. Therefore, the Project's incremental impact would not be cumulatively considerable.

Based on the above, the Project would not substantially contribute to cumulative adverse impacts associated with the provision of new or physically altered government facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain service. As such, cumulative impacts on police protection services would be less than significant and the Project's contribution would not be cumulatively considerable.

g. Police Protection—Project Design Features

The City finds that the Project Design Features POL-PDF-1 through POL-PDF-6, incorporated into the Project, reduce the potential police protection services impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

h. Schools—Construction

The Project would involve the development of 438 residential dwelling units and up to 7,500 square feet of neighborhood-serving commercial retail uses. The Project would generate part-time and full-time jobs associated with construction of the Project between the start of construction and Project buildout. However, due to the employment patterns of construction workers in Southern California and the operation of the market for construction labor, construction workers are not likely to relocate their households as a consequence of the construction job opportunities presented by the Project. Therefore, the construction employment generated by the Project would not result in a notable increase in the resident population or a corresponding demand for schools in the vicinity of the Project Site. Impacts to school facilities during Project construction would be less than significant, and no mitigation measures would be required.

i. Schools—Operation

The Project would directly generate students through the construction of 438 new residential dwelling units. In addition, the Project's commercial retail component would generate students since employees of the commercial uses may relocate to the Project Site vicinity. Using the applicable LAUSD student generation rates for the Project's land uses, the Project would generate approximately 191 new students, consisting of 18 kindergarten students, 86 elementary school students (Grades 1-5), 28 middle school students (Grades 6-8), and 59 high school students (Grades 9-12). As there are no students currently residing on the Project Site, the

Project's student generation would result in a net increase in students attending Project area schools.

Pursuant to Senate Bill 50, the Project Applicant would be required to pay development fees for schools to the LAUSD prior to the issuance of the Project's building permit. Pursuant to Government Code Section 65995, the payment of these fees is considered full and complete mitigation of Project-related school impacts. Therefore, payment of the applicable development school fees to the LAUSD would offset the potential impact of additional student enrollment at schools serving the Project Site. Accordingly, with adherence to existing regulations, impacts on schools would be less than significant, and no mitigation measures would be required.

j. Schools—Cumulative Impacts

When compared to both existing conditions and projected school capacities, the students generated by the Project, in combination with the 133 related projects within the school attendance boundaries, would cause seating shortages at Olympic Primary Center, 10th Street Elementary School, John H. Liechty Middle School, and Belmont Zone of Choice high schools.

This degree of cumulative growth would substantially increase the demand for LAUSD services in the Project Site vicinity. The Project alone would comprise approximately 1.5 percent of the total estimated cumulative growth in students. However, as with the Project, future development, including the related projects, would be required to pay development fees for schools to the LAUSD prior to the issuance of building permits pursuant to Senate Bill 50. Pursuant to Government Code Section 65995, the payment of these fees would be considered full and complete mitigation of school impacts generated by the Project and related projects. Therefore, the Project's incremental contribution towards school impacts would not be cumulatively considerable, and cumulative impacts on schools would be less than significant.

k. Libraries—Construction

Construction of the Project would result in a temporary increase of construction workers on the Project Site. Due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, construction workers are not likely to relocate their households as a consequence of Project construction. Therefore, Project-related construction workers would not result in a notable increase in the resident population within the service area of the Richard J. Riordan Central Library, Little Tokyo Branch Library, Pico Union Branch Library, Echo Park Branch Library, Chinatown Branch Library, and Felipe de Neve Branch Library. Furthermore, Project-related construction workers would not result in a notable increase in an overall corresponding demand for library services in the vicinity of the Project Site; it is unlikely that construction workers would visit Project area libraries on their way to/from work or during their lunch hours. Construction workers would likely use library facilities near their places of residence because lunch break times are typically not long enough (30 to 60 minutes) for construction workers to take advantage of library facilities, eat lunch, and return to work within the allotted time. It is also unlikely that construction workers would utilize library facilities on their way to work as the start of their work day generally occurs before the libraries open for service. Similarly, it is unlikely that construction workers would utilize library facilities at the end of the

workday and would likely use library facilities near their places of residence. Therefore, any increase in usage of the libraries by construction workers is anticipated to be negligible.

As such, Project construction would not cause local libraries to exceed its capacities to adequately serve the existing residential population based on target service populations or as defined by the Los Angeles Public Library (LAPL). Project construction would not substantially increase the demand for library services for which current demand exceeds the ability of the facility to adequately serve the population. As such, Project construction would not result in the need for new or physically altered libraries, the construction of which would cause significant environmental impacts. Impacts on library facilities during Project construction would be less than significant, and no mitigation measures are required.

I. Libraries—Operation

As the Project Site currently does not include any housing, there are no residents on the Project Site that use the six identified libraries. Thus, with the addition of the Project's 1,069 estimated residents, the estimated service population of the 538,000-square-foot Central Library would be 3,950,748 persons in 2022. Even as the Central Library continues to be the LAPL headquarters and a resource and destination for visitors both near and far, the LAPL has not indicated any current service deficiencies for the Central Library. The 12,500-square-foot Pico Union Branch Library and 14,500-square-foot Chinatown Branch Library would have an estimated service population of 36,830 persons and 12,321 persons, respectively, and would both continue to meet the recommended building size standards of 12,500 square feet for a service population of less than 45,000 persons. The 17,543-square-foot Echo Park Branch Library would have an estimated service population of 55,911 persons and would continue to meet the recommended building size standards of 14,500 square feet for a service population over 45,000 persons.

Based on the above, and pursuant to the library sizing standards recommended in the 2007 Branch Facilities Plan, operation of the Project would not create any new exceedance of the capacity of local libraries to adequately serve the existing residential population based on target service populations or as defined by the LAPL, which would result in the need for new or altered facilities, or substantially increase the demand for library services for which current and future demand exceeds the ability of the facility to adequately serve the population. In addition, although the Little Tokyo Branch Library and Felipe de Neve Branch Library would continue operations without meeting recommended building standards under existing and future conditions, residents of the Project would likely frequent the Central Library, which is the closest library to the Project. To the extent that Project residents would travel farther within the 2-mile libraries service area, library usage would be expected to be dispersed between the Central Library and the other five local branch libraries identified by the LAPL. Furthermore, as the Little Tokyo Branch Library and Felipe de Neve Branch Library are already undersized in existing conditions, the Project would not be anticipated to result in a substantial increase in demand for library services for which current demand exceeds the ability of the facility to adequately serve the population. Therefore, the Project would not result in the need for new or altered facilities, the construction of which would cause significant environmental impacts. As such, impacts on library facilities during operation of the Project would be less than significant, and no mitigation measures would be required.

m. Parks and Recreation—Construction

Construction of the Project would result in a temporary increase in the number of construction workers at the Project Site. Due to the employment patterns of construction workers in Southern California, and the operation of the market for construction labor, the likelihood that construction workers would relocate their households as a consequence of working on the Project is negligible. Therefore, the construction workers associated with the Project would not result in a notable increase in the residential population of the Project vicinity, or a corresponding permanent demand for parks and recreational facilities in the vicinity of the Project Site.

Project construction would not generate a demand for park or recreational facilities that could not be adequately accommodated by existing or planned facilities and services. Project construction would not 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. Therefore, impacts on parks and recreational facilities during Project construction would be less than significant, and no mitigation measures would be required.

n. Parks and Recreation—Operation

The population increase associated with the Project would generate additional demand for parks and recreational facilities in the Project vicinity. The Project would provide a total of approximately 46,150 square feet of open space and recreational amenities to serve the recreational needs of Project residents and guests. The Project's open space data and descriptions are set forth in Revised Table II-2 on page III-27 of the Final EIR. On the ground floor, the Project would provide 3,243 square feet of outdoor common open space. Residential recreational amenities would be provided on Levels 5 and 41. Level 5 includes 20,611 square feet of outdoor landscaped amenities and 5,728 square feet of indoor amenities. Level 41 includes 2,568 square feet of outdoor landscaped roof deck. In addition, Levels 6 through 40 would provide 14,000 square feet of outdoor private open space. As such, in total, as shown in Revised Table II-2 on page III-27 of the Final EIR, the Project would provide approximately 46,150 square feet of open space and recreational amenities, which would meet the required area of 46,150 square feet as set forth by the LAMC. In addition, the Project will incorporate elements that promote individual and community safety throughout the Project Site, including open space areas that are well-lit and equipped with a closed circuit camera system to allow for constant monitoring of such areas to ensure public safety and security at all times. As such, the open space and recreational amenities for the Project would meet the open space requirements of 46,150 square feet as set forth by LAMC Section 12.21-G.

As indicated on page III-2 of the Final EIR, the Project would provide 126 trees and 6,710 square feet of planted common area, in accordance with LAMC requirements.

Due to the amount, variety, and availability of the proposed open space and recreational amenities, it is anticipated that Project residents would generally utilize on-site open space to meet their recreational needs. Thus, while the Project's estimated 1,069 residents would be expected to utilize off-site public parks and recreational facilities to some degree, the Project would not be expected to cause or accelerate substantial physical deterioration of off-site public parks or recreational facilities given the provision of on-site open space and recreational

amenities. Similarly, the Project's commercial component, which is estimated to generate approximately 21 employees, would result in a negligible indirect demand for parks and recreational facilities, which would also be offset by the reduction in employees attributed to the removal of the existing uses (i.e., parking lot attendees). Furthermore, as discussed above primarily with respect to Project-level impacts and further below for cumulative impacts, the Project would pay a Dwelling Unit Construction Tax in accordance with Section 21.10.3(a)(1) of the LAMC and comply with the requirements of Section 17.12 of the LAMC regarding payment of Quimby fees. As such, the Project would not significantly increase the demand for off-site public parks and recreational facilities. Project operation would not 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. Therefore, impacts on parks and recreational facilities during Project operation would be less than significant, and no mitigation measures would be required.

o. Parks and Recreation—Cumulative Impacts

All 181 identified related projects and ambient growth projections fall within a 2-mile radius of the Project Site, which is the geographic area analyzed for purposes of assessing impacts to parks and recreational facilities. As noted above, the Community Plan area is currently underserved when considering the desired parkland standards provided in the Public Recreation Plan. As the population continues to grow in the Project Site vicinity, increased demand would lower the existing parkland to population ratio without the construction of new parkland, such as the anticipated 1st and Broadway Park.

While it is anticipated that the Project's provision of on-site open space would meet the recreational needs of Project residents, the Project would not meet all of the parkland provision goals set forth in the Public Recreation Plan. Development of the related projects would exacerbate the Community Plan area's deficiency in parkland per the Public Recreation Plan's standards. The 1st and Broadway Park in development, however, would make a substantial positive contribution toward meeting these goals as it is expected to open in 2019. Even so, as previously indicated, the standards set forth in the Public Recreation Plan are Citywide goals and are not intended to be requirements for individual development projects. Furthermore, as with the Project, the related projects, and other future development projects in the Community Plan area would undergo discretionary review on a case-by-case basis and would be expected to coordinate with the DRP. Similar to the Project, future development projects would be required to comply with Sections 12.21, 17.12, and 21.10.3(a)(1) of the LAMC, including some that would also be required to comply with Sections 17.12 and 12.33 of the LAMC and the Park Fee Ordinance, as applicable. As such, cumulative impacts to parks and recreational facilities would be less than significant, and no mitigation measures would be required.

7. Traffic, Access, and Parking

a. Construction

The highest average hourly volume of truck trips would occur during the Project's excavation and grading phase. During this phase, there would be up to 200 daily truckloads expected. Haul trucks would travel on approved truck routes designated within the City. Subject to LADOT approval of the Project's proposed hauling activities, the Project trucks would use the

most direct route to transport demolition and construction debris from the Project Site to the designated landfill. Other phases of construction would typically generate fewer truckloads, ranging from approximately 15 truckloads per day to a maximum of 50 truckloads per day, which would equate to a maximum of 100 truck trips or 200 PCE trips per day. This would represent an average of 25 PCE trips in a typical hour of an eight-hour work day, which would be less than the number of truck trips generated during the excavation and grading phase.

Construction worker traffic is based on the number of construction workers employed during various construction phases, as well as the mode and time of travel of the workers. Construction is expected to occur between the hours of 7:00 A.M. and 9:00 P.M., Mondays through Fridays, and during the hours of 8:00 A.M. and 6:00 P.M. on Saturdays, although work would typically be completed by 4:00 P.M. No construction would occur on Sundays or federal holidays. The number of construction workers and amount of construction equipment located on-site at one time would vary throughout the construction process in order to maintain an effective schedule of completion. During construction of the Project, the number of workers that would be on-site would range from approximately 15 to 250 workers, with a peak of approximately 250 workers during the building construction phase. With bus and rail transit service available in close proximity to the Project Site, it is likely that some construction workers would use transit to and from the Project Site. Construction workers would travel before the A.M. and P.M. peak commute hours and generally be on-site before 7:00 A.M. and leave the Project Site around 3:00 P.M. A limited number of workers may be on-site after 3:00 P.M. although such workers would likely not exceed approximately 10 percent of the daily peak workforce. Parking for construction workers would be provided off-site. Off-site locations have not yet been determined but would be within walking distance of the Project Site in existing commercial parking lots or garages (typically through arrangements with lot/garage operators). If necessary, although not anticipated, workers would be transported from off-site parking locations by shuttle bus.

Since construction of the Project would generate fewer trips than operation of the Project, it is reasonable to conclude that the Project would not cause substantial delays and disruption of existing traffic flow, and construction traffic impacts associated with the Project would be less than significant. Furthermore, pursuant to Project Design Feature TR-PDF-1, a Construction Traffic Management Plan will be prepared and submitted to LADOT for review and approval and will include measures to schedule, organize, and control truck traffic to and from the Project Site. Therefore, construction-related activities would not contribute a substantial amount of traffic during the weekday A.M. and P.M. peak periods, and temporary traffic impacts would be less than significant, and no mitigation measures would be required.

b. Operation

(a) Regional Transportation System

The *Agreement Between City of Los Angeles and Caltrans District 7 on Freeway Impact Analysis Procedures* (December 2015) sets forth criteria for when a freeway impact analysis should be conducted to determine a project's potential impact on Caltrans facilities in addition to the CMP TIA. This agreement outlines the specific criteria and thresholds designed to identify if a Project is required to conduct the additional freeway analysis. Per this agreement executed by LADOT and Caltrans.

An evaluation threshold check was conducted for the two freeway mainline locations and seven freeway off-ramp locations closest to the Project. The freeway mainline check was conducted at the following locations:

- I-110 North of 5th Street
- I-110 South of 9th Street

The number of Project vehicle trips expected to travel along these freeway mainline segments was estimated based on the Project trip generation and Project trip distribution. The freeway mainline volume increase that would be created by Project vehicle trips was compared against the thresholds provided in the agreement between LADOT and Caltrans. Based on the evaluation, the Project's trips during the A.M. and P.M. peak periods at the freeway segments would result in 0.1-percent to 0.4-percent increases to the freeway segments. As such, the Project's trips during the A.M. and P.M. peak periods would be less than the 1 percent included in the screening criterion.

The freeway ramp check was conducted for the following off-ramps, which would be used by Project traffic:

- SR-110 SB off-ramp at 6th Street
- SR-110 SB off-ramp at James M. Wood Boulevard
- SR-110 NB off-ramp at James M. Wood Boulevard
- I-10 WB off-ramp at Los Angeles Street

The number of Project vehicle trips expected to travel on these freeway off-ramps was estimated based on the Project trip generation and Project trip distribution. A review was conducted at these off-ramps using Highway Capacity Manual 2010 methodology to determine the LOS. Based on the evaluation, in the A.M. peak hour, as the LOS at three of the four ramps is LOS C or better, the threshold check does not apply. At one ramp, the level of service is LOS D, but the percentage of capacity threshold is not met. In the P.M. peak hour, as the LOS at all four ramps is LOS C or better, the threshold check does not apply.

Therefore, the Project would not meet the freeway mainline criterion or the freeway off-ramp criterion for requiring a freeway impact analysis. Further analyses of Caltrans facilities are not required. Thus, Project impacts to Caltrans facilities would be less than significant, and no mitigation measures would be required.

The LADOT Caltrans Memorandum of Understanding does not require a freeway threshold check for on-ramps. However, the Project did consider analysis locations with maximum traffic volumes in proximity to on-ramps near the Project Site. Specifically, Project traffic entering the freeway heading southbound would use the 8th Street on-ramp via either 8th Street or Bixel Street; other on-ramps would involve more circuitous routes. This ramp enters the southbound freeway south of 9th Street, so there would be no southbound Project traffic entering

the freeway between 5th Street and 9th Street. As such, the analysis location south of 9th Street is the correct location with the maximum traffic volume. In addition, Project traffic entering the freeway heading northbound would use either the 8th Street on-ramp or the 5th Street on-ramp. Therefore, the maximum Project volume would be north of 5th Street, and the analysis location north of 5th Street is the correct location.

The Freeway Threshold Check is documented in Appendix B of the Traffic Study, which is included as Appendix J of the Draft EIR. As such, the Draft EIR evaluated the appropriate mainline locations.

(b) Residential Street Segment

The Traffic Study prepared for the Project evaluated operating conditions at 21 signalized intersections located in the vicinity of the Project Site. In light of the geographic scope of the study area, the analysis of the study intersections was sufficient to cover all potentially affected street segments. Additionally, analysis of street segment capacity is typically prepared for programmatic-level projects, such as a General Plan or Community Plan. Furthermore, evaluation of street segments would not provide any additional insight into the traffic impacts of the Project. Therefore, a street segment capacity analysis was not required for this Draft EIR.

LADOT's *Traffic Study Policies and Procedures* do not require a local residential street analysis for a residential project. In addition, the Project is located within a commercial corridor that is developed with office and commercial uses and is not proximate to a network of residential streets that facilitate access to and from the Project Site. Therefore, no further residential street segment analysis was conducted.

(c) Bicycle, Pedestrian, and Vehicular Safety

Vehicular access to the parking garage for both residential and commercial uses is provided via a driveway near the northwestern corner of the Project Site along Figueroa Street. A residential entrance to the parking garage would also be provided on the northeastern corner of the Project Site from the existing alley, which is accessible off of 8th Street. The alley would also provide access to the loading and service area. Pedestrian access to the ground floor commercial uses would be provided from both Figueroa Street and 8th Street. Project residents would access their units from a residential lobby located on Figueroa Street. The residential uses would also be accessed from all levels of the parking garage. The Project access locations would be required to conform to City standards and would be designed to provide adequate sight distance, sidewalks, and/or pedestrian movement controls that would meet the City's requirements to protect pedestrian safety. In addition, the proposed driveways would be designed to limit potential impediments to visibility. The Project would also include street improvements to comply with the requirements of Mobility Plan 2035. More specifically, the Project would include a 5-foot dedication of Figueroa Street to establish the required widths and provide a 15-foot sidewalk on the east side of the street. This would enhance the pedestrian linkage between the Project Site and the Metro transit portal located approximately 350 feet north of the Project Site. The Project would also include a 3-foot dedication on the north side of 8th Street to establish the required 15-foot sidewalk width, as well as a 2-foot dedication to complete a 12-foot half-alley. Furthermore, the Project would install a mid-block pedestrian-activated signalized crosswalk across Figueroa

Street south of the Project driveway, which will be subject to LADOT approval. The Project driveway signal and crosswalk signal would be coordinated with the signal at the intersection of Figueroa Street and 8th Street. This crosswalk would provide a direct connection to the commercial uses on the west side of Figueroa Street (i.e., FIGat7th shopping mall). Thus, the Project would provide a direct and safe path of travel with minimal obstructions to pedestrian movement within and adjacent to the Project Site. The Applicant will coordinate with LADOT on the design and implementation of the crosswalk, which will be subject to LADOT approval.

As described in detail in Subsection 2.e.(2), in the vicinity of the Project Site, bicycle routes currently exist along Figueroa Street, south of Olympic Boulevard, and Olive Street, south of 7th Street. Bicycle lanes currently exist along Figueroa Street, north of 6th Street; Grand Avenue, south of Wilshire Boulevard; and 7th Street. Bicycle lanes are proposed along sections of Figueroa Street, Flower Street, and 7th Street in the City's Mobility Plan 2035. The MyFig Project extends along Figueroa Street from 41st Drive to 7th Street and includes streetscape improvements and installation of bicycle lanes. In the vicinity of the Project, the installation of bicycle lanes on Figueroa Street was completed in Summer 2018. The Project would not disrupt bicycle flow along Figueroa Street or 7th Street. Sections of Hope Street, 11th Street, and Lucas Avenue are additional designated bicycle-friendly streets within the study area. In addition, visitors, patrons, and employees arriving by bicycle would have the same access opportunities as pedestrian visitors. Furthermore, to facilitate bicycle use, bicycle parking spaces and amenities would be provided within the Project Site. As such, the Project would not substantially increase hazards to bicyclists, pedestrians, or vehicles.

Therefore, the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, impacts would be less than significant, and no mitigation measures would be required.

(d) Parking

Based on the parking requirements for the proposed land uses set forth in LAMC Sections 12.21-A,4(p), the Project would be required to provide 463 residential parking spaces. As described in Section II, Project Description, of this Draft EIR, the Project proposes to provide 517 residential parking spaces. Therefore, the Project would comply with, and exceed, the applicable parking requirements of the LAMC. As such, impacts related to parking would be less than significant. In addition, pursuant to PRC Section 21099, parking impacts for a project that qualifies as an infill project in a transit priority area are not considered significant. Pursuant to PRC Section 21099, Project parking impacts are not considered significant.

Bicycle parking requirements per LAMC Section 12.21-A,16(a) include short-term and long-term parking. Short-term bicycle parking is characterized by bicycle racks that support the bicycle frame at two points. Long-term bicycle parking is characterized by an enclosure protecting all sides from inclement weather and secured from the general public. As described in Section III, Revisions, Clarifications, and Corrections to the Draft EIR, of the Final EIR, the Project proposes to provide a total of 211 bicycle parking spaces in accordance with City Ordinance No. 185,480. Of the Project's 211 bicycle spaces, approximately 185 long-term and 18 short-term spaces would be provided for the residential uses, and approximately 4 long-term and 4 short-term spaces

would be provided for the commercial retail and restaurant uses. Therefore, the Project would be in accordance with City Ordinance No. 185,480. As such, impacts related to bicycle parking would be less than significant. The Project is located in a transit priority area, and parking impacts would not be considered significant impacts on the environment pursuant to Public Resources Code Section 21099. Therefore, pursuant to PRC Section 21099, parking impacts would not be considered significant.

c. Cumulative Impacts

(a) Construction

The Project will implement a Construction Traffic Management Plan that would include measures to ensure that adequate parking for construction workers would be provided either on-site or at off-site, off-street locations, which would avoid any on-street parking demand associated with Project construction. It is anticipated that the related projects would be required to prepare a Construction Traffic Management Plan to ensure that potential construction-related impacts are reduced. Therefore, the Project's contribution to impacts to on-street parking would not be cumulatively considerable and would be less than significant.

(b) Operation

As described above, the Project would add less than 150 trips along the freeway monitoring station closest to the Project Site. In addition, the Project would not add more than 50 vehicle trips during the A.M. and P.M. peak hours at the CMP arterial monitoring station nearest to the Project Site. Furthermore, the Project would not result in significant transit impacts. Thus, no CMP or transit impacts would occur under the Project and, as a result, the Project's contribution to cumulative impacts would not be cumulatively considerable. Thus, the Project's cumulative impacts with regard to the CMP and transit would be less than significant, and no mitigation measures would be required.

As described previously, the Project is located within a commercial corridor that is developed with office and commercial uses and is not proximate to a network of residential streets that facilitate access to and from the Project Site. Therefore, the Project would not result in any significant residential street segments impacts.

As analyzed above, Project impacts related to bicycle, pedestrian, and vehicular safety would be less than significant. In addition, as with the Project, it is anticipated that future related projects would be subject to City review to ensure that they are designed with adequate access/circulation, including standards for sight distance, sidewalks, crosswalks, and pedestrian movement controls. Furthermore, since modifications to access and circulation plans are largely confined to a project site and immediate surrounding area, a combination of impacts with other related projects that could lead to cumulative impacts is not expected. Thus, Project impacts with regard to bicycle, pedestrian, and vehicular safety would not be cumulatively considerable, and cumulative impacts would be less than significant.

With regard to parking, the parking demand associated with the Project would not contribute to the cumulative demand for parking in the vicinity of the Project Site as a result of

development of the Project and related projects. In addition, the Project would comply with the parking requirements set forth in the LAMC for the proposed uses. Similarly, related projects would have been or would be subject to City review to ensure that adequate parking be provided for each of the related projects. In accordance with SB 743 and pursuant to PRC Section 21099, parking impacts for the Project, and for other related projects that qualify as infill projects in transit priority areas, would not be considered significant. Therefore, Project impacts with regard to parking would not be cumulatively considerable, and cumulative impacts would not be considered significant.

d. Project Design Features

The City finds that the Project Design Features TR-PDF-1 through TR-PDF-2, incorporated into the Project, reduce the potential traffic impacts of the Project. The Project Design Features were considered in the analysis of potential impacts.

8. Utilities—Water Supply and Infrastructure

a. Construction

As discussed in the *8th and Fig Preliminary Civil Engineering Investigation*, included in Appendix K of this Draft EIR, the existing LADWP water infrastructure would be adequate to provide for the water flow necessary to serve the Project. Thus, no upgrades to the mainlines that serve the Project Site would be required. However, the Project would require new service lines to connect to the existing water mainlines adjacent to the Project Site. The design and installation of new service connections would be required to meet applicable City standards. Minor off-site construction work associated with trenching would occur, resulting in partial street closures along Figueroa Street and/or 8th Street adjacent to the Project Site. However, such closures would be temporary in nature and would not result in a substantial inconvenience to motorists or pedestrians, who would have additional options for navigating around the Project construction activities. Furthermore, a Worksite Traffic Control Plan would be implemented during Project construction pursuant to Project Design Feature TR-PDF-1 to ensure that adequate and safe access remains available within and near the Project Site during construction activities. In addition, prior to conducting any ground disturbing activities, Project contractors would coordinate with LADWP to identify the locations and depths of existing water lines in the Project Site vicinity to avoid disruption of water service.

Overall, construction activities associated with the Project would not require or result in the construction of new water facilities or expansion of existing facilities, except for the new service lines to connect to the mainlines. In addition, the water distribution capacity would be adequate to serve the Project. Furthermore, as discussed above, off-site construction impacts associated with installation of the new service lines would be temporary in nature and would not result in a substantial interruption in water service or inconvenience to motorists or pedestrians. As such, construction-related impacts to water infrastructure would be less than significant.

Construction activities for the Project would result in a temporary demand for water associated with soil compaction and earthwork, dust control, mixing and placement of concrete, equipment and site cleanup, irrigation for plant and landscaping establishment, testing of water connections and flushing, and other short-term related activities. These activities would occur

incrementally throughout construction of the Project (from the start of construction to Project buildout). The amount of water used during construction would vary depending on soil conditions, weather, and the specific activities being performed. However, given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption of the Project at buildout. Therefore, the Project's temporary and intermittent demand for water during construction could be met by the City's available supplies during each year of Project construction. As such, construction-related impacts to water supply would be less than significant, and no mitigation measures would be required.

b. Operation

In addition to installing automatic fire sprinklers as required, the Project would also be required to meet City of Los Angeles fire flow requirements. Under LAMC Section 57.507.3.1 and established fire flow standards for Industrial and Commercial land uses, the Project is required to maintain a fire flow of 6,000 to 9,000 gpm from four to six adjacent fire hydrants flowing simultaneously with a residual pressure of 20 psi. Additionally, as set forth by LAMC Section 57.507.3.2, the Project must be surrounded by 2.5-inch by 4-inch or 4-inch by 4-inch double fire hydrants spaced between 300 feet. A Service Advisory Request (SAR) completed by the LADWP approved the Project Site's existing water infrastructure via the 12-inch diameter water main. Currently, there is one hydrant near the southwestern corner of the Project Site in the public sidewalk on the north side of 8th Street. The Project will be required to install additional hydrant(s) to meet City fire flow requirements, specifically one at the northwest corner of the Project Site on Figueroa Street. Therefore, with construction of the proposed fire water system improvements (connections to the existing water mains) and the installation of additional fire hydrant(s) within the public right-of-way to meet City fire flow requirements set forth in Section 57.507.3.1 of the LAMC, the Project would meet the fire flow requirements. Impacts with regard to fire flow would be less than significant, and no mitigation measures would be required.

Accordingly, the Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. In addition, the water distribution capacity would be adequate to serve the Project. Therefore, the Project's impacts on water infrastructure would be less than significant, and no mitigation measures would be required.

The analysis of the Project's impacts relative to water supply is based on a calculation of the Project's water demand by applying the sewage generation rates established by LASAN. These rates also serve to estimate water demand of the proposed uses. It is estimated that the Project would result in a net increase in the Project Site's average daily water demand of approximately 58,316 gpd, or approximately 65.4 acre-feet per year (assuming constant water use throughout the year). In response to a comment letter received from LADWP, modification to the calculation of water demand from the 56,935 gpd referenced in the Draft EIR was made such that no credit is provided for water use for the existing parking lot. As discussed on page III-55 of the Final EIR, although the recalculated 58,316 gpd water demand is 2.43 percent higher than the 56,935 gpd referenced in the Draft EIR, because the 2015 LADWP Urban Water Management Plan forecasts that adequate water supplies will meet all projected water demand in the City through the year 2040, the 2.43 percent increase would not exceed available supply.

Additionally, the Project would also implement sustainable design features to install water efficient appliances and fixtures, individual metering and billing for residential uses, improved pool/spa equipment and leak detection, water-conserving landscaping and irrigation, and other improvements as use becomes available to the Project.

Based on the above, the estimated water demand for the Project would not exceed the available supplies projected by LADWP. Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water demands of its service area. Therefore, the Project's operation-related impacts on water supply would be less than significant, and no mitigation measures would be required.

Based on the above, the Project would not exceed the available capacity within the distribution infrastructure that would serve the Project Site and would have sufficient water supplies available to serve the Project from existing entitlements and resources. Therefore, the Project's impacts on water supply would be less than significant, and no mitigation measures would be required.

c. Cumulative Impacts

The geographic context for the cumulative impact analysis on water infrastructure is the vicinity of the Project Site (i.e., the water infrastructure that would serve the Project). Development of the Project and future new development in the vicinity of the Project Site would cumulatively increase demands on the existing water infrastructure system. However, as with the Project, other new development projects would be subject to LADWP review to assure that the existing public infrastructure would be adequate to meet the domestic and fire water demands of each project, and individual projects would be subject to LADWP and City requirements regarding infrastructure improvements needed to meet respective water demands, flow and pressure requirements, etc. The Project would comply with LAMC Fire Code requirements, and ongoing evaluations would be conducted by the LADWP, City of Los Angeles Department of Public Works, and the Los Angeles Fire Department to ensure facilities are adequate. Therefore, Project impacts on water infrastructure would not be cumulatively considerable, and cumulative impacts on the water infrastructure system would be less than significant.

The geographic context for the cumulative impact analysis on water supply is the LADWP service area (i.e., the City). As discussed above, LADWP, as a public water service provider, is required to prepare and periodically update its urban water management plan to plan and provide for water supplies to serve existing and projected demands. The 2015 UWMP prepared by LADWP accounts for existing development within the City, as well as projected growth through the year 2040 based on demographic growth projections in SCAG's 2012 RTP/SCS. As previously stated, based on water demand projections through 2040 in LADWP's 2015 UWMP, LADWP determined that it will be able to reliably provide water to its customers through the year 2040, as well as the intervening years (i.e., 2022, the Project's occupancy year) based on the growth projections in SCAG's 2012–2035 RTP/SCS.

Compliance of the Project and other future development projects with the numerous regulatory requirements that promote water conservation described above would also reduce water demand on a cumulative basis. For example, similar to the Project, certain related projects

and future development projects would also be subject to the City's Green Building Code requirement to reduce indoor water use by at least 20 percent and all projects would be required to use fixtures that conserve water.

Based on the related project list and projections provided in adopted plans (e.g., MWD's 2015 UWMP, LADWP's 2015 UWMP, and Sustainable City pLAn), it is anticipated that LADWP would be able to meet the net water demands of the Project (58,316 gpd or approximately 65.4 AFY) and future growth through 2022 and beyond. The 2015 UWMP forecasts adequate water supplies to meet all projected water demand increases in the City through the year 2040. Therefore, no cumulative significant impacts with respect to water supply are anticipated from the development of the Project and the related projects. Project impacts on water supply would not be cumulatively considerable, and cumulative impacts on water supply would be less than significant.

9. Cultural Resources

a. Archaeological Resources

The Project Site is located within a highly urbanized area and has been subject to grading development in the past. As such, surficial archaeological resources that may have existed at one time have likely been previously disturbed. The records search conducted for the Project Site by the SCCIC indicates that there is a known archaeological resource within a 0.5-mile radius of the Project Site. In addition, there are no known archaeological resources within the Project Site.

Given that the maximum depth of excavation for Project development would be approximately 50 feet, there is a possibility that archaeological artifacts, deposits, or features that were not identified during past construction adjacent or within the Project Site, including the current parking lot, could be encountered. In addition, as discussed above, an unconfirmed segment of the historical-era water conveyance system known as the Zanja Madre has been mapped as running generally along the route of Figueroa Street, then crossing interior parcels toward 8th Street in the vicinity of the northwest portion of the Project Site. However, due to the potentially limited accuracy of the Cogstone Environmental study maps and the absence of physical evidence of a specific route on Figueroa Street or 8th Street, the presence of the Zanja Madre in the vicinity of the Project Site cannot be confirmed. Furthermore, given its relatively shallow and delicate construction, if it were present within the mapped location, it would have likely been destroyed in the 100 years since it was last utilized by construction work Downtown. As discussed above, construction-related subsurface disturbances have included subsurface excavation for commercial towers along Figueroa Street and 8th Street, trenching for infrastructure under and adjacent to these routes, and over excavation and ground preparation for the current parking area. As such, no resource-specific mitigation would be appropriate. However, in the event any archaeological resources are unexpectedly encountered during construction, work in the area would cease and deposits would be required to comply with the regulatory standards set forth in Section 21083.2 of the PRC and Section 15064.5(c) of the CEQA Guidelines. As compliance with the regulatory standards in Section 21083.2 and Section 15064.5(c) would ensure the appropriate treatment of any potential unique archaeological resources unexpectedly encountered during grading and excavation activities, the Project would not cause a substantial adverse change to an archaeological resource. Thus, the Project would

have a less-than-significant impact with respect to Threshold (b), and no mitigation measures are required.

10. Tribal Cultural Resources

a. Project Impacts

While the provided information via tribal consultation does provide evidence of prehistoric routes of travel in the area and speaks to the importance of the village of Yanga (east of the Project Site), no known geographically-defined resources were identified within, or in the immediate vicinity of, the Project area. As such, no tribal cultural resources or known cultural resources have been identified through consultation or the provided information that could be impacted by the proposed Project. No additional responses or record of Native American tribal consultation have been provided by the City to date. The City, acting in good faith and after a reasonable effort, concluded consultation on April 17, 2018. As such, with the close of tribal consultation, the City has fulfilled the requirements of AB 52.

The Tribal Cultural Resources (TCR) Report performed a records search and literature review of 64 previous cultural resource studies that were conducted within 0.5 mile of the Project area, as discussed above. The results of this literature review did not identify any Native American resources within a 0.5-mile radius of the Project Site. In addition, the Sacred Lands File (SLF) search request for the Project did not identify any recorded tribal cultural resources on the Project Site. A prehistoric/ethnohistoric village and areas of general cultural sensitivity were noted to have been located approximately 2 miles to the east, as indicated by maps and description of involvement in previous projects in the area. In addition, historical maps and articles were used to show the presence of prehistoric trails in the vicinity as well as highlight their traditional importance. No geographically defined tribal cultural resource was identified that might be impacted by the Project. As such, consultation initiated by the City, acting in good faith and after a reasonable effort, has not resulted in the identification of a tribal cultural resource within or near the project area. CEQA only requires mitigation measures if substantial evidence exists of potentially significant impacts. Section 15126.4(a)(4)(A) of the CEQA Guidelines states that there must be an essential nexus between the mitigation measure and a legitimate government interest (i.e., potential significant impacts). Therefore, based on these negative results, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

While no tribal cultural resources are anticipated to be affected by the Project, the City has established a standard condition of approval to address inadvertent discovery of tribal cultural resources. Should tribal cultural resources be inadvertently encountered, this condition of approval provides for temporarily halting of construction activities near the encounter and the Project's certified construction monitor notifying the City and Native American tribes that have informed the City that they are traditionally and culturally affiliated with the geographic area of the proposed project. If the City determines that the object or artifact appears to be a tribal cultural resource, the City would provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Applicant

would then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resource monitoring plan and once the plan is approved by the City, ground disturbance activities could resume. In accordance with the condition of approval, all activities would be conducted in accordance with regulatory requirements.

Therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. Impacts to tribal cultural resources would be less than significant, and no mitigation measures are required.

b. Cumulative Impacts

The Project and the related projects are located within an urbanized area that has been disturbed and developed over time. Although impacts to tribal cultural resources tend to be site-specific, cumulative impacts would occur if the Project, related projects, and other future development within the Community Plan area affected the same tribal cultural resources and communities. As discussed in Draft EIR Section IV.J, Tribal Cultural Resources, there are no tribal cultural resources located on the Project Site and all Project development would remain onsite. However, the Project would address any inadvertent discovery of tribal cultural resources by adhering to the City's condition of approval, as discussed above. In addition, in the event that tribal cultural resources are uncovered, each related project and other future development would be required to comply with the regulatory requirements, as discussed in detail in the Draft EIR Section IV.J, Subsection 2.a. on page IV.J-1, and with the City's condition of approval. Furthermore, related projects would also be required to comply with the consultation requirements of AB 52 to determine and mitigate any potential impacts to tribal cultural resources. Therefore, cumulative impacts to tribal cultural resources would be less than significant and the Projects contribution would not be cumulatively considerable.

11. Energy Conservation and Infrastructure

a. Construction

During Project construction, energy would be consumed in the form of electricity associated with the conveyance of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power. As discussed below, construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Project construction would also consume energy in the form of petroleum-based fuels associated with the use of off-road construction vehicles and equipment on the Project Site, construction worker travel to and from the Project Site, and delivery and haul truck trips (e.g., hauling of demolition material to off-site reuse and disposal facilities).

During construction of the Project, electricity would be consumed to supply and convey water for dust control primarily related to the excavation phase and a minimal amount may be

used to power lighting, electronic equipment, and other construction activities necessitating electrical power. Electricity would be supplied to the Project Site by LADWP and may be obtained from an existing underground line in Figueroa Street along the western boundary of the Project Site. Furthermore, the electricity demand during construction would be slightly offset with the removal of the existing surface parking lot, which currently generates a demand for electricity for parking lot lighting. The estimated construction electricity usage represents approximately 0.11 percent of the Project's estimated net annual operational demand, which, as discussed below, would be within the supply and infrastructure service capabilities of LADWP. Therefore, the Project would not result in an increase in demand for electricity that exceeds available supply or distribution infrastructure capabilities that could result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

With regard to existing electrical distribution lines, the Applicant would be required to coordinate electrical infrastructure removals or relocations with LADWP and comply with site-specific requirements set forth by LADWP, which would ensure that service disruptions and potential impacts associated with grading, construction, and development within LADWP easements are minimized. As such, construction of the Project is not anticipated to adversely affect the electrical infrastructure serving the surrounding uses or utility system capacity.

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus, there would be no natural gas demand generated by construction. Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Accordingly, natural gas would not be supplied to support Project construction activities; thus there would be no demand generated by construction. However, the Project would involve installation of new natural gas connections to serve the Project Site. Since the Project Site is located in an area already served by existing natural gas infrastructure, it is anticipated that the Project would not require extensive off-site infrastructure improvements to serve the Project Site. Construction impacts associated with the installation of natural gas connections are expected to be confined to trenching in order to place the lines below surface. In addition, prior to ground disturbance, Project contractors would notify and coordinate with SoCalGas to identify the locations and depth of all existing gas lines and avoid disruption of gas service to other properties. Therefore, construction of the Project would not result in an increase in demand for natural gas to affect available supply or distribution infrastructure capabilities and would not result in the construction of new energy facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Revised DEIR Appendix N of the Final EIR accounted for 12,172 hauling truck trips (600 during demolition and 11,572 during grading/excavation) or roughly underestimated total haul trips by 1,400 trips. The increase of diesel fuel use as a result of the additional 1,400 haul truck trips increases the total quantity of diesel used during construction from 156,153 gallons reported in Revised DEIR Appendix N of the Final EIR to 161,045 gallons. This increase is equivalent to a three percent total increase in the amount of diesel used during construction. This minor increase does not materially change the conclusion reached in the Draft EIR. For comparison purposes, the diesel fuel usage during Project construction would remain at approximately 0.02

percent of the 2016 annual diesel fuel-related energy consumption in Los Angeles County (Volume 1, Section IV.K, Energy Conservation and Infrastructure, page IV.K-18).

Therefore, construction-related impacts to energy conservation and infrastructure would be less than significant, and no mitigation measures would be required.

b. Operation

During operation of the Project, energy would be consumed for multiple purposes, including, but not limited to, heating/ventilating/air conditioning (HVAC); refrigeration; lighting; and the use of electronics, equipment, and machinery. Energy would also be consumed during Project operations related to water usage, solid waste disposal, and vehicle trips.

As shown in Table IV.K-2 of Section IV.K, Energy Conservation and Infrastructure of the Draft EIR, buildout of the Project would result in a projected net increase in the on-site demand for electricity totaling approximately 2,933 MWh per year. In addition to complying with CALGreen requirements, the Project Applicant would also implement water usage reduction measures, which are identified as sustainable design features in compliance with code requirements. These measures would further reduce the Project's energy demand. In addition, LADWP is required to procure at least 33 percent of their energy portfolio from renewable sources by 2020. The current sources procured by LADWP include wind, solar, and geothermal sources. These sources accounted for 29 percent of LADWP's overall energy mix in 2016, the most recent year for which data are available. This represents the available off-site renewable sources of energy that would meet the Project's energy demand. Furthermore, the Project would comply with Section 110.10 of Title 24, which includes mandatory requirements for solar-ready buildings and, as such, would not preclude the potential use of alternate energy sources. Based on LADWP's 2016 Power Integrated Resource Plan, LADWP forecasts that its total energy sales in the 2022–2023 fiscal year (the Project's buildout year) will be 24,403 GWh of electricity. As such, the Project-related net increase in annual electricity consumption of 2,933 MWh per year would represent approximately 0.01 percent of LADWP's projected sales in 2022. In addition, as previously described, the Project would incorporate a variety of energy conservation measures to reduce energy usage. The Project's operational electricity usage would be 2,933 MWh per year, which is approximately 0.01 percent of LADWP's projected sales in 2022. In addition, during peak conditions, the Project would represent approximately 0.01 percent of the LADWP estimated peak load. LADWP has confirmed that the Project's electricity demand can be served by the facilities in the Project area. Therefore, during Project operations, it is anticipated that LADWP's existing and planned electricity capacity and electricity supplies would be sufficient to support the Project's electricity demand.

With compliance with 2016 Title 24 standards and applicable 2016 CALGreen requirements, buildout of the Project is projected to generate a net increase in the on-site demand for natural gas, totaling approximately 5,486,062 cf per year. In addition to complying with applicable regulatory requirements regarding energy conservation (e.g., California Building Energy Efficiency Standards and CALGreen), the Project would implement Project Design Feature GHG-PDF-1 in Section IV.C, Greenhouse Gas Emissions, of the Draft EIR, which states that the Project shall prohibit the use of natural gas-fueled fireplaces in the proposed residential units. As shown in Table IV.K-1 of Section IV.K, Energy Conservation and Infrastructure, of the

Draft EIR, the Project's estimated net increase in demand for natural gas is 5,486,062 cf per year, or approximately 15,030 cf per day. Based on the 2016 California Gas Report, the California Energy and Electric Utilities estimates natural gas consumption within SoCalGas' planning area will be approximately 2,504 million cf per day in 2022 (the Project's occupancy year). The Project would account for approximately 0.001 percent of the 2022 forecasted consumption in SoCalGas' planning area. In addition, as previously described, the Project would incorporate a variety of energy conservation measures to reduce energy usage. The Project would consume 5,486,062 cf of natural gas per year, which represents approximately 0.001 percent of the 2022 forecasted consumption in the SoCalGas planning area. SoCalGas has confirmed that the Project's natural gas demand can be served by the facilities in the Project area. Therefore, it is anticipated that SoCalGas' existing and planned natural gas supplies would be sufficient to support the Project's net increase in demand for natural gas.

During operation, Project-related traffic would result in the consumption of petroleum-based fuels related to vehicular travel to and from the Project Site. As noted above, the Project Site is located in a HQTA designated by SCAG, which indicates that the Project Site is an appropriate site for increased density and employment opportunities from a "smart growth," regional planning perspective. The Project Site is located approximately 350 feet from the Metro 7th Street/Metro Center Station, which serves the Metro Red, Purple, Blue, and Expo fixed rail lines. In addition, the Project Site is currently served by a total of five local and inter-city transit operators. Metro also operates one Rapid bus line, three Express lines, and five local lines within the vicinity of the Project Site along both Figueroa Street and 7th Street. Additional transit lines include nine LADOT Commuter Express lines, four LADOT DASH bus lines, seven Foothill Transit bus lines, and two OCTA bus lines. The Project would provide bicycle storage areas for Project residents and visitors. The Project would also incorporate characteristics that would reduce trips and VMT as compared to standard ITE trip generation rates. The Project characteristics listed below are consistent with the California Air Pollution Control Officers Association (CAPCOA) guidance document, *Quantifying Greenhouse Gas Mitigation Measures*, which provides emission reduction values for recommended mitigation measures, and would reduce VMT and vehicle trips to the Project Site. These characteristics would, therefore, result in a corresponding reduction in VMT and associated transportation energy use. When accounting for the features that would be implemented to reduce VMT, the Project's estimated net petroleum-based fuel usage would be approximately 161,882 gallons of gasoline and 29,035 gallons of diesel per year, or a total of approximately 190,916 gallons of petroleum-based fuels annually.

Therefore, operational-related impacts to energy conservation and infrastructure would be less than significant, and no mitigation measures would be required.

c. Cumulative Impacts

Buildout of the Project, related projects, and additional forecasted growth in LADWP's service area would cumulatively increase the demand for electricity supplies and infrastructure capacity. LADWP forecasts that its total energy sales in the 2022-2023 fiscal year (the Project occupancy year) will be 24,403 GWh of electricity. Based on the Project's estimated net new electrical consumption of 2,933 MWh per year as shown in Table IV.K-2 of Section IV.K, Energy Conservation and Infrastructure, of the Draft EIR, the Project would account for approximately 0.01 percent of LADWP's projected sales for the Project's buildout year. Thus, although Project

development would result in the use of renewable and non-renewable electricity resources during construction and operation, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by energy efficiency measures, and would be consistent with growth expectations for LADWP's service area. Furthermore, as with the Project, during construction and operation, other future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary. As such, the Project's contribution to cumulative impacts related to wasteful, inefficient and unnecessary use of electricity would not be cumulatively considerable and, thus, would be less than significant.

Buildout of the Project, related projects, and additional forecasted growth in SoCalGas' service area would cumulatively increase the demand for natural gas supplies and infrastructure capacity. Based on the 2016 California Gas Report, the CEC estimates natural gas consumption within SoCalGas' planning area will be approximately 2,504 billion cf per day in 2022 (the Project's occupancy year). The Project would account for approximately 0.001 percent of the 2022 forecasted consumption in SoCalGas's planning area. SoCalGas' forecasts take into account projected population growth and development based on local and regional plans. Although Project development would result in the use of natural gas resources, which could limit future availability, the use of such resources would be on a relatively small scale, would be reduced by measures rendering the Project more energy-efficient, and would be consistent with regional and local growth expectations for SoCalGas' service area. Furthermore, future development projects would be expected to incorporate energy conservation features, comply with applicable regulations including CALGreen and state energy standards under Title 24, and incorporate mitigation measures, as necessary. As such, the Project's contribution to cumulative impacts related to wasteful, inefficient and unnecessary use of natural gas would not be cumulatively considerable and, thus, would be less than significant.

Buildout of the Project, related projects, and additional forecasted growth would cumulatively increase the demand for transportation-related fuel in the state and region. As described above, at buildout, the Project would consume a net total of 161,882 gallons of gasoline and 29,035 gallons of diesel per year, or a total of approximately 190,916 gallons of petroleum-based fuels. For comparison purposes, transportation fuel usage during Project construction activities would represent approximately 0.003 percent of the 2016 annual on-road gasoline-related energy consumption and 0.02 percent of the 2016 diesel fuel-related energy consumption within Los Angeles County. Additionally, petroleum currently accounts for 90 percent of California's transportation energy sources; however, over the last decade the state has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce air pollutants and GHGs from the transportation sector, and reduce vehicle miles traveled, which would reduce reliance on petroleum fuels. Furthermore, as described above, the Project would be consistent with the energy efficiency policies emphasized by the 2016–2040 RTP/SCS. Specifically, the Project would be a mixed-use development, consisting of residential and commercial retail and restaurant uses in Downtown Los Angeles. The Project would provide greater proximity to neighborhood services and jobs and would be well-served by existing public transportation, including Metro rail and bus lines, LADOT Commuter Express and DASH lines, Foothill Transit bus lines, and OCTA bus lines. By its very nature, the 2016-2040 RTP/SCS is a regional planning tool that addresses cumulative growth and resulting environmental effects. Since the Project is consistent with the 2016-2040 RTP/SCS, its

contribution to cumulative impacts related to wasteful, inefficient and unnecessary use of transportation fuel would not be cumulatively considerable and, thus, would be less than significant.

d. Project Design Features

The Project would include project design features designed to improve energy efficiency as set forth in Section IV.C, Greenhouse Gas Emissions. The Project would also incorporate sustainability features related to water conservation in compliance with minimum code requirements. The City finds that the Project Design Features set forth in Section IV.C, Greenhouse Gas Emissions incorporated into the Project, reduce the potential impacts of the Project to energy conservation and infrastructure. The Project Design Features were considered in the analysis of potential energy conservation and infrastructure impacts.

VII. Environmental Impacts Found Not to Be Significant with Mitigation

The following impact areas were concluded by the Draft EIR to be less than significant with the implementation of mitigation measures described in the Final EIR. Based on that analysis and other evidence in the administrative record relating to the project, the City finds and determines that mitigation measures described in the Final EIR reduce potentially significant impacts identified for the following environmental impact categories to below the level of significance. Pursuant to Public Resources Code Section 21081, the City finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the each of the following significant effects on the environment.

1. Public Services—Libraries

a. Libraries—Cumulative Impacts

The residential population of a library's service area is the primary metric used by the Los Angeles Public Library (LAPL) for assessing the adequacy of library services and non-residential related projects to the six identified libraries, it is anticipated that employees generated by these non-residential related projects would be more likely to use the library facilities near their homes during non-work hours, as opposed to patronizing the six identified libraries on their way to or from work or during their lunch hours. Additionally, students generated by the educational related projects (i.e., Related Project Nos. 21, 51, 62, 78, 89, 95, 119, 128, and 170) would be more likely to utilize library services provided by the educational facility. Therefore, the non-residential related projects would not substantially contribute to the Project's cumulative demand for library services.

Nonetheless, based on the library sizing standards recommended in the 2007 Branch Facilities Plan, the cumulative future service population would warrant the addition of a new branch library. Therefore, as described above, the addition of the projected service populations of the Project, related projects, as well as other future development in the Community Plan area could potentially result in cumulative impacts to libraries. In accordance with CEQA Guidelines Section 15130(a)(3), a project's contribution to a significant cumulative impact is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The LAPL has

recommended a fair share mitigation fee of \$200 per capita based upon the projected population of the Project. According to the LAPL, the funds would be applied towards staff, books, computers, and other library materials. Therefore, with payment of this fee, the Project's contribution to cumulative impacts on libraries would not be cumulatively considerable.

b. Effect of Mitigation Measure

With implementation of Mitigation Measure LIB-MM-1, all potential cumulative Project impacts with respect to libraries would be less than significant.

2. Cultural Resources—Paleontological Resources

a. Paleontological Resources

As previously discussed, a records search conducted for the Project Site indicates there are no previously encountered fossil vertebrate localities located within the Project Site. The paleontological records search indicates that shallow excavations in the uppermost layers of the younger Quaternary deposits in the Project Site are unlikely to uncover significant vertebrate fossils. However, deeper excavations have the potential to encounter significant remains of fossil vertebrates. According to the Geotechnical Investigation provided in Appendix IS-4, of the Initial Study included as Appendix A of this Draft EIR, the existing fill material near the surface extends to depths between 3 and 5 feet.

The Project would require grading to a maximum depth of approximately 50 feet below ground surface to accommodate the four levels of subterranean parking and building footings. Thus, the possibility exists that paleontological artifacts that were not recovered during prior construction or other human activity may be present, which may result in a significant impact to paleontological resources.

b. Paleontological Resources—Cumulative Impacts

With regard to potential cumulative impacts related to paleontological resources, the Project area is located within an urbanized environment that has been substantially disturbed and developed over time. There are no previously encountered fossil vertebrate localities located within the Project Site. In the event that paleontological resources are uncovered, each related project and other future development would be required to comply with applicable regulatory requirements, such as CEQA Guidelines and PRC Section 5097.5. In addition, as part of the environmental review processes for the related projects, it is expected that mitigation measures would be established, as necessary, to address the potential for uncovering of paleontological resources. Therefore, as the Project would reduce potential impacts with implementation of Mitigation Measure CUL-MM-1 described below, Project impacts to paleontological resources would not be cumulatively considerable. Cumulative impacts would be less than significant. Cumulative impacts associated with archaeological resources and disturbance of human remains would also be less than significant.

c. Effect of Mitigation Measure

With implementation of Mitigation Measure CUL-MM-1, all potential Project and potential cumulative impacts with respect to paleontological resources would be less than significant.

3. Air Quality—Construction

a. Construction—Regional Emissions

Construction of the Project has the potential to create air quality impacts through the use of heavy-duty construction equipment and through vehicle trips generated from construction workers traveling to and from the Project Site. In addition, fugitive dust emissions would result from demolition and construction activities. Mobile source emissions, primarily NO_x, would result from the use of construction equipment, such as dozers, loaders, and cranes. During the finishing phase of a building, paving and the application of architectural coatings (e.g., paints) would potentially release VOCs. The assessment of construction air quality impacts considers each of these potential sources. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions.

The Project would comply with regulatory requirements, including the SCAQMD Rule 403 requirements listed above. Per SCAQMD rules and mandates as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, all construction projects Air Basin-wide would comply with these same regulatory requirements (e.g., SCAQMD Rule 403 compliance), and would also implement all feasible mitigation measures when significant impacts are identified.

Construction-related daily maximum regional construction emissions (i.e., combined on-site and off-site emissions) would not exceed the SCAQMD daily significance thresholds for VOC, CO, SO_x, PM₁₀ and PM_{2.5}. However, maximum construction emissions would exceed the SCAQMD daily significance threshold for NO_x during grading/excavation activities. Mitigation Measure AIR-MM-5 will reduce regional NO_x emissions by limiting the number of daily hauls for import/export to 135 per day and requiring the applicant (grading or haul contractor) to maintain logs documenting the daily number of haul trucks travelling to and from the site during soil import/export activities.

Since CalEEMod requires import/export trips to be input as total trips over the entire grading phase and not peak-daily trips, the analysis provided in the Final EIR (Revised Draft EIR Appendix C, AQ and GHG Emissions of Subsection III.B, Corrections and Additions to Draft EIR Sections and Appendices) appropriately used 31,860 total trips (135 haul loads x 2 trips per load x 118-day grading phase). The 32,000 grading haul truck trips presented in the Draft EIR was based on 200 peak daily loads (200 haul loads per day x 2 trips per load x a shorter grading phase of 81 days). Thus, in both cases the CalEEMod total haul trips associated with the grading phase were appropriately input into CalEEMod to represent peak-daily haul truck activity for purposes of comparing to SCAQMD's daily significance thresholds. The 31,860 total haul trips presented in the Final EIR would be more than adequate to export the material from the Project site. In fact, it would be equivalent to approximately 223,000 cubic yards (31,860 haul trips ÷ 2 trips per haul load x 14 cubic yard capacity haul truck).

As described on pages III-35 and III-36 of the Final EIR and shown in Table IV.B-8 on page III-37 of the Final EIR, peak daily regional NO_x emissions would be reduced to 99 pounds per day, which is less than the SCAQMD's 100 pounds per day regional significance threshold. Mitigation Measure AIR-MM-1 requires that off-road construction equipment which is equal or exceeds 50 horsepower and will be used during the grading/excavation phase of construction shall meet or exceed Tier 3 CARB/U.S. EPA standards. One piece of equipment was inadvertently included as meeting Tier 3 requirements in the modeling results depicted in Table IV.B-8 on page III-37 of the Final EIR. The plate compactor used during the grading/excavation phase is only eight horsepower and, therefore, not subject to the requirements of Mitigation Measure AIR-MM-1. As shown in Attachment A to the Response to October 2018 CREED Letter, regional NO_x emissions remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x during the grading/excavation phase with a correction in the modeling that excludes the plate compactor from equipment that meets or exceed Tier 3. As such, Project-level impacts with regard to construction air quality would be less than significant with the implementation of mitigation. Implementation of mitigation measures AIR-MM-1 to AIR-MM-5 described on pages III-5 and III-6 of the Final EIR would reduce construction emissions for all pollutants. Mitigation Measure AIR-MM-5 would extend the overall construction duration by approximately two (2) months with completion of construction activities occurring at the beginning of 2022. Subsequent occupancy of the Project would occur in 2022, consistent with the assumption in the Draft EIR. As such, Project construction would result in less than significant impacts with incorporation of mitigation measures.

Table IV.B-8, Estimate of Mitigated Regional Project Construction Emissions, presented in Section III, Revisions, Clarifications and Corrections to the Draft EIR, inadvertently included mitigated results for all phases of construction. The significant regional NO_x impact only occurred during grading/excavation, but the mitigation results were inadvertently added to other construction phases as well, during which impacts were already less than significant without the need for mitigation. The intent of the Final EIR revisions was for implementation of Mitigation Measures AIR-MM-1 and AIR-MM-5 to reduce significant regional construction NO_x impacts during grading/excavation activities. Nonetheless, Table IV.B-8 has been updated and included below to present the unmitigated emissions for other phases of construction during Years 2020 through 2022. No changes to the air quality significance conclusions would occur with this update.

**Table IV.B-8
Estimate of Mitigated Regional Project Construction Emissions^a
(pounds per day)**

| Construction Year | VOC ^b | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
|---|--------------------------|-----------------|-----------------|-----------------|------------------|-------------------|
| 2019 (Grading Activities) | 4 | 99 | 4841 | <1 | 86 | 3 |
| 2019 (Building Construction) | 7 | 38 | 47 | <1 | 8 | 3 |
| 2020 | 46 | 3135 | 45 | <1 | 78 | 3 |
| 2021 | 3032 | 3032 | 4342 | <1 | 7 | 3 |
| 2022 | <1 | 12 | 1514 | <1 | 1 | <1 |
| Maximum Construction Emissions | 3032 | 99 | 48 | <1 | 8 | 3 |
| SCAQMD Daily Significance Thresholds | 75 | 100 | 550 | 150 | 150 | 55 |
| Over/(Under) | (4543) | (1) | (502) | (150) | (142) | (52) |
| Exceed Threshold? | No | No | No | No | No | No |
| <p>^a The CalEEMod model printout sheets and/or calculation worksheets are presented in Revised Draft EIR Appendix C (CalEEMod Output) of this document.</p> <p>^b Please note that the SCAQMD significance threshold is in terms of VOC while CalEEMod calculates reactive organic compounds (ROG) emissions. For purposes of this analysis, VOC and ROG are used interchangeably since ROG represents approximately 99.9 percent of VOC emissions.</p> <p>Source: Eyestone Environmental, 2018.</p> | | | | | | |

b. Construction—Cumulative Impacts

With respect to the Project's construction-period air quality emissions and cumulative Air Basin-wide conditions, the SCAQMD has developed strategies (e.g., SCAQMD Rule 403) to reduce criteria pollutant emissions outlined in the AQMP pursuant to Federal CAA mandates. As such, the Project would comply with regulatory requirements, including SCAQMD Rule 403 requirements, as discussed above. In addition, the Project would comply with adopted AQMP emissions control measures. Per SCAQMD rules and mandates, as well as the CEQA requirement that significant impacts be mitigated to the extent feasible, all construction projects Air Basin-wide would comply with these same requirements (i.e., SCAQMD Rule 403 compliance) and would also implement feasible mitigation measures when significant impacts are identified.

According to the SCAQMD, individual construction projects that exceed the SCAQMD's recommended daily thresholds for project-specific impacts would cause a cumulatively considerable increase in emissions for those pollutants for which the Air Basin is in non-attainment. Construction-related daily emissions would be reduced below the SCAQMD's regional significance threshold for NO_x during grading/excavation of the Project with implementation of Mitigation Measure AIR-MM-1 through AIR-MM-5. Therefore, the Project would not have a significant cumulative impact due to construction-related regional NO_x emissions. In terms of localized air quality impacts, construction of the Project would have a less-than-significant cumulative impact due to NO_x, CO, PM₁₀ and PM_{2.5}.

As described on pages III-35 and III-36 of the Final EIR and shown in Table IV.B-8 on page III-37 of the Final EIR, peak daily regional NO_x emissions would be reduced to 99 pounds

per day, which is less than the SCAQMD's 100 pounds per day regional significance threshold. Mitigation Measure AIR-MM-1 requires that off-road construction equipment which is equal or exceeds 50 horsepower and will be used during the grading/excavation phase of construction shall meet or exceed Tier 3 CARB/U.S. EPA standards. One piece of equipment was inadvertently included as meeting Tier 3 requirements in the modeling results depicted in Table IV.B-8 on page III-37 of the Final EIR. The plate compactor used during the grading/excavation phase is only eight horsepower and, therefore, not subject to the requirements of Mitigation Measure AIR-MM-1. As shown in Attachment A to the Response to October 2018 CREED Letter, regional NO_x emissions remain at 99 pounds per day and less than the SCAQMD significance threshold of 100 pounds per day of NO_x during the grading/excavation phase with a correction in the modeling that excludes the plate compactor from equipment that meets or exceed Tier 3. With implementation of Mitigation Measures AIR-MM-1 through AIR-MM-5, construction-related air quality impacts would be reduced to less than significant. Because Mitigation Measures AIR-MM-1 through AIR-MM-5 reduce Project air quality impacts to less than the SCAQMD's recommended daily thresholds for project-specific impacts, Project cumulative impacts with regard to construction air quality would be less than significant with mitigation.

VIII. Environmental Impacts Found to Be Significant Even After Mitigation

The following impact areas were concluded by the Draft EIR to remain significant and unavoidable following implementation of all feasible mitigation measures described in the Final EIR. Consequently, in accordance with CEQA Guidelines Section 15093, a Statement of Overriding Considerations has been prepared (see Section XI of these Findings).

1. Noise (Vibration)

Heavy-duty construction trucks would generate ground-borne vibration as they travel along the Project's anticipated haul route(s). Construction delivery/haul trucks would travel between the Project Site and I-10 via Figueroa Street, Wilshire Boulevard, Grand Avenue, and 18th Street. Per FTA guidance, the significance criteria for human annoyance is 72 VdB for sensitive uses, including residential and hotel uses. Based on FTA data, the vibration generated by a typical heavy-duty truck would be approximately 63 VdB at a distance of 50 feet from the truck. To provide a conservative analysis, the estimated vibration levels generated by construction trucks traveling along the anticipated haul route(s) were assumed to be within 20 feet of the sensitive uses along Figueroa Street, Wilshire Boulevard, and Grand Avenue. There are no vibration-sensitive uses along 18th Street. The temporary vibration levels could reach approximately 75 VdB periodically as trucks pass sensitive receptors along the anticipated haul route(s). There are residential and hotel uses along Figueroa Street, Wilshire Boulevard, and Grand Avenue (between the Project Site and the I-10 Freeway), which would be exposed to ground-borne vibration above the 72-VdB significance criteria from the construction trucks. Therefore, potential vibration impacts with respect to human annoyance that would result from temporary and intermittent off-site vibration from construction trucks traveling along the anticipated haul route(s) would be significant. There are no feasible mitigation measures that would reduce the potential vibration impacts with respect to human annoyance. Therefore, vibration impacts with respect to human annoyance as a result of off-site construction truck travel would be significant and unavoidable.

a. Vibration—Cumulative Impacts

Trucks from the related projects are expected to generate similar ground-borne vibration levels. Therefore, the vibration levels generated from off-site construction trucks associated with the Project and other related projects along the anticipated haul route(s) would be below the most stringent building damage threshold of 0.12 PPV for buildings extremely susceptible to vibration. Therefore, potential cumulative vibration impacts with respect to building damage from off-site construction would be less than significant.

As discussed above, potential vibration impacts associated with temporary and intermittent vibration from project-related construction trucks traveling along the anticipated haul route(s) would be significant with respect to human annoyance. As related projects would be anticipated to use similar trucks as the Project, it is anticipated that construction trucks would generate similar vibration levels along the anticipated haul route(s). Therefore, to the extent that other related projects use the same haul route as the Project, potential cumulative human annoyance impacts associated with temporary and intermittent vibration from haul trucks traveling along the designated haul routes would be significant.

Cumulative noise impacts from on-site construction activities would be less than significant. However, off-site construction activities from the Project and related projects have the potential to result in the exposure of persons to or generation of noise levels in excess of standards established by the City or result in a substantial temporary or periodic increase in ambient noise levels in the vicinity of the Project Site above levels existing without the Project and related projects. Therefore, cumulative noise impacts from off-site construction activities would be significant.

2. Traffic, Access, and Parking

a. Intersection Level of Service

The Future With Project Conditions identifies the potential incremental impacts of the Project at full buildout on projected future traffic operating conditions during the typical weekday A.M. and P.M. peak periods by adding the net Project-generated traffic to the Future Without Project traffic forecasts for the year 2022. The addition of traffic from the Project to the following three signalized intersections would result in a change to the V/C ratio that would exceed the significance thresholds set forth above during the A.M. or P.M. peak periods, or both, although the LOS would remain the same. A significant impact would occur at the following intersections under Future With Project Conditions:

- Intersection No. 6: Figueroa Street & Wilshire Boulevard (P.M. peak hour)
- Intersection No. 8: Figueroa Street & 8th Street (A.M. and P.M. peak hours)
- Intersection No. 10: Figueroa Street & Olympic Boulevard (P.M. peak hour)

As such, the Project would result in a significant traffic impact at one intersection during the A.M. peak period and at three intersections during the P.M. peak period under Future With Project Conditions, and mitigation would be required.

b. Access and Circulation

Vehicular access to the Project's parking garage for both residential and commercial uses would be provided via a driveway near the northwestern corner of the Project Site along Figueroa Street, which is one-way in the northbound direction near the Project Site. Residential uses would also be able to enter the parking garage from the northeastern corner of the Project Site and from the existing alley along the eastern boundary of the Project Site. Access to the alley is available off of 8th Street, which is one-way in the westbound direction near the Project Site. The alley would also provide access to the loading and service area. Project driveways and access would be designed according to LADOT standards. In addition, the Project would not interfere with the Streetcar, which is expected to run in the existing bus lane along Figueroa Street. Outbound traffic from the Project driveway would be controlled by an internal driveway signal on Figueroa Street, and outbound traffic would be stopped when the Streetcar passes the Project Site. The Streetcar does not have a projected date of completion. Outbound traffic from the Project driveway would be able to proceed when the signal at Figueroa Street & 8th Street shows red for northbound; at those times, all northbound Figueroa Street traffic, including the Streetcar, will be stopped at that location. This configuration was selected in agreement with City Staff in order to minimize any impacts on Streetcar operations adjacent to the Project Site. The Future Conditions analysis of the Traffic Study has incorporated the latest available modifications from the MyFig Project, including lane configuration changes along Figueroa Street. Therefore, the Project would not result in inadequate access.

However, this analysis considers the operating conditions of the intersections nearest the primary Project Site access, which include Intersection No. 7: Figueroa Street & 7th Street and Intersection No. 8: Figueroa Street & 8th Street. Intersection No. 8: Figueroa Street & 8th Street is projected to operate at LOS F during the A.M. and P.M. peak periods under Future With Project Conditions. Therefore, Project impacts to access and circulation would be significant, and mitigation would be required.

c. Cumulative Impacts

As detailed above, under cumulative conditions (Future With Project Conditions), the Project would result in a significant traffic impact at one intersection during the A.M. peak period and at three intersections during the P.M. peak period under Future With Project Conditions, and mitigation would be required. Therefore, the Project's contribution to impacts under cumulative conditions would be considerable, and cumulative impacts would be significant at those intersections impacted by the Project. The proposed mitigation measures would reduce the significant traffic impacts at Intersection No. 8: Figueroa Street & 8th Street to a less-than-significant level during the A.M. peak hour and would also reduce significant traffic impacts during the P.M. peak hour at Intersection No. 6: Figueroa Street & Wilshire Boulevard and Intersection No. 10: Figueroa Street & Olympic Boulevard to less-than-significant levels. However, the significant impact at Intersection No. 8: Figueroa Street & 8th Street would remain significant and unavoidable during the P.M. peak hour. Thus, the Project's impacts to Intersection No. 8: Figueroa Street & 8th Street during the P.M. peak hour would be significant and cumulatively considerable.

The Project results in a significant impact at Intersection No. 8: Figueroa Street & 8th Street, one of the intersections nearest to the primary Project Site access, during the A.M. and P.M. peak periods under Future With Project Conditions. Implementation of Mitigation Measures

TR-MM-1 and TR-MM-2 would fully mitigate traffic impacts at Intersection No. 8: Figueroa Street & 8th Street during the A.M. peak hour but impacts during the P.M. peak hour would remain significant and unavoidable. Therefore, the Project's impacts to access and circulation would be cumulatively considerable and would be significant and unavoidable.

d. Effect of Mitigation Measures

With implementation of Mitigation Measures TR-MM-1 and TR-MM-4, level of service and access and circulation impacts would be reduced to the greatest extent feasible, but there would continue to be significant and unavoidable impacts.

IX. Alternatives to the Project

In addition to the project, the Draft EIR evaluated a reasonable range of four alternatives to the project. These alternatives are: 1) No Project/No Build Alternative; 2) Development in Accordance with Existing Base FAR (Reduced Residential) Alternative; 3) Office Alternative; and (4) Development in Accordance with Existing Base FAR (Reduced Office) Alternative. In accordance with CEQA requirements, the alternatives to the Project include a "No Project" alternative and alternatives capable of eliminating the significant adverse impacts of the project. These alternatives and their impacts, which are summarized below, are more fully described in Section V of the Draft EIR.

1. Summary of Findings

Based upon the following analysis, the City finds, pursuant to CEQA Guidelines Section 15096(g)(2), that none of the alternatives or feasible mitigation measures within its powers would substantially lessen or avoid any significant effect the Project would have on the environment.

2. Project Objectives

An important consideration in the analysis of alternatives to the Project is the degree to which such alternatives would achieve the objectives of the Project. As more thoroughly described in Section II, Project Description, of the Draft EIR, both the City and Project Applicant have established specific objectives concerning the Project, which are incorporated by reference herein and discussed further below.

3. Project Alternatives Considered and Rejected

As set forth in CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate an alternative from detailed consideration are the alternative's failure to meet most of the basic project objectives, the alternative's infeasibility, or the alternative's inability to avoid significant environmental impacts. Alternatives to the Project that were considered and rejected as infeasible include the following:

a. Alternatives to Eliminate Significant Noise and Vibration Impacts During Construction

Alternatives were considered to eliminate the significant short-term cumulative off-site construction noise and Project-level and cumulative off-site vibration impacts (with respect to human annoyance). As discussed in Section IV.E, Noise, of this Draft EIR, significant noise and vibration impacts would occur during Project construction for limited durations from the operation of construction equipment and haul trucks. Significant construction noise and vibration impacts would be expected to occur with any reduced development scenario because construction activities, and the need to grade and excavate the Project Site, are inherently disturbing. Thus, reducing temporary construction noise and vibration impacts below a level of significance at sensitive uses adjacent to haul truck activity would be infeasible. Furthermore, any reduction in the intensity of haul truck activity would actually increase the overall duration of the construction period. Therefore, Alternatives to eliminate the Project's short-term noise and vibration impacts during construction were rejected as infeasible.

b. Alternative Project Site

The Project Applicant already owns the Project Site, and its location is conducive to the development of a mixed-use project. The Project Site is located in downtown Los Angeles within one block of the Metro 7th Street/Metro Center Station, which is a regional-serving transit hub. In addition, the Project Site is located in a highly urbanized area dominated by commercial development, including the FIGat7th shopping mall, which consists of restaurants, commercial, and retail uses immediately across Figueroa Street to the west; office/commercial buildings along Figueroa Street; the completed 73-story Wilshire Grand Center development located approximately one block to the northwest of the Project Site; and other high-rise residential developments south of the Project Site. These uses make the Project Site particularly suitable for development of a mixed-use development that provides new market rate multi-family housing and neighborhood-serving retail and restaurant uses that serve the community and promote walkability. Furthermore, the Project Applicant cannot reasonably acquire, control, or access an Alternative site in a timely fashion that would result in implementation of a project with similar uses and square footage. If an Alternative site in the downtown Los Angeles area that could accommodate the Project could be found, it would be expected that the significant and unavoidable impacts associated with construction noise and on- and off-site vibration due to construction would also occur. Additionally, development of the Project at an Alternative site could potentially produce other environmental impacts (considering the mixes of uses in downtown) that would otherwise not occur at the current Project Site and result in greater environmental impacts when compared with the Project. For example, given the age of many of the structures in the downtown area, an Alternative site could contain historic buildings that could be impacted by development. Therefore, an Alternative site is not considered feasible as the Project Applicant does not own another suitable site that would achieve the underlying purpose and objectives of the Project, and an Alternative site would not likely avoid the Project's significant impacts. Thus, this Alternative was rejected from further consideration.

4. Project Alternatives Analyzed

a. Alternative 1—No Project/No Build

Alternative 1 assumes that the Project would not be approved and no new development would occur within the Project Site. Thus, the physical conditions of the Project Site would generally remain as they are today. The Project Site would continue to be occupied by a parking lot. No new construction would occur.

(a) Impact Summary

Alternative 1, the No Project/No Build Alternative, would avoid all of the Project's significant environmental impacts, including those related to air quality during construction, off-site noise and vibration (related to human annoyance) during construction, and traffic (intersection and Project Site access) during operation. Alternative 1 would eliminate all of the Project's remaining less-than-significant and less-than-significant with mitigation impacts as no changes to the existing conditions would occur. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop an underutilized parcel with a high quality mixed-use development that provides new multi-family housing and neighborhood-serving retail and restaurant uses that serve the community and promote walkability.

(b) Findings

Alternative 1 would generally reduce all the Project's less than significant environmental impacts, and is environmentally superior to the Project. However, Alternative 1 would not meet any of the Project objectives. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations make infeasible the No Project/No Build Alternative described in the Draft EIR.

(c) Rationale for Findings

No changes to existing land uses or operations on-site would occur under Alternative 1. As such, Alternative 1 would not meet any of the Project objectives. Specifically, Alternative 1 would not provide new housing units to help meet the market demand for new housing in Los Angeles. Alternative 1 would not create a pedestrian-oriented environment by promoting walkability with the introduction of a ground floor, street-fronting, neighborhood-serving, small, storefront retail and commercial uses. In addition, Alternative 1 would not reduce vehicular trips and promote regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base and within one block of a regional-serving transit hub (Metro 7th Street/Metro Center Station) and commercial services.

Overall, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop an underutilized parcel with a mixed-use development that provides new multi-family housing and neighborhood-serving retail and restaurant uses, which would serve the community and promote walkability.

b. Alternative 2: Development in Accordance with Existing Base FAR (Reduced Residential Alternative)

Alternative 2 includes a similar but reduced density development by eliminating 14 floors of residential space proposed by the Project, while retaining the ground floor commercial retail and restaurant space and open space areas and recreational amenities on Level 5 as proposed by the Project. This Alternative would be developed pursuant to the existing zoning designations, height limits, and base 6:1 floor area ratio (FAR) without requesting approval of a Transfer of Floor Area Rights (TFAR) to accommodate an increase in the total floor area of development. Alternative 2 would involve the development of a high-rise, 27-story mixed-use building, consisting of 278 residential units and up to 7,500 square feet of ground floor commercial retail and restaurant uses. This Alternative would provide 336 vehicle parking spaces on five levels, including two subterranean levels (Levels B1 and B2) and three above-ground levels (Levels 2 through 4), and 323 bicycle parking spaces (33 short-term and 290 long-term bicycle parking spaces) on two levels (Levels 1 and 2). Overall, the new building would comprise up to 299,646 square feet of floor area, which would be within the maximum area (302,010 square feet) allowed on-site. To accommodate Alternative 2, the existing surface parking lot, which consists of 221 parking spaces, would be removed.

The footprint of the Project Site would be the same as that of the Project. As with the Project, the ground floor (Level 1) of this Alternative would include up to 7,500 square feet of commercial retail and restaurant uses, as well as the lobby, utility rooms, bicycle storage, a mail room, a trash room, and landscaped areas along both Figueroa Street and 8th Street. Levels 2 through 4 and the two subterranean levels (Levels B1 and B2) would be allocated to vehicular parking and storage space for Alternative 2. Level 2 would also include additional bicycle storage. Level 5 would consist of residential amenities, including a pool, a fitness room, a dining area, a meeting room, game/play rooms, and storage space. Levels 6 through 26 would include residential units. Level 27 would support mechanical equipment necessary for the operation of the Project.

This Alternative would implement the same building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. With regard to construction activities and schedule, it is anticipated that the overall duration of construction would be reduced compared to the Project based on the proposed development under this Alternative (e.g., smaller project, shorter tower, and less excavation with two less subterranean levels).

(a) Impact Summary

Alternative 2 would reduce but not eliminate, the Project's significant environmental impacts related to regional air emissions during construction, off-site construction noise, off-site vibration to human annoyance during construction, and traffic during operation.

In addition, this Alternative would reduce many of the Project's less-than-significant impacts prior to mitigation measures and less-than-significant impacts with mitigation, including views, shading, light and glare; localized and TAC emissions during construction; regional and localized emissions during operation; GHG; land use consistency; on-site construction noise and vibration; police protection; fire protection; schools; libraries; parks and recreation; traffic (CMP,

freeway segments, arterial monitoring stations, residential street segments, and transit); water supply and infrastructure; energy resources during construction and operation; archaeological and paleontological resources; and tribal cultural resources. Furthermore, the following less-than-significant impacts would be similar to the Project: aesthetics/visual quality; TAC emissions during operation; land use compatibility (less than significant); and bicycle, pedestrian, and vehicular safety.

(b) Findings

Although Alternative 2 would reduce several of the Project's less-than-significant impacts, other impacts would be similar or greater under this Alternative when compared with the Project. Therefore, Alternative 2 is rejected on environmental grounds. Moreover, Alternative 2 would not meet the underlying purpose or several of the Project objectives. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations make infeasible Alternative 2 described in the Draft EIR.

(c) Rationale for Findings

The Reduced Residential Alternative represents a reduced scope of development with a similar mix of uses compared to the Project. However, this Alternative would not fully achieve the Project objectives to the same extent as the Project. Specifically, with the reduction in residential units, this Alternative would not fully achieve the various objectives to the same extent as the Project. Specifically, Alternative 2 would not maximize new housing units to help meet the market demand for new housing in Los Angeles. In addition, Alternative 2 would not reduce vehicular trips to the same extent because there would be less housing sited near a regional-serving transit hub and commercial services. Overall, Alternative 2 would not fully achieve the Project objectives to the same extent as the Project.

c. Alternative 3: Office Alternative

Alternative 3, the Office Alternative, would include office uses with ground floor commercial retail and restaurant space as well as rooftop open space areas and recreational amenities. Alternative 3, similar to the Project, would request an approval of a TFAR to accommodate an increase in the total floor area of development above the base 6:1 FAR. Alternative 3 would involve the development of a high-rise, 41-story office building, consisting of approximately 446,561 square feet of office space and up to 7,500 square feet of ground floor commercial retail and restaurant uses. This Alternative would provide 522 vehicle parking spaces on seven levels, including four subterranean levels (Levels B1 through B4) and three above-ground levels (Levels 2 through 4), and 142 bicycle parking spaces (49 short-term and 93 long-term bicycle parking spaces) on the ground floor (Level 1). Overall, the new building under Alternative 3 would comprise up to 476,908 square feet of floor area, which would be beyond the maximum area (302,010 square feet) allowed on-site. As such, as with the Project, Alternative 3 would require a TFAR approval. To accommodate the Project, the existing surface parking lot, which consists of 221 parking spaces, would be removed.

The footprint of the Project Site would be similar to that of the Project. As with the Project, the ground floor of this Alternative would include up to 7,500 square feet of commercial retail and restaurant uses, as well as the lobby, utility rooms, bicycle storage, a mail room, a trash room,

and landscaped areas along both Figueroa Street and 8th Street. Levels 2 through 4 and the four subterranean levels (Levels B1 through B4) would be allocated to vehicular parking and storage space for the Project. Office space would be located above on Levels 5 through 40. Level 41 would support mechanical equipment necessary for the operation of the Project.

This Alternative would implement the same building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. With regard to construction activities and schedule, it is anticipated that the overall duration of construction would be similar to the Project based on the proposed development under this Alternative (e.g., similar excavation with the same number of proposed subterranean levels).

(a) Impact Summary

Alternative 3 would result in significant and unavoidable impacts at multiple intersections during A.M. and P.M. peak hours, while the Project would result in significant and unavoidable impacts at one intersection during the P.M. peak hour. As such, Alternative 3 would exacerbate the Project's significant and unavoidable impacts related to traffic during operation as this Alternative would generate more daily and peak-hour trips than the Project. In addition, Alternative 3 would result in impacts that are less than significant but greater than the Project for operational air quality, GHG emissions, land use consistency, operational noise, schools, fire protection, traffic, water supply and infrastructure, and energy resources during operation.

Alternative 3 would reduce the Project's less-than-significant impacts associated with police protection, libraries, and parks. Furthermore, the following impacts would be similar to the Project: aesthetics, views, light, and shading (less than significant); regional air emissions during construction (significant and unavoidable); land use compatibility (less than significant); on-site and off-site construction noise, on-site construction vibration, and off-site construction vibration related to building damage (less than significant); off-site construction vibration related to human annoyance (significant and unavoidable); construction traffic (less than significant); operational traffic (bicycle, pedestrian, and vehicular safety; and parking) (less than significant); water supply and infrastructure during construction (less than significant); archaeological resources (less than significant); paleontological resources (less than significant with mitigation); and tribal cultural resources (less than significant), and energy resources during construction (less than significant).

Nonetheless, impacts of Alternative 3 would be significant and unavoidable with respect to off-site noise (cumulative) and vibration (project and cumulative) related to human annoyance during construction and similar to such significant and unavoidable impacts of the Project.

(b) Findings

Although Alternative 3 would exacerbate some of the Project's significant and unavoidable impacts and reduce some of the Project's less-than-significant impacts. In addition, Alternative 3 would not meet the Project objectives to the same extent as the Project. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations make infeasible Alternative 3 as described in the Draft EIR.

(c) Rationale for Findings

Alternative 3 represents a different scope of development than the Project. As an office building with ground floor commercial retail and restaurant uses, this Alternative would achieve certain Project objectives by providing a high density office development on an underutilized site in an area with other high-rise office and commercial buildings. However, this Alternative would not fully achieve Project objectives to the same extent as the Project. Specifically, with the elimination of residential units, this Alternative would not provide new multi-family housing opportunities on an underutilized parcel. Alternative 3 would not construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill, proximity to transit, walkability, and bicycle connections. In addition, Alternative 3 would not reduce vehicular trips and promote regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base and within one block of a regional-serving transit hub and commercial services. Overall, Alternative 3 would not fully achieve the Project objectives to the same extent as the Project.

d. Alternative 4: Development in Accordance with Existing Base FAR (Reduced Office) Alternative

Alternative 4, the Development in Accordance with Existing Base FAR (Reduced Office) Alternative, proposes a reduced density development with office uses instead of residential uses. This Alternative would retain the ground floor commercial retail and restaurant space proposed by the Project. This Alternative would be developed pursuant to the existing zoning designations, height limits, and FAR allowed within the Project Site. As such, this Alternative would not be requesting approval of a TFAR to allow for an increase in the total floor area of development.

This Reduced Office Alternative would involve the development of a high-rise, 27-story office building, consisting of approximately 267,935 square feet of office space and up to 7,500 square feet of ground floor commercial retail and restaurant uses. The Project would provide 336 vehicle parking spaces on five levels, including two subterranean levels (Levels B1 and B2) and three above-ground levels (Levels 2 through 4), and 89 bicycle parking spaces (31 short-term and 58 long-term bicycle parking spaces) on the ground level. Overall, the new building would comprise up to 298,282 square feet of floor area, which would be within the maximum area (302,010 square feet) allowed on-site. To accommodate Alternative 4, the existing surface parking lot, which consists of 221 parking spaces, would be removed. The footprint of the Project Site would be the same as that of the Project. As with the Project, the ground floor (Level 1) of this Alternative would include up to 7,500 square feet of commercial retail and restaurant uses, as well as the lobby, utility rooms, bicycle storage, a mail room, a trash room, and landscaped areas along both Figueroa Street and 8th Street. Levels 2 through 4 and the two subterranean levels (Levels B1 and B2) would be allocated to vehicular parking and storage space for Alternative 4. Office spaces would be found above on Levels 5 through 26. Mechanical equipment necessary for the operation of Alternative 4 would be situated on Level 27.

This Alternative would implement the same building design, signage, lighting, vehicular and pedestrian access, setbacks, and sustainability features as those proposed for the Project. With regard to construction activities and schedule, it is anticipated that the overall duration of construction would be reduced compared to the Project based on the proposed development

under this Alternative (e.g., smaller project, shorter tower, and less excavation with two less subterranean levels).

(a) Impact Summary

Alternative 4 would reduce, but would not eliminate, the Project's significant environmental impacts related to regional air emissions during construction and off-site construction noise and vibration related to human annoyance during construction. In addition, Alternative 4 would result in significant and unavoidable impacts at multiple intersections during A.M. and P.M. peak hours, while the Project would result in significant and unavoidable impacts at one intersection during the P.M. peak hour. As such, Alternative 4 would exacerbate the Project's significant unavoidable impacts related to traffic during operation as this Alternative would generate 86 percent more peak-hour trips in the A.M. peak hour and 42 percent more peak-hour trips in the P.M. peak hour than the Project. In addition, the development under Alternative 4 could create additional significant traffic impacts.

Furthermore, Alternative 4 would result in impacts that are less than significant but greater than the Project for operational TAC emissions, GHG emissions, land use consistency, operational noise, schools, fire protection, traffic (regional transportation system and residential street segments), and energy resources during operation.

This Alternative would reduce the Project's less-than-significant impacts associated with the following: localized and TAC emissions during construction; regional and localized emissions during operation; aesthetics (views, light and glare and shading); on-site construction noise, on-site vibration, and off-site vibration related to building damage; police protection, libraries, and parks during operation; construction traffic; water supply and infrastructure; archaeological resources (less than significant); paleontological resources (less than significant with mitigation); and tribal cultural resources. Furthermore, the following impacts would be similar to the less-than-significant impacts of the Project: aesthetics/visual quality; land use compatibility; traffic (bicycle, pedestrian, and vehicular safety; and parking); and energy resources during construction activities.

(b) Findings

Alternative 4 would reduce, but not eliminate the Project's significant and unavoidable impacts and could create additional significant traffic impacts. Therefore, the Alternative is rejected on environmental grounds. In addition, Alternative 4 would not meet the Project objectives to the same extent as the Project. It is found, pursuant to Public Resources Code section 21081, subsection (a)(3), that specific economic, legal, social, technological, or other considerations make infeasible Alternative 4 as described in the Draft EIR.

(c) Rationale for Findings

Alternative 4 represents a reduced, but different scope of development, than the Project. As an office building with ground floor commercial retail and restaurant use, this Alternative would achieve certain Project objectives by providing a high density office development on an underutilized site in an area with other high-rise office and commercial buildings. However, this

Alternative would not fully achieve the Project objectives to the same extent as the Project. Specifically, with the elimination of residential units, this Alternative would not provide new multi-family housing opportunities on an underutilized parcel. Alternative 4 would not construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill, proximity to transit, walkability, and bicycle connections. In addition, Alternative 4 could result in additional impacts associated with traffic. Overall, Alternative 4 would not fully achieve the Project objectives to the same extent as the Project.

e. Environmentally Superior Alternative

Alternative 1, the No Project/No Build Alternative, would avoid all of the Project's significant environmental impacts, including those related to air quality during construction, off-site noise and vibration (related to human annoyance) during construction, and traffic (intersection and Project Site access) during operation. Alternative 1 would eliminate all of the Project's remaining less-than-significant and less-than-significant with mitigation impacts as no changes to the existing conditions would occur. However, Alternative 1 would not meet any of the Project objectives or the Project's underlying purpose to develop an underutilized parcel with a high quality mixed-use development that provides new multi-family housing and neighborhood-serving retail and restaurant uses that serve the community and promote walkability.

As stated above, the CEQA Guidelines require the identification of an Environmentally Superior Alternative other than a No Project Alternative. Accordingly, in accordance with the CEQA Guidelines, a comparative evaluation of the remaining Alternatives indicates that Alternative 2, the Reduced Residential Alternative, is the Environmentally Superior Alternative. This Alternative represents a reduced density development that is in accordance with existing zoning designation, height limit, and FAR allowed within the Project Site. Alternative 2 would reduce but not eliminate the significant and unavoidable P.M. peak hour traffic impact at the intersection of Figueroa Street and 8th Street. In addition, this Alternative would reduce many of the Project's less-than-significant impacts prior to mitigation measures and less-than-significant impacts with mitigation, including aesthetics (shading, views, light and glare), air quality, GHG, land use consistency, on-site construction noise and vibration, police protection, fire protection, schools, libraries, parks and recreation, traffic (regional transportation system and residential street segments), water, and energy. Furthermore, the following impacts would be similar to the Project: aesthetics/visual quality (less than significant); land use compatibility (less than significant); and traffic (bicycle, pedestrian, and vehicular safety, and parking) (less than significant).

Although Alternative 2 would reduce the Project's significant environmental impacts related to regional air emissions, off-site construction noise and vibration (related to human annoyance) during construction, and traffic (intersection and Project Site access) during operation; however, Alternative 2 would not eliminate such impacts. With the reduction in residential units, Alternative 2 would only partially achieve the Project's objectives, and would not meet the underlying purpose of the Project or satisfy the Project objectives to the same extent as the Project.

XI. Other CEQA Considerations

a. Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could induce growth. This includes ways in which a project would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

According to the Department of City Planning, the most recent estimated household size for multi-family housing units in the City of Los Angeles area is 2.44 persons per unit. Applying this factor, development of up to 438 units would result in a net increase of approximately 1,069 residents. According to the Southern California Association of Governments (SCAG) 2016 RTP/SCS, the population forecast for the City of Los Angeles Subregion is approximately 3,954,629 persons in 2016 and approximately 4,091,039 persons in 2021, which means the Project's 1,069 estimated new residents would represent approximately 0.78 percent of the population growth forecasted by the 2016 RTP/SCS. The Project's community-serving commercial uses would generate approximately 21 employees. According to the 2016 RTP/SCS, the employment forecast for the Subregion is approximately 1,763,929 employees in 2016 and approximately 1,848,339 employees in 2021, which means the Project's 21 estimated new employees would represent approximately 0.02 percent of the employment growth forecasted by the 2016 RTP/SCS. Therefore, the Project's addition of residents and employees would be well within SCAG's projections in the 2016 RTP/SCS for the Subregion and would not result in a significant direct growth-inducing impact.

During construction, the Project would create temporary construction-related jobs. However, the work requirements of most construction projects are highly specialized such that construction workers remain at a job site only for the time in which their specific skills are needed to complete a particular phase of the construction process. Thus, construction workers would not be expected to relocate to the Project vicinity as a direct consequence of working on the Project. Therefore, given the availability of construction workers, the Project would not be considered growth inducing from a short-term employment perspective. Rather, the Project would provide a public benefit by providing new employment opportunities during the construction period.

The area surrounding the Project Site is already developed with residential, commercial, and entertainment-related uses, and the Project would not remove impediments to growth. The Project Site is located within an urban area that is currently served by existing utilities and infrastructure. While the Project may require minor local infrastructure upgrades to maintain and improve water, sewer, electricity, and natural gas lines on-site and in the immediate vicinity of the Project Site, such improvements would be limited to serving Project-related demand, and would not necessitate major local or regional utility infrastructure improvements that have not otherwise been accounted and planned for on a regional level. In addition, the Project would not require any major roadway improvements nor would the Project open any large undeveloped areas for new use. Any access improvements would be limited to driveways necessary to provide immediate access to the Project Site and to improve safety and walkability.

Overall, the Project would be consistent with the growth forecast for the City of Los Angeles Subregion and would be consistent with regional policies to reduce urban sprawl, efficiently utilize existing infrastructure, reduce regional congestion, and improve air quality through the reduction of vehicle miles traveled. Therefore, direct and indirect growth-inducing impacts would be less than significant.

b. Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines indicates that an EIR should evaluate any significant irreversible environmental changes that would occur should the proposed project be implemented. The types and level of development associated with the project would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during construction of the project and would continue throughout its operational lifetime. The development of the Project would require a commitment of resources that would include: (1) building materials and associated solid waste disposal effects on landfills; (2) water; and (3) energy resources (e.g., fossil fuels) for electricity, natural gas, and transportation.

(a) Building Materials and Solid Waste

Construction of the Project would require consumption of resources that do not replenish themselves or which may renew so slowly as to be considered non-renewable. These resources would include certain types of lumber and other forest products, aggregate materials used in concrete and asphalt, metals, and petrochemical construction materials.

During construction of the Project, a minimum of 50 percent of the non-hazardous demolition and construction debris would be recycled and/or salvaged for reuse in compliance with the requirements of the City of Los Angeles Green Building Code. In addition, during operation, the Project would provide a designated recycling area for Project residents to facilitate recycling in accordance with the City of Los Angeles Space Allocation Ordinance (Ordinance No. 171,687) and the Los Angeles Green Building Code. Thus, the consumption of non-renewable building materials such as lumber, aggregate materials, and plastics would be reduced.

(b) Water

Given the temporary nature of construction activities, the short-term and intermittent water use during construction of the Project would be less than the net new water consumption estimated for the Project at buildout. In addition, water use during construction would be offset by the reduction of water demand currently consumed by the existing uses, which would be removed as part of the Project. During operation, the estimated water demand for the Project would not exceed the available supplies projected by the City of Los Angeles Department of Water and Power (LADWP). Thus, LADWP would be able to meet the water demand of the Project, as well as the existing and planned future water demands of its service area. In addition, the Project would implement a variety of water conservation features to reduce indoor water use. The Project would be required to reduce indoor water use by at least 20 percent in accordance with the City of Los Angeles Green Building Code. Thus, while Project construction and operation would result in some irreversible consumption of water, the Project would not result in a significant impact related to water supply.

(c) Energy Consumption and Air Quality

During ongoing operation of the Project, non-renewable fossil fuels would represent the primary energy source, and thus the existing finite supplies of these resources would be incrementally reduced. Fossil fuels, such as diesel, gasoline, and oil, would also be consumed in the use of construction vehicles and equipment. Construction activities for the Project would not require the consumption of natural gas, but would require the use of fossil fuels and electricity. As the consumption of fossil fuels would occur on a temporary basis during construction, impacts related to the construction-related consumption of fossil fuels would be less than significant.

The Project's increase in electricity and natural gas demand would be within the anticipated service capabilities of the LADWP and the Southern California Gas Company, respectively. The Project would comply with 2016 Title 24 standards and applicable 2016 CALGreen requirements. In addition, the Project would include features so as to be capable of achieving at least current LEED® Silver certification and includes electricity conservation features. Therefore, the Project would not cause the wasteful, inefficient, and unnecessary consumption of energy and would be consistent with the intent of Appendix F to the CEQA Guidelines. In addition, Project operations would not conflict with adopted energy conservation plans. Therefore, with the implementation of energy conservation features, energy would not be used in a wasteful manner, and long-term impacts associated with the consumption of fossil fuels would not be significant.

(d) Environmental Hazards

The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential, retail, and restaurant uses. Specifically, operation of the Project would be expected to involve the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents, painting supplies, pesticides for landscaping, and petroleum products. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. However, all potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, state, and local regulations. Any associated risk would be reduced to a less than significant level through compliance with these standards and regulations. As such, compliance with regulations and standards would serve to protect against significant and irreversible environmental change that could result from the accidental release of hazardous materials.

Project construction and operation would require the irretrievable commitment of limited, slowly renewable, and non-renewable resources, which would limit the availability of these resources and the Project Site for future generations or for other uses. However, the consumption of such resources would not be considered substantial and would be consistent with regional and local growth forecasts and development goals for the area. The loss of such resources would not be highly accelerated when compared to existing conditions and such resources would not be used in a wasteful manner. Therefore, although irreversible environmental changes would result from the Project, such changes are concluded to be less than significant, and the limited use of nonrenewable resources that would be required by Project construction and operation is justified.

XI. Statement of Overriding Considerations

The EIR identified the following unavoidable significant impacts: (1) Cumulative off-site noise during construction; (2) Project and cumulative off-site vibration related to human annoyance during construction; and (3) Project and cumulative traffic intersection levels of service and associated access impacts during operation. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allow the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 14, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to CEQA Guidelines Section 15093(b), that the decision-maker adopt a Statement of Overriding Considerations at the time of approval of a Project if it finds that significant adverse environmental effects identified in the Final EIR cannot be substantially lessened or avoided. These findings and the Statement of Overriding Considerations are based on substantial evidence in the record, including but not limited to the EIR, the source references in the EIR, and other documents and material that constitute the record of proceedings.

Accordingly, the City adopts the following Statement of Overriding Considerations. The City recognizes that significant and unavoidable impacts will result from implementation of the Project. Having: (1) adopted all feasible mitigation measures; (2) rejected as infeasible alternatives to the Project; (3) recognized all significant, unavoidable impacts; and (4) balanced the benefits of the Project against the Project's significant and unavoidable impacts, the City hereby finds that the each of the Project's benefits, as listed below, outweighs and overrides the significant unavoidable impacts of the Project.

Summarized below are the benefits, goals and objectives of the Project. These provide the rationale for approval of the proposed Project. Any one of the overriding considerations of economic, social, aesthetic and environmental benefits individually would be sufficient to outweigh the significant unavoidable impacts of the Project and justify the approval, adoption or issuance of all of the required permits, approvals and other entitlements for the Project and the certification of the completed Final EIR. Despite the unavoidable impacts caused by the construction of the Project, the City approves the Project based on the following contributions of the Project to the community:

- The Project will maximize new housing units on a currently underutilized site to help satisfy the demand for new housing in the region, the City of Los Angeles, and the Central City Community Plan area, in particular.
- The Project will provide a contemporary architectural design that is compatible with existing high-rise development along Figueroa Street, as well as the adjacent streets, including 7th Street, 8th Street, and Flower Street.
- The Project will create a pedestrian-oriented environment by promoting walkability and by creating a safe, inviting street-level identity for the Project Site through the introduction of a ground floor, street-fronting, neighborhood-serving, small, storefront retail and commercial uses.

- The Project will construct a high-density, mixed-use development consistent with the principles of smart growth features, such as sustainable design, mixed use, infill, proximity to transit, walkability, and bicycle connections (“complete” streets).
- The Project will reduce vehicular trips and promote regional and local mobility objectives by locating high-density residential and retail uses in downtown Los Angeles, a high-density employment base and within one block of a regional-serving transit hub (Metro 7th Street/Metro Center Station) and commercial services.

The Project will maximize the creation of construction jobs and economic investment in the Central City Community Plan area through the provision of high-density residential uses with ground floor commercial uses.

X. General Findings

1. The City, acting through the Department of City Planning, is the “Lead Agency” for the Project that is evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Draft EIR which was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.
2. The EIR evaluated the following potential project and cumulative environmental impacts: Air Quality; Cultural Resources; Greenhouse Gas Emissions; Land Use and Planning; Noise; Public Services (Fire, Police, Schools, Parks, Libraries); Recreation; Traffic, Access, and Parking; Tribal Cultural Resources; Utilities and Service Systems (Water Supply and Infrastructure); and Energy Conservation and Infrastructure. Additionally, the EIR considered Growth Inducing Impacts and Significant Irreversible Environmental Changes. The significant environmental impacts of the Project and the alternatives were identified in the EIR.
3. The City finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with Project review. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process.
5. The Department of City Planning evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the Department of City

Planning prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned response to the comments. The Department of City Planning reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental impacts identified and analyzed in the EIR.

6. The Final EIR documents changes to the Draft EIR. The Final EIR provides additional information that was not included in the Draft EIR. Having reviewed the information contained in the Draft EIR and the Final EIR and in the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there are no new significant impacts, substantial increase in the severity of a previously disclosed impact, significant information in the record of proceedings, or other criteria under CEQA that would require recirculation of the Draft EIR, or preparation of a supplemental or subsequent EIR.

Specifically, the City finds that:

- a. The Responses To Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the project would result in changed circumstances, significant new information, considerably different mitigation measures, or new or more severe significant impacts than were discussed in the Draft EIR.
 - b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
 - c. None of the information submitted after publication of the Final EIR, including testimony at and documents submitted for the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
7. The mitigation measures identified for the Project were included in the Draft and Final EIRs. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring Program (MMP). Each of the mitigation measures identified in the MMP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to less than significance by the feasible mitigation measures identified in the MMP.

8. CEQA requires the Lead Agency approving a project to adopt a MMP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City serves that function. The MMP includes all the mitigation measures and project design features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts the MMP.
9. In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.
10. The custodian of the documents or other material which constitute the record of proceedings upon which the City's decision is based is the City Department of City Planning, Major Projects Section, 221 North Figueroa Street, Room 1350, Los Angeles, California 90012.
11. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
12. The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Project.
13. The EIR is a Project EIR for purposes of environmental analysis of the Project. A Project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the Project by the City and other regulatory jurisdictions.
14. The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the Project in response to input from the community and the Council Office, include or constitute substantial evidence that would require recirculation of the Final EIR prior to its certification and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the Final EIR prior to its certification, and that the Final EIR need not be recirculated prior to its certification.

FINDINGS OF FACT (SUBDIVISION MAP ACT)

In connection with the approval of Vesting Tentative Tract Map No. 74197 the Advisory Agency of the City of Los Angeles, pursuant to Sections 66473.1, 66474.60, .61 and .63 of the State of California Government Code (the Subdivision Map Act), makes the prescribed findings as follows:

- (a) THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

The Project Site is located within the adopted Central City Community Plan area and is classified with the Regional Center Commercial land use designation with corresponding zones of CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4. The site is zoned C2-4D, consistent with the range of zones considered by the Regional Center Commercial Land Use designation. The Project Site is not located in a Specific Plan Area. The Project Site contains approximately 50,335 square feet. Pursuant to LAMC Section 12.21.1 A.4, Height District 4 allows a maximum floor area ratio (FAR) of 13:1 and does not limit the height of structures in C designated zones. However, the maximum permitted floor area of the Project Site is further restricted by the "D" Development Limitation established by Ordinance 164,307, which limits the FAR to 6:1, with a maximum of 13:1 FAR possible through a Transfer of Floor Area Rights (TFAR).

The proposed map is for the subdivision of the project site for the development of a mixed-use project on a 50,335-square-foot site (1.16 gross acres or 1.07 net acres) at 744 South Figueroa Street, 732-756 South Figueroa Street and 829 West 8th Street, within the Central City Community Plan area. The Project would provide a maximum of 438 residential condominium units and five (5) commercial condominium units containing 7,493 square feet of retail and restaurant uses. Additionally, the Project would provide 517 vehicle parking spaces within a three-story podium and four subterranean parking levels. Overall, the new building would comprise 424,490 square feet of floor area. To accommodate the Project, the existing surface parking lot, which consists of 221 parking spaces, would be removed.

In conjunction with the Vesting Tentative Tract Map, the applicant is requesting an approval of a Transfer of Floor Area Rights from the Los Angeles Convention Center (Donor Site) at 1201 South Figueroa Street, a City-owned property, for up to 122,480 square feet to the Project Site (Receiver Site), thereby permitting a maximum 8.43:1 FAR in lieu of the maximum permitted 6:1 FAR, in addition to Site Plan Review for a project which results in 50 or more dwelling units, under concurrent Case No. CPC-2016-1950-TDR-SPR. As conditioned, the proposed development is contingent upon the approval of Case No. CPC-2016-1950-TDR-SPR. If not approved, the subdivider shall submit a tract map modification.

The Vesting Tentative Tract Map was prepared by a Registered Professional Engineer and contains the required components, dimensions, areas, notes, legal description, ownership, applicant, and site address information as required by the Los Angeles Municipal Code ("LAMC").

The merger and resubdivision of the Project Site for condominium purposes and a Haul Route for the export of 95,000 cubic yards of soil, in conjunction with the construction of a proposed mixed-use development, is consistent with the General Plan and demonstrates compliance with Sections 17.06 of the Los Angeles Municipal Code as well as with the intent and purpose of the General Plan, with regard to density and use.

The Subdivision Map Act requires the Advisory Agency to find the proposed map be consistent with the General Plan. For division of land purposes, consistency with the applicable plans is limited to those relating to zoning and land use regulations such as height, density, setbacks, parking, and lot area. As described, the Project is consistent with the underlying zoning regulations of the site, inclusive of the requested Transfer of Floor Area Rights up to a maximum FAR of 8.43:1, as is provided for in the Central City Community Plan. Therefore, as conditioned, the proposed Vesting Tentative Tract Map is consistent with the intent and purpose of the applicable General and Community Plans.

- (b) THE DESIGN AND IMPROVEMENT OF THE PROPOSED SUBDIVISION ARE CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS.

Section 66418 of the Subdivision Map Act defines the term “design” as follows: “Design” means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan. Further, Section 66427 of the Subdivision Map Act expressly states that the “Design and location of buildings are not part of the map review process for condominium, community apartment or stock cooperative projects.”

Section 17.05 C of the Los Angeles Municipal Code enumerates design standards for Subdivisions and requires that each Tentative Map be designed in conformance with the Street Design Standards and in conformance to the General Plan. Section 17.05-C, third paragraph, further establishes that density calculations include the areas for residential use and areas designated for public uses, except for land set aside for street purposes (“net area”). The requested map meets the required components of a tentative map. The Project Site is not located in a Flood Zone, Very High Fire Hazard Severity Zone, or a Landslide Area.

The design and layout of the map is consistent with the design standards established by the Subdivision Map Act and Division of Land Regulations of the Los Angeles Municipal Code. Several public agencies (including the Bureau of Engineering, Bureau of Sanitation, Bureau of Street Lighting, Department of Building and Safety, and Department of Recreation and Parks) have reviewed the map and found the subdivision design satisfactory and have imposed improvement requirements and/or conditions of approval. Sewers are available and have been inspected and deemed adequate in accommodating the proposed Project’s sewerage needs.

The subdivision will be required to comply with all regulations pertaining to grading, building permits, and street improvement permit requirements. Conditions of Approval for the design and improvement of the subdivision are required to be performed prior to the recordation of the tentative map, building permit, grading permit, or certificate of occupancy. Therefore, as conditioned, the design and improvement of the proposed subdivision is consistent with the intent and purpose of the applicable General Plan.

- (c) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.

The subject property is located on a relatively flat parcel and bounded by 8th Street on the south, Figueroa Street on the west, a surface parking lot on the north, and an alley, as well as a parking structure and another surface parking lot fronting along Flower Street, on the east. The Project Site is not located within a Methane Zone and would not be subject to the requirements of the City Methane Requirements. The site is relatively level and is not located in a hillside area, or Alquist-Priolo Fault Zone, landslide area, liquefaction area, or preliminary fault rupture study area. The Project Site is not located in any other hazardous zone.

The site is in a substantially developed urban area. Surrounding properties are within the C2-4D and C2-4D-SN Zones. Surrounding uses in the vicinity of the Project Site include

the FIGat7th shopping mall, which consists of restaurants, commercial, and retail uses immediately across Figueroa Street to the west. North of the Project Site are a surface parking lot and a three-story commercial building along Figueroa Street and a 12-story office/commercial building occupying the entire northern end of the block along 7th Street. East of the Project Site is a surface parking lot that is accessible from an alley located along the eastern boundary of the Project Site and Flower Street; this parking lot is flanked on the south by a seven-story parking structure with ingress driveways on 8th Street and egress driveways on Flower Street and on the north by a five-story parking structure with ingress and egress driveways on Flower Street. South of the Project Site on 8th Street are a 12-story office/commercial building (at Figueroa Street) and a five-story commercial building (at Flower Street). Beyond these land uses are other high-rise commercial buildings, including the completed 73-story Wilshire Grand Center, which is located approximately one block to the northwest of the Project Site. High rise residential development is located one block south of the Project Site on Figueroa Street between 9th Street and Olympic Street. Other high density residential developments are located in the vicinity of the Project Site on Flower Street south of 8th Street and on 9th Street east of Figueroa Street. The types and amounts of hazardous materials that would be used in connection with the Project would be typical of those used for residential and commercial uses. The proposed residential and commercial uses would involve the limited use of household cleaning solvents and pesticides for landscaping. Construction of the Project would also involve the temporary use of potentially hazardous materials, including vehicle fuels, paints, oils, and transmission fluids. All potentially hazardous materials would be used and stored in accordance with manufacturers' instructions and handled in compliance with applicable federal, State, and local regulations.

The tract has been approved contingent upon the satisfaction of the Department of Building and Safety, Grading Division prior to the recordation of the map and issuance of any permits. Therefore, the site will be physically suitable for the proposed type of development.

(d) THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.

The General Plan identifies (through its Community and Specific Plans) geographic locations where planned and anticipated densities are permitted. Zoning applied to subject sites throughout the City are allocated based on the type of land use, physical suitability, and population growth that is expected to occur. The Project Site is located within the adopted Central City Community Plan area and is classified with the Regional Center Commercial land use designation with the corresponding zone of C2-4D. The Regional Center Commercial land use designation corresponds to the CR, C1.5, C2, C4, C5, R3, R4, R5, RAS3, and RAS4 Zones. In conjunction with the Vesting Tentative Tract Map, the applicant is requesting an approval of a Transfer of Floor Area Rights from the Los Angeles Convention Center (Donor Site) at 1201 South Figueroa Street, a City-owned property, for up to 122,480 square feet to the Project Site (Receiver Site), thereby permitting a maximum 8.43:1 FAR in lieu of the maximum permitted 6:1 FAR, in addition to Site Plan Review for a project which results in 50 or more dwelling units, under concurrent Case No. CPC-2016-1950-TDR-SPR. As conditioned, the proposed development is contingent upon the approval of Case No. CPC-2016-1950-TDR-SPR. If not approved, the subdivider shall submit a tract map modification.

There are no known physical impediments or hazards that would be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or

vicinity in which the property is located. Therefore, the Project Site is physically suitable for the proposed density of development.

- (e) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The Project proposes an infill development within the Central City Community Plan area in the City of Los Angeles. The Tract Map subdivision design includes the merger and re-subdivision of an approximate 50,335 square-foot site to create one ground lot comprising the entire site. The proposed improvements include the development of a high-rise, 41-story mixed-use building with four subterranean levels. The subdivision design and improvements are consistent with the existing urban development of the area. The EIR prepared for the project identifies no potential adverse impacts on fish or wildlife resources. The Project Site, as well as the surrounding area are presently developed with residential, commercial, and office structures and do not provide a natural habitat for either fish or wildlife. The Project Site is currently developed with a surface parking lot, which is entirely paved and devoid of landscaping and does not contain any natural open spaces, act as a wildlife corridor, contain riparian habitat, wetland habitat, migratory corridors, conflict with any protected tree ordinance, conflict with a Habitat Conservation Plan, nor possess any areas of significant biological resource value. In addition, there are no native or protected trees located within the Project Site or on the street sidewalk parkway. Six mature ficus trees line the sidewalk along Figueroa Street. The Street Tree Report found these trees have outgrown their environment and have caused damage to the sidewalks. Pursuant to the requirements of the City of Los Angeles Urban Forestry Division, the street trees would be replaced on a 2:1 basis. The Project would provide a total of 126 trees to be planted within the Project Site and impacts related to conflict with any local policies or ordinances protecting biological resources would be less than significant. Therefore, the design of the subdivision would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- (f) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH PROBLEMS.

The proposed subdivision and subsequent improvements are subject to the provisions of the Los Angeles Municipal Code (e.g., the Fire Code, Planning and Zoning Code, Health and Safety Code) and the Building Code. Other health and safety related requirements as mandated by law would apply where applicable to ensure the public health and welfare (e.g., asbestos abatement, seismic safety, flood hazard management).

The Project is not located over a hazardous materials site, flood hazard area and is not located on unsuitable soil conditions. The Project would not place any occupants or residents near a hazardous materials site or involve the use or transport of hazardous materials or substances. The Phase I investigation revealed no evidence of recognized environmental conditions, historical recognized environmental conditions, or controlled recognized environmental conditions in connection with the Project Site. Therefore, development of the Project Site would not 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. Impacts related to the release of hazardous materials into the environment would be less than significant. The development of the Project does not propose substantial alteration to the existing topography. With adherence to State and City building requirements, along with the design level geotechnical report, impacts related to soil erosion and expansive soils would be less than

significant. As stated in email correspondence dated November 9, 2017, the Grading Division of the Department of Building and Safety has reviewed and recommended approval of Vesting Tentative Tract Map No. 74197 with compliance with requirements with the LADBS Grading Division.

The development is required to be connected to the City's sanitary sewer system, where the sewage will be directed to the Hyperion Treatment Plant, which has been upgraded to meet Statewide ocean discharge standards. The Bureau of Engineering has reported that the proposed subdivision does not violate the existing California Water Code because the subdivision will be connected to the public sewer system and will have only a minor incremental impact on the quality of the effluent from the Hyperion Treatment Plant. No adverse impacts to the public health or safety would occur as a result of the design and improvement of the site. Therefore, the design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

- (g) THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.

There are no recorded instruments identifying easements encumbering the Project Site for the purpose of providing public access. The site is surrounded by private properties that adjoin improved public streets and sidewalks designed and improved for the specific purpose of providing public access throughout the area. The Project Site does not adjoin or provide access to a public resource, natural habitat, Public Park, or any officially recognized public recreation area. Necessary public access for roads and utilities will be acquired by the City prior to recordation of the proposed map. Therefore, the design of the subdivision and the proposed improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

- (h) THE DESIGN OF THE PROPOSED SUBDIVISION WILL PROVIDE, TO THE EXTENT FEASIBLE, FOR FUTURE PASSIVE OR NATURAL HEATING OR COOLING OPPORTUNITIES IN THE SUBDIVISION. (REF. SECTION 66473.1)

In assessing the feasibility of passive or natural heating or cooling opportunities in the proposed subdivision design, the applicant has prepared and submitted materials which consider the local climate, contours, configuration of the parcel(s) to be subdivided and other design and improvement requirements.

Providing for passive or natural heating or cooling opportunities will not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map was filed.

The topography of the site has been considered in the maximization of passive or natural heating and cooling opportunities.

In addition, prior to obtaining a building permit, the subdivider shall consider building construction techniques, such as overhanging eaves, location of windows, insulation, exhaust fans; planting of trees for shade purposes and the height of the buildings on the site in relation to adjacent development.

These findings shall apply to both the tentative and final maps for Vesting Tentative Tract Map No. 74197.

Vincent P. Bertoni, AICP
Advisory Agency



SERGIO IBARRA

Deputy Advisory Agency
SI:WL:dn

Note: If you wish to file an appeal, it must be filed within 10 calendar days from the decision date as noted in this letter. For an appeal to be valid to the Central Area Planning Commission, it must be accepted as complete by the City Planning Department and appeal fees paid, prior to expiration of the above 10-day time limit. Such appeal must be submitted on Master Appeal Form No. CP-7769 at the Department's Public Offices, located at:

Figueroa Plaza
201 North Figueroa
Street, 4th Floor
Los Angeles,
CA 90012
(213) 482-7077

Marvin Braude
San Fernando Valley
Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

Forms are also available on-line at <http://planning.lacity.org/>.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

If you have any questions, please call Development Services Center staff at (213) 482-7077, (818) 374-5050, or (310) 231-2598.

VESTING TENTATIVE TRACT NO. 74197

IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
FOR MERGER AND RESUBDIVISION INTO ONE LOT FOR CONDOMINIUM PURPOSES

"VESTING TENTATIVE MAP"

UPDATED MAP 11/02/18

THIS UPDATES THE MAP DATED 9/25/17 AND CONSISTS OF THE FOLLOWING CHANGES TO THAT MAP:

- 1) REMOVE PREVIOUSLY PROPOSED SUBSURFACE ENCROACHMENT OF THE PROPOSED BUILDING INTO THE CORNER CUT STREET DEDICATION AREA AT THE INTERSECTION OF THE 8TH STREET AND FIGUEROA STREET RIGHT OF WAYS 2) UPDATE AMENITY DECK LAYOUT & PROJECT DESCRIPTION 3) REMOVE THE PREVIOUSLY PROPOSED ENCROACHMENT OF THE ABOVE GROUND BUILDING ENTRANCE CANOPY INTO THE PROPOSED FIGUEROA STREET DEDICATION AREA 4) ADD ONE DRIVEWAY ALONG ALLEY. WITH THESE CHANGES THERE WILL BE NO ENCROACHMENT ANYWHERE INTO THE CITY RIGHT OF WAY EITHER BELOW OR ABOVE GROUND

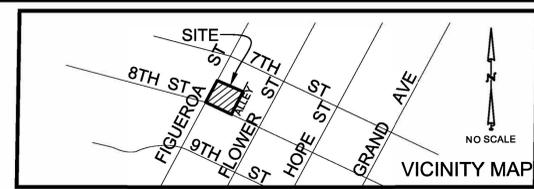


EXHIBIT C VTT-74197-1A VESTING TENTATIVE TRACT MAP

PROJECT DESCRIPTION:
PROPOSED MIXED USE DEVELOPMENT CONSISTING OF 41 STORIES WITH APPROXIMATELY 436 RESIDENTIAL CONDOMINIUM UNITS AND 5 COMMERCIAL CONDOMINIUM UNITS.

OWNERS/SUBDIVIDER:
MFA 8TH AND FIGUEROA LLC, A DELAWARE LIMITED LIABILITY COMPANY
100 FIRST STREET, SUITE 2350
SAN FRANCISCO, CA 94105
(415) 840-2501
ATTN: ROBERT DAVIDSON

SITE ADDRESS (PER ZIMAS):
732-756 S. FIGUEROA STREET
629 W. 8TH STREET

LEGAL DESCRIPTION & ASSESSOR PARCEL:
PARCEL 1:
LOT 8 AND A PART OF LOT 7 IN BLOCK 30 OF THE HUBER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2 PAGE 280 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF EIGHTH STREET WITH THE EASTERLY LINE OF FIGUEROA STREET (FORMERLY DEAL STREET), AS SAID STREETS ARE SHOWN ON SAID MAP, THENCE NORTHERLY ALONG THE EASTERLY LINE OF FIGUEROA STREET 100 FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERLY LINE OF EIGHTH STREET, 165 FEET, MORE OR LESS, TO THE EASTERLY LINE OF SAID LOT 7; THENCE SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF FIGUEROA STREET, 100 FEET TO THE NORTHERLY LINE OF EIGHTH STREET; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 165 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2:
THE NORTHEAST 20 FEET OF LOT 7 AND THE SOUTHWEST 30 FEET OF LOT 8 IN BLOCK 30 OF THE HUBER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2 PAGE 280 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

PARCEL 3:
ALL OF LOTS 9 AND 10 AND THAT PORTION OF LOT 6, ALL IN BLOCK 30 OF THE HUBER TRACT, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2 PAGE 280 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF FIGUEROA STREET, DISTANT NORTHEASTERLY THEREON 150 FEET FROM THE NORTHEASTERLY LINE OF EIGHTH STREET, AS SAID STREETS ARE SHOWN ON SAID MAP OF THE HUBER TRACT; THENCE NORTHEASTERLY ALONG SAID FIGUEROA STREET, TO THE MOST NORTHERLY CORNER THEREON; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 10, TO THE MOST EASTERLY CORNER OF SAID LOT 10; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINES OF SAID LOTS 10, 9 AND 8, TO A POINT ON A LINE THAT IS PARALLEL WITH THE NORTHEASTERLY LINE OF SAID EIGHTH STREET AND WHICH PASSES THE POINT OF BEGINNING; THENCE NORTHWESTERLY, ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

TAX ASSESSOR PARCEL # 5144-010-010-THRU 014

ZONING & COMMUNITY/SPECIFIC GENERAL PLANS:
C2-4D (NO CHANGE)
COMMUNITY PLAN: CENTRAL CITY
SPECIFIC PLAN AREA: NONE
GENERAL PLAN DESIGNATION: REGIONAL CENTER COMMERCIAL (NO CHANGE)

CITY STREET DESIGNATIONS:
FIGUEROA STREET: AVENUE I
8TH STREET: MODIFIED AVENUE II

LAND AREA CALCULATIONS:
GROSS AREA:
EXIST. SITE & 1/2 OF ADJOINING ALLEY: 50,335 S.F./1.16 ACRES

NET AREAS:
SITE EXCLUDING EXIST CITY STREET AND ALLEY RIGHT OF WAYS AND BEFORE PROPOSED 5' FIGUEROA ST, 3' 8TH STREET, 15'X15' CORNER CUT & 2' ALLEY DEDICATIONS: 46,546 S.F./1.07 ACRES

SITE AFTER PROPOSED 5' FIGUEROA ST, 3' 8TH ST, 15'X15' CORNER CUT & 2' ALLEY DEDICATIONS: 43,918 S.F./1.01 ACRES

PROPOSED SITE DRAINAGE:
ONSITE DRAINAGE PER SUSMP AND CITY REQUIREMENTS. SITE IS FLAT (±1% SLOPE).

FLOOD HAZARD NOTE:
PER FEMA MAP 06037C11620F, 9/26/08, SITE & AREA IS LOCATED IN "ZONE X" AREA, DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOOD. SITE IS NOT IN A SPECIAL FLOOD HAZARD AREA.

PROPOSED SEWAGE DISPOSAL:
CONNECTION TO EXISTING CITY FACILITIES IN ADJOINING STREETS PER CITY ENGINEER REQUIREMENTS.

SPECIAL AREA/TREE NOTE:
PER AVAILABLE CITY RECORDS, THE SITE IS NOT LOCATED IN A CITY DESIGNATED HILLSIDE OR SPECIAL GRADING AREA, HAZARDOUS WASTE AREA, METHANE AREA, ALOUQUIST PROLO AREA, LIQUEFACTION AREA, MULLHOLLAND SCENIC PARKWAY OR LANDSLIDE AREA AND THERE ARE NO ON-SITE TREES.

DATUM FOR ELEVATIONS:
LA CITY BM 12-08431 ELEV. = 263.383 DATUM NAVD86

BASIS OF BEARINGS:
THE BEARING OF S37°41'36"W FOR FIGUEROA ST PER TRACT NO. 32551 MB 689/63-84

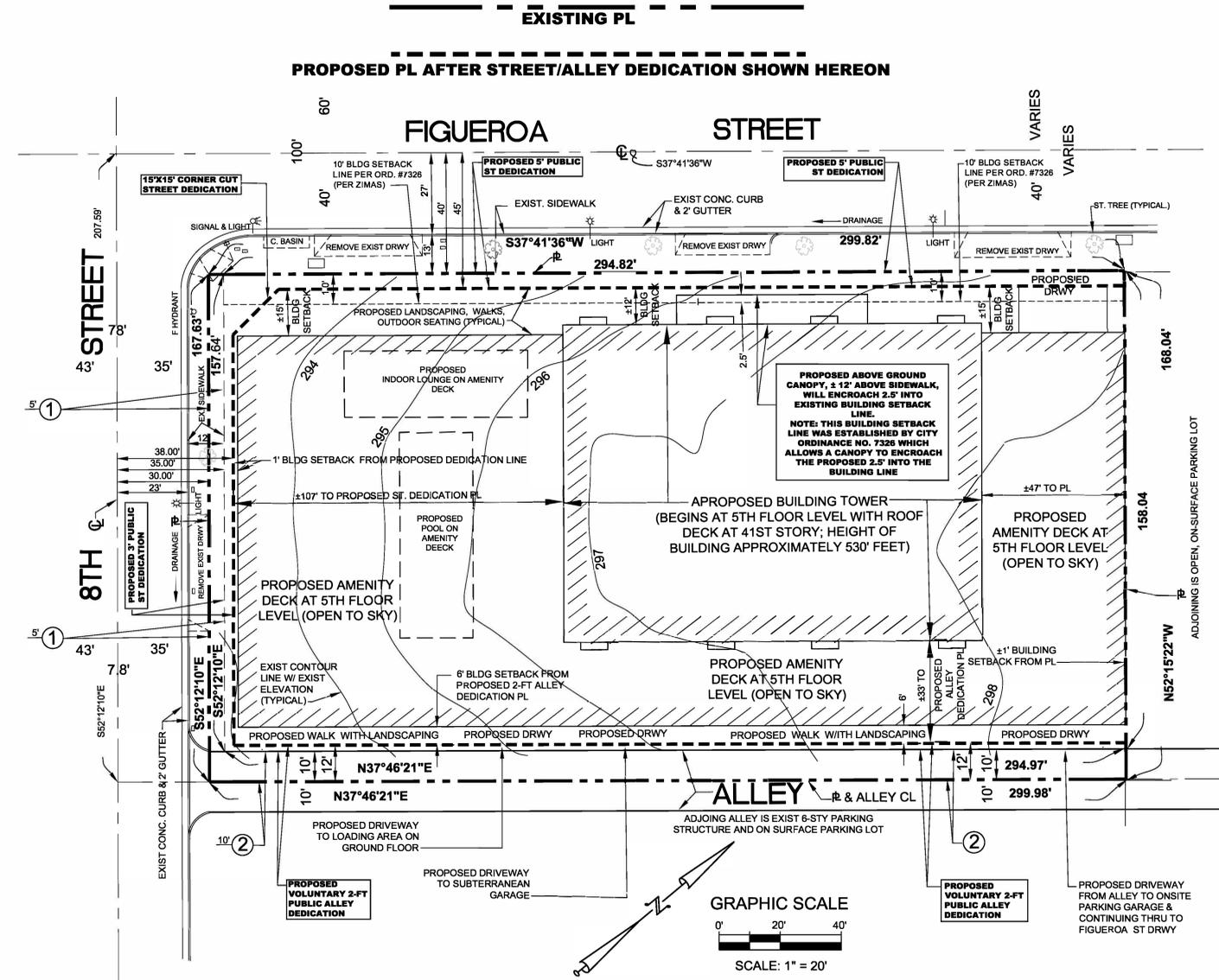
EXISTING EASEMENT NOTE:
THE ITEMS BELOW ARE PUBLIC STREET/PUBLIC ALLEY EASEMENTS PER 10/22/15 CHICAGO TITLE CO TITLE REPORT, ORDER NO. 00046209-994-X49:

- 1) 5.00' WIDE STRIP OF LAND FOR CITY OF L.A. PUBLIC STREET PURPOSES BY DOCUMENT RECORDED 01/10/1917, BK. 640869, O.R.
- 2) 10.00' WIDE STRIP OF LAND FOR CITY OF L.A. PUBLIC ALLEY PURPOSES BY DOCUMENT RECORDED 07/20/1927, BK. 6739178, O.R.

NOTE REGARDING BOUNDARY ESTABLISHMENT:
SITE BOUNDARIES (BEARINGS AND DISTANCES) SHOWN HEREON ARE SUBJECT TO FINAL MAP CHECK BY THE CITY ENGINEER AND ANY CHANGES RESULTING THEREFROM.

THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION ON NOVEMBER 2, 2018.

CHARLES S. CUMMINS RCE 34526



THE SITE IS PRESENTLY DEVELOPED WITH AN OPEN, ON-SURFACE PARKING LOT (NO STRUCTURES OR TREES)

REVISION

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |

PLANS PREPARED BY:
DCA CIVIL ENGINEERING GROUP
DCA ENGINEERING GROUP
CIVIL ENGINEERING - LAND PLANNING - SURVEYING & MAPPING - A.L.T.A. REGISTERED

VESTING TENTATIVE TRACT NO. 74197
IN THE CITY AND COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

PROFESSIONAL STAMP
REGISTERED PROFESSIONAL ENGINEER
NO. 34526
EXPIRES 12/31/2021
CIVIL
STATE OF CALIFORNIA

DATE: 11/02/18
SCALE: AS SHOWN
DESIGNED: KMR
DRAWN: KMR
SHEET NO: 1 OF 1

VTTM

PROJECT NO:
16-2226-4286.000-1372.03

IV. Mitigation Monitoring Program

IV. Mitigation Monitoring Program

1. Introduction

To ensure that the mitigation measures identified in an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) are implemented, the California Environmental Quality Act (CEQA) requires the Lead Agency for a project to adopt a program for monitoring or reporting on the revisions it has required for a project and the measures it has imposed to mitigate or avoid significant environmental effects. As specifically set forth in Section 15097(c) of the CEQA Guidelines, the public agency may choose whether its program will monitor mitigation, report on mitigation, or both. As provided in Section 15097(c) of the CEQA Guidelines, “monitoring” is generally an ongoing or periodic process of project oversight. “Reporting” generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

An EIR has been prepared to address the Project’s potential environmental impacts. The evaluation of the Project’s impacts takes into consideration project design features, which are measures proposed by the Applicant as a feature of the Project and which are detailed in the EIR. Where appropriate, the EIR also identifies mitigation measures to avoid or substantially lessen any significant impacts. This Mitigation Monitoring Program (MMP) is designed to monitor implementation of those project design features and mitigation measures.

This MMP has been prepared in compliance with the requirements of Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097. It is noted that while certain agencies outside of the City of Los Angeles (City) are listed as the monitoring/enforcement agencies for individual project design features and mitigation measures listed in this MMP, the City, as Lead Agency for the Project, is responsible for overseeing and enforcing implementation of the MMP as a whole.

2. Purpose

It is the intent of this MMP to:

1. Verify compliance with the project design features and mitigation measures identified in the EIR;
2. Provide a framework to document implementation of the identified project design features and mitigation measures;
3. Provide a record of mitigation requirements;
4. Identify monitoring and enforcement agencies;
5. Establish and clarify administrative procedures for the clearance of project design features and mitigation measures;
6. Establish the frequency and duration of monitoring; and
7. Utilize the existing agency review processes wherever feasible.

3. Organization

As shown on the following pages, each identified project design feature and mitigation measure for the Project is listed and categorized by environmental issue area, with accompanying discussion of:

- Enforcement Agency—the agency with the power to enforce the project design feature or mitigation measure.
- Monitoring Agency—the agency to which reports involving feasibility, compliance, implementation, and development are made.
- Monitoring Phase—the phase of the Project during which the project design feature or mitigation measure shall be monitored.
- Monitoring Frequency—the frequency at which the project design feature or mitigation measure shall be monitored.
- Action(s) Indicating Compliance—the action(s) by which the enforcement or monitoring agency indicates that compliance with the identified project design feature or required mitigation measure has been implemented.

4. Administrative Procedures and Enforcement

This MMP shall be enforced throughout all phases of the Project. The Applicant shall be responsible for implementing each project design feature and mitigation measure and shall be obligated to provide certification, as identified below, to the appropriate

monitoring agency and the appropriate enforcement agency that each project design feature and mitigation measures has been implemented. The Applicant shall maintain records demonstrating compliance with each project design feature and mitigation measure. Such records shall be made available to the City upon request. Further, specifically during the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor (either via the City or through a third-party consultant), approved by the Department of City Planning. The Construction Monitor shall be responsible for monitoring implementation of project design features and mitigation measures during construction activities consistent with the monitoring phase and frequency set forth in this MMP. The Construction Monitor shall also prepare documentation of the Applicant's compliance with the project design features and mitigation measures during construction every 90 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Annual Compliance Report. The Construction Monitor shall be obligated to immediately notify the Applicant of any non-compliance with the mitigation measures and project design features. If the Applicant does not correct the non-compliance within two days from the time of notification, the Construction Monitor shall be obligated to report such non-compliance to the Enforcement Agency. Any continued non-compliance shall be appropriately addressed by the Enforcement Agency.

5. Program Modification

After review and approval of the final MMP by the Lead Agency, minor changes and modifications to the MMP are permitted, but can only be made subject to City approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMP and the need to protect the environment. No changes will be permitted unless the MMP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

The Project shall be in substantial conformance with the project design features and mitigation measures contained in this MMP. The enforcing departments or agencies may determine substantial conformance with the project design features and mitigation measures in the MMP in their reasonable discretion. If the department or agency cannot find substantial conformance, a project design feature or mitigation measure may be modified or deleted as follows: the enforcing department or agency, or the decision maker for a subsequent discretionary project-related approval finds that the modification or deletion complies with CEQA, including CEQA Guidelines Sections 15162 and 15164, which could include the preparation of an addendum or subsequent environmental clearance, if necessary, to analyze the impacts from the modification to or deletion of the project design features or mitigation measures. Any addendum or subsequent CEQA

clearance that may be required in connection with the modification or deletion shall explain why the project design feature or mitigation measure is no longer needed, not feasible, or the other basis for modifying or deleting the project design feature or mitigation measure. Under this process, the modification or deletion of a project design feature or mitigation measure shall not in and of itself require a modification to any project discretionary approval unless the Director of Planning also finds that the change to the project design features or mitigation measures results in a substantial change to the Project or the non-environmental conditions of approval.

6. Mitigation Monitoring Program

A. Aesthetics

(1) Project Design Features

Project Design Feature AES-PDF-1: Where Project construction is visible from pedestrian locations adjacent to the Project Site and perimeter walls or fencing do not already exist, temporary construction fencing shall be placed around the perimeter of the Project Site to screen construction activity from view at street level from off-site.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature AES-PDF-2: The Project Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways that are accessible/visible to the public, and that such temporary barriers and walkways are maintained in a visually attractive manner (i.e., free of trash, graffiti, peeling postings and of uniform paint color or graphic treatment) throughout the construction period.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction

- **Monitoring Frequency:** During field inspection(s)
- **Action Indicating Compliance:** Field inspection sign-offs

Project Design Feature AES-PDF-3: Mechanical, electrical, and roof top equipment, as well as building appurtenances, shall be screened from public view.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy.

Project Design Feature AES-PDF-4: Trash areas associated with the proposed buildings shall be enclosed or otherwise screened from view from public rights-of-way during Project operation.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy.

Project Design Feature AES-PDF-5: Outdoor security and architectural lighting shall be directed onto the building surfaces and have low reflectivity to minimize glare and limit light spillover onto adjacent properties.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction; pre-operation
- **Monitoring Frequency:** Once at Project plan check; once during field inspection

- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature AES-PDF-6: All exterior windows and glass used on building surfaces shall be non-reflective or treated with an anti-reflective coating to minimize glare (e.g., minimize the use of glass with mirror coatings). Consistent with applicable energy and building code requirements, including Section 140.3 of the California Energy Code as may be amended, glass with coatings required to meet the Energy Code requirements will be permitted.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

B. Air Quality

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

Mitigation Measure AIR-MM-1: During plan check, the Project representative shall make available to the lead agency a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that shall be used during any portion of grading/excavation activities for the Project. The inventory shall include the horsepower rating, engine production year, and certification of the specified Tier standard. A copy of each unit's certified tier specification, Best Available Control Technology documentation, and California Air Resources Board or Air Quality Management District

operating permit shall be available on-site at the time of mobilization of each applicable unit of equipment to allow the Construction Monitor to compare the on-site equipment with the inventory and certified Tier specification and operating permit. Off-road diesel powered equipment within the construction inventory list described during grading/excavation activities shall meet or exceed Tier 3 CARB/U.S. EPA standards.

- **Enforcement Agency:** South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Mitigation Measure AIR-MM-2: All construction equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications. The contractor shall keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

- **Enforcement Agency:** South Coast Air Quality Management District
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Mitigation Measure AIR-MM-3: Contractors shall maintain and operate construction equipment so as to minimize exhaust emissions. During construction, trucks and vehicles in loading and unloading queues shall have their engines turned off after five minutes when not in use, to reduce vehicle emissions.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction

- **Action(s) Indicating Compliance:** Field inspection sign-off

Mitigation Measure AIR-MM-4: To the extent possible, petroleum-powered construction activity shall utilize electricity from power poles rather than temporary diesel power generators and/or gasoline power generators. If stationary petroleum-powered construction equipment, such as generators, must be operated continuously, such equipment shall be located at least 100 feet from sensitive land uses, whenever possible.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-offs

Mitigation Measure AIR-MM-5: During grading and excavation activities, the Project shall limit the number of daily hauls for import/export to 135 per day. The applicant (grading or haul contractor) shall maintain logs documenting the daily number of haul trucks travelling to and from the site during soil import/export activities that shall be provided to the Construction Monitor. The logs shall contain license plate numbers or vehicle identification numbers (VIN) to identify trucks visiting the site. The logs shall be validated every two weeks by the Construction Monitor and maintained on-site and made available to the SCAQMD or the City for inspection upon request.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-offs

C. Greenhouse Gas Emissions

(1) Project Design Features

Project Design Feature GHG-PDF-1: The Project shall prohibit the use of natural gas-fueled fireplaces in the proposed residential units.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; South Coast Air Quality Management District

- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-Construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-2: The Applicant shall ensure that at least 20 percent of the total code-required parking spaces provided for all types of parking facilities shall be capable of supporting future electric vehicle supply equipment (EVSE). Plans shall indicate the proposed type and location(s) of EVSE and also include raceway method(s), wiring schematics and electrical calculations to verify that the electrical system has sufficient capacity to simultaneously charge all electric vehicles at all designated EV charging locations at their full rated amperage. Plan design shall be based upon Level 2 or greater EVSE at its maximum operating capacity. Only raceways and related components are required to be installed at the time of construction. When the application of the 20-percent requirement results in a fractional space, round up to the next whole number. A label stating “EV CAPABLE” shall be posted in a conspicuous place at the service panel or subpanel and next to the raceway termination point.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature GHG-PDF-3: At least 5 percent of the total code-required parking spaces shall be equipped with EV charging stations. Plans shall indicate the proposed type and location(s) of charging stations. Plan design shall be based on Level 2 or greater EVSE at its maximum operating capacity. When the application of the 5-percent requirement results in a fractional space, round up to the next whole number.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

D. Land Use

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

E. Noise

(1) Project Design Features

Project Design Feature NOI-PDF-1: Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with state-of-the-art noise shielding and muffling devices (consistent with manufacturers' standards). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. Construction contractor will keep documentation on-site demonstrating that the equipment has been maintained in accordance with the manufacturer's specifications.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature NOI-PDF-2: Project construction shall not include the use of driven (impact) pile systems.

- **Enforcement Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Periodically during construction
- **Action Indicating Compliance:** Field inspection sign-offs

Project Design Feature NOI-PDF-3: All outdoor mounted mechanical equipment shall be enclosed or screened (with non-porous wall or panel) from off-site noise-sensitive receptors.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of applicable building permit; issuance of Certificate of Occupancy

Project Design Feature NOI-PDF-4: Outdoor amplified sound systems, if any, shall be designed so as not to exceed the maximum noise level of 85 dBA (L_{eq-1hr}) at a distance of 25 feet from the amplified speaker sound systems at the Ground Level, Level 5, and 90 dBA (L_{eq-1hr}) at Level 41 (roof deck). A qualified noise consultant shall provide written documentation that the design of the system complies with these maximum noise levels.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Department of Building and Safety

- **Monitoring Phase:** Pre-construction; post-construction
- **Monitoring Frequency:** Once at Project plan check; once at field inspection during operation
- **Action Indicating Compliance:** Plan approval and field inspection sign-off and submittal of compliance report from qualified noise consultant

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

F.1 Public Services—Police Protection

(1) Project Design Features

Project Design Feature POL-PDF-1: During construction, the Project applicant shall implement appropriate temporary security measures, including security fencing (e.g., chain-link fencing), low-level security lighting, and locked entry (e.g., padlocked gates or guard-restricted access) to limit access by the general public. Regular security patrols during non-construction hours (e.g. nighttime hours, weekends, and holidays) shall also be provided. During construction activities, the Contractor shall document the security measures; and the documentation shall be made available to the Construction Monitor.

- **Enforcement Agency:** City of Los Angeles Police Department; City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once during field inspection
- **Action Indicating Compliance:** Field inspection sign-off

Project Design Feature POL-PDF-2: During operation, the Project shall include access controls in the forms of private on-site security, a closed circuit security camera system, and keycard entry for the residential building and the residential parking areas.

- **Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning

- **Monitoring Phase:** Operation
- **Monitoring Frequency:** Annually
- **Action Indicating Compliance:** Documentation of private on-site security in annual compliance report.

Project Design Feature POL-PDF-3: The Project shall provide sufficient lighting of building entries and walkways to provide for pedestrian orientation and clearly identify a secure route between parking areas and points of entry into buildings.

- **Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once prior to the issuance of applicable building permit; once during field inspection
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning; issuance of building permits.

Project Design Feature POL-PDF-4: The Project shall provide sufficient lighting of parking areas to maximize visibility and reduce areas of concealment.

- **Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of Building and Safety
- **Monitoring Agency:** City of Los Angeles Department of Building and Safety
- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once prior to the issuance of applicable building permit; once during field inspection
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning; issuance of building permits.

Project Design Feature POL-PDF-5: The Project entrances to, and exits from, buildings, open spaces around buildings, and pedestrian walkways shall be designed, to the extent practicable, to be open and in view of surrounding sites.

- **Enforcement Agency:** City of Los Angeles Police Department, City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning

- **Monitoring Phase:** Pre-construction; pre-operation
- **Monitoring Frequency:** Once prior to the issuance of applicable building permit; once during field inspection
- **Action Indicating Compliance:** Submittal of compliance documentation to City of Los Angeles Department of City Planning; issuance of building permits.

Project Design Feature POL-PDF-6: Upon completion of the Project and prior to the issuance of a certificate of occupancy, the Project Applicant shall submit a diagram of the Project Site to the LAPD Central Area Commanding Officer that includes access routes and any additional information that might facilitate police response.

- **Enforcement Agency:** Los Angeles Police Department, City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of City Planning
- **Monitoring Phase:** Pre-operation
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

F.2 Public Services—Fire Protection

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

F.3 Public Services—Schools

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

F.4 Public Services—Libraries

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

Mitigation Measure LIB-MM-1: The Applicant shall pay a fair share mitigation fee of \$200 per capita, based on the estimated residential population stated in the Project's Draft EIR, to the Los Angeles Public Library to offset potential cumulative impacts on library services.

- **Enforcement Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Public Library
- **Monitoring Agency:** City of Los Angeles Department of City Planning; City of Los Angeles Public Library
- **Monitoring Phase:** Pre-operation
- **Monitoring Frequency:** Once prior to the issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Submittal of compliance documentation and subsequent issuance of Certificate of Occupancy

F.5 Public Services—Parks and Recreation

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

G. Traffic, Access, and Parking

(1) Project Design Features

Project Design Feature TR-PDF-1: Prior to the start of construction, the Project Applicant shall prepare a Construction Traffic Management Plan and submit it to LADOT for review and approval. The Construction Traffic Management Plan shall include a Worksite Traffic Control Plan, which will facilitate traffic and pedestrian movement, and minimize the potential conflicts between construction activities, street traffic, bicyclists, and pedestrians. Furthermore, the Construction Traffic Management Plan and Worksite Traffic Control Plan shall include, but not be limited to, the following measures:

- Maintain access for land uses in the vicinity of the Project Site during construction;
- Schedule construction material deliveries during off-peak periods to the extent practical;
- Minimize obstruction of traffic lanes on Figueroa Street and 8th Street adjacent to the Project Site to the extent feasible;
- Organize Project Site deliveries and the staging of all equipment and materials in the most efficient manner possible, and on-site where possible, to avoid an impact to the surrounding roadways;
- Coordinate truck activity and deliveries to ensure trucks do not wait to unload or load at the Project Site and impact roadway traffic, and if needed, utilize an organized off-site staging area;
- Control truck and vehicle access to the Project Site with flagmen;
- Prepare a haul truck route program that specifies the construction truck routes to and from the Project Site;

- Limit sidewalk and lane closures to the maximum extent possible, and avoid peak hours to the extent possible. Where such closures are necessary, the Project's Worksite Traffic Control Plan will identify the location of any sidewalk or lane closures and identify all traffic control measures, signs, delineators, and work instructions to be implemented by the construction contractor through the duration of demolition and construction activity; and/or
- Parking for construction workers will be provided either on-site or at off-site, off-street locations.
- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Pre-construction; construction
- **Monitoring Frequency:** Once at Project plan check prior to issuance of grading or building permit; once during field inspection
- **Action Indicating Compliance:** Plan approval and issuance of grading permit; field inspection sign-off

Project Design Feature TR-PDF-2: Prior to the start of construction, the Project Applicant shall identify locations of bicycle lane closures for review by the LADOT. In such areas, bicycle sharrows shall be marked on the pavement of the bus lane or the right-most traffic lane to emphasize sharing of the road between vehicles and bicycles.

- **Enforcement Agency:** City of Los Angeles Department of Transportation
- **Monitoring Agency:** City of Los Angeles Department of Transportation
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of applicable Certificate of Occupancy
- **Action Indicating Compliance:** Issuance of Certificate of Occupancy; submittal of compliance report

(2) Mitigation Measures

Mitigation Measure TR-MM-1: Transportation Demand Management (TDM) Program—The Project Applicant shall prepare and implement a TDM Program that includes strategies to promote non-auto travel and reduce the use of single-occupant vehicle trips. As appropriate, these measures would be designed to provide incentives for use of transit

and rideshare, to reduce the number of vehicle trips, and facilitate LADOT's First and Last Mile Program. The TDM Program shall be subject to review and approval by the Department of City Planning and LADOT. The TDM Program strategies may include, but are not necessarily limited to, the following:

- Provide sidewalk bike racks (including near bus stops).
- Participate in the City's Bike Share Program by providing an area for bike share facilities.
- Make a one-time financial contribution of \$75,000 to LADOT, the monies to be used in the implementation of First and Last Mile transit access measures in the vicinity of the Project.
- Make a one-time financial contribution of \$75,000 to the City's Bicycle Trust Fund, the monies to be used to improve and/or maintain bicycle facilities in the vicinity of the Project.
- Participate in a Car-Share Program, and provide a minimum of 10 (ten) off-street car share parking spaces in the Project's parking garage.
- Provide an on-site transportation coordinator to promote the TDM program and alternatives to the car and to facilitate rideshare.
- Facilitate carpools and vanpools for Project residents and employees by providing priority locations for carpool and vanpool parking.
- Provide on-site information facility to make available information on car-sharing, transit, vanpools, taxis (e.g. kiosk, concierge, or transportation office).
- Encourage implementation of bus shelters in the area of the Project.
- Unbundling and lease of parking spaces for residents;
- Implement parking cash-out programs for Project land uses as appropriate.
- **Enforcement Agency:** City of Los Angeles Department of Transportation (LADOT)
- **Monitoring Agency:** City of Los Angeles Department of Transportation (LADOT)
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of applicable Certificate of Occupancy

- **Action Indicating Compliance:** Approval of TDM program from Los Angeles Department of Transportation; issuance of Certificate of Occupancy; submittal of compliance report

Mitigation Measure TR-MM-2: Transportation Systems Management (TSM) Improvements—The Project shall fund the installation of a new closed circuit television (CCTV) camera (including necessary mounting poles, fiber optic and electrical connections) at Intersection No. 8: Figueroa Street & 8th Street. The Applicant shall either install the upgrades or pay LADOT a fixed amount of up to \$62,000 to provide for LADOT to design and install the improvements.

- **Enforcement Agency:** City of Los Angeles Department of Transportation (LADOT); City of Los Angeles Department of City Planning
- **Monitoring Agency:** City of Los Angeles Department of Transportation (LADOT)
- **Monitoring Phase:** Construction
- **Monitoring Frequency:** Once prior to issuance of Certificate of Occupancy
- **Action Indicating Compliance:** Written verification of payment of fees to the City of Los Angeles Department of Transportation and subsequent issuance of building permit

H. Utilities and Service Systems—Water Supply and Infrastructure

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

I. Cultural Resources

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

Mitigation Measure CUL-MM-1: During the construction phase and prior to the issuance of building permits, the Applicant shall retain an independent Construction Monitor, who shall be responsible for coordinating with a certified paleontologist to implement and enforce the following:

- a. If any paleontological materials are encountered during the course of Project development, the Construction Monitor shall coordinate with the services of a paleontologist, and all further development activity shall halt and the following shall be undertaken:
 - i. The services of a paleontologist shall then be secured by contacting the Center for Public Paleontology-USC, UCLA, California State University Los Angeles, California State University Long Beach, or the Los Angeles County Natural History Museum to assess the discovered material(s) and prepare a survey, study or report evaluating the impact.
 - ii. The Construction Monitor shall also prepare and submit documentation of the Applicant's compliance with the Mitigation Measure CUL-MM-1 during construction every 30 days in a form satisfactory to the Department of City Planning. The documentation must be signed by the Applicant and Construction Monitor and be included as part of the Applicant's Compliance Report. The Construction Monitor shall be obligated to report to the Enforcement Agency any non-compliance with the mitigation measure within two businesses days, if the Applicant does not correct the non-compliance within a reasonable time of notification to the Applicant by the monitor or if the non-compliance is repeated. Such non-compliance shall be appropriately addressed by the Enforcement Agency.
 - iii. The paleontologist's survey, study or report shall contain a recommendation(s), if necessary, for the preservation, conservation, or relocation of the resource.
 - iv. The Applicant shall comply with the recommendations of the evaluating paleontologist, as contained in the survey, study or report.
- b. At the conclusion of monitoring activities, the Project paleontologist shall prepare a signed statement indicating the first and last dates monitoring activities took place, and submit it to the Department of City Planning, for retention in the administrative file for Case No. ENV-2016-1951-EIR.
- c. Project development activities may resume once the paleontologist's recommendations have been implemented to the satisfaction of the Construction Monitor, and copies of the

paleontological survey, study or report are submitted to the Los Angeles County Natural History Museum.

- d. Prior to the issuance of any building permit, the Applicant shall submit a letter to the case file indicating what, if any, paleontological reports have been submitted, or a statement indicating that no material was discovered.
- **Enforcement Agency:** Los Angeles Department of Building and Safety
 - **Monitoring Agency:** City of Los Angeles Department of Building and Safety; City of Los Angeles Department of City Planning
 - **Monitoring Phase:** Construction
 - **Monitoring Frequency:** To be determined by consultation with paleontologist
 - **Action Indicating Compliance:** Submittal of compliance documentation prepared by qualified paleontologist

J. Tribal Cultural Resources

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.

K. Energy Conservation and Infrastructure

(1) Project Design Features

No project design features are identified in the Environmental Impact Report for this environmental issue.

(2) Mitigation Measures

No mitigation measures are identified in the Environmental Impact Report for this environmental issue.